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**KENDALL COUNTY**  
**PLANNING, BUILDING & ZONING COMMITTEE MEETING**  
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

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**AGENDA**

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Monday, May 8, 2023 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Elizabeth Flowers, Dan Koukol, Ruben Rodriguez (Vice-Chairman), Brooke Shanley, and Seth Wormley (Chairman)

APPROVAL OF AGENDA (VV):

APPROVAL OF MINUTES (VV): Approval of Minutes from April 10, 2023, Meeting (Pages 4-11)

PUBLIC COMMENT:

EXPENDITURE REPORT: Review of Expenditures from Prior Month (Pages 12-15)

PETITIONS (Roll Call on Each and Amendments):

1. **Petition 23 – 01 – Kendall County Planning, Building and Zoning Committee (Pages 16-50)**  
Request: Involuntary Revocation of a Special Use Permit for a Specialty Gift Store Granted by Ordinance 2009-25  
PINs: 02-14-452-005  
Location: 7275 Route 34, Oswego in Bristol Township  
Purpose: Petitioners Want to Revoke the Special Use Permit for Inactivity and Non-Compliance; Property is Zoned R-3 with a Special Use Permit
2. **Petition 23 – 05 – Kendall County Planning, Building and Zoning Committee (Pages 51-53, 60-72)**  
Request: Text Amendments to Appendix 7 of the Kendall County Subdivision Control Ordinance by Removing Phone Numbers and Related Text Adjustments
3. **Petition 23 – 06 – Kendall County Planning, Building and Zoning Committee (Pages 51-53, 60-70, 73-74)**  
Request: Text Amendments to Appendix 7 of the Kendall County Subdivision Control Ordinance by Removing References to Specific Engineering Companies, Engineers, and Related Text Adjustments
4. **Petition 23 – 07 – Kendall County Planning, Building and Zoning Committee (Pages 51-52, 54-55, 60-70, 75-76)**  
Request: Text Amendments to Appendix 9 A and Appendix 9 B of the Kendall County Subdivision Control Ordinance by Removing Dead Website Links and Related Text Adjustments
5. **Petition 23 – 08 – Kendall County Planning, Building and Zoning Committee (Pages 51-52, 56, 60-70, 77-78)**  
Request: Text Amendments to Section 3:02 of the Kendall County Zoning Ordinance by Amending the Definitions of Brew Pub and Microbrewery

6.           **Petition 23 – 09 – Kendall County Planning, Building and Zoning Committee (Pages 51-52, 56, 60-70, 79-80)**  
Request:     Text Amendments to Section 3:02 of the Kendall County Zoning Ordinance by Amending the Definitions of Tent
  
7.           **Petition 23 – 10 – Kendall County Planning, Building and Zoning Committee (Pages 51-52, 56, 60-70, 81-82)**  
Request:     Text Amendment to Section 11:05 of the Kendall County Zoning Ordinance by Amending the Permitting Requirements of Occupied Recreational Trailers and Mobile Homes (Specifically Deleting the Reference to the Illinois Mobile Home Safety Act)
  
8.           **Petition 23 – 11 – Kendall County Planning, Building and Zoning Committee (Pages 51-52, 56-70, 83-84)**  
Request:     Repealing Ordinance 1998-10 and Text Amendment to Section 13:01 of the Kendall County Zoning Ordinance by Establishing Procedures to Close Inactive Zoning Related Petitions
  
9.           **Petition 23 – 12 – Kendall County Planning, Building and Zoning Committee (Pages 85-150)**  
Request:     Text Amendments to the Kendall County Zoning Ordinance By Amending Kendall County's Zoning Regulations Pertaining to Commercial Solar Energy Facilities, Commercial Wind Energy Facilities, Test Solar Energy Facilities, Test Wind Towers, Small Wind Energy Systems, Private Solar Energy Systems, Commercial Wind Farms, Solar Gardens, and Solar Farms
  
10.          **Petition 23 – 13 – Kendall County Planning, Building and Zoning Committee (Pages 151-164)**  
Request:     Text Amendments to the Kendall County Zoning Ordinance by Amending Kendall County's Kennel Regulations
  
11.          **Petition 23 – 19 – Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant) (Pages 165-330)**  
Request:     Special Use Permit for a Landscaping Business, Including Outdoor Storage, Variance to Section 4:05.B and Section 11:02.F.7 of the Kendall County Zoning Ordinance Allowing Parking and Loading No Closer Than Twenty-Five Feet from the Right-of-Way Line of Route 126 and to Allow the Handicapped Accessible Parking Space No Closer than Sixty-Nine Feet of the Right-Of-Way Line of Route 126, Variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance to Allow Parking Spaces at a Depth of Eighteen Feet With a Two Foot Overhang, and a Variance to Section 4:09.A of the Kendall County Zoning Ordinance to Allow the Driveway Off of Grove Road to be less than Twenty Feet in Width Until Such Time as the Driveway is Replaced  
PINs:        06-18-200-011 and 06-18-200-013  
Location:    5022 Route 126, Yorkville in Na-Au-Say Township  
Purpose:     Petitioners Want to Operate a Landscaping Business at the Subject Property, Property is Zoned A-1
  
12.          **Petition 23 – 21 – Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant) (Pages 331-335)**  
Request:     Conditional Use Permit for Agricultural Labor Housing  
PINs:        06-18-200-011 and 06-18-200-013  
Location:    5022 Route 126, Yorkville in Na-Au-Say Township  
Purpose:     Petitioners Want an Agricultural Laborer of the Landscaping and Nursery Business to Be Able to Reside at the Property, Property is Zoned A-1



NEW BUSINESS (Roll Call Vote on Each):

1. Approval of a Request from Lydia Ramirez to Extend the Deadline for Installing the Required Vegetation as Required by Condition 2.B of Ordinance 2022-26 at the Property Located in the 5100 Block of Schlapp Road (PIN: 03-34-100-027) in Oswego Township (Pages 336-363)
2. Approval of a Request by Robert Velazquez for an Extension to the Requirement to Install Landscaping, Fencing, and Buildings as Required by Conditions 2.B and 2.J of Ordinance 2021-23 at 10744 Route 47 (PIN: 05-28-400-002) in Kendall Township (Pages 364-395)
3. Recommendation on Annual Facility Inspection Report for NPDES Permit for Stormwater Discharges from Separate Storm Sewer Systems (MS4) (Pages 396-425)

OLD BUSINESS:

1. Special Use Permit Enforcement Update (Page 426)
2. Update on the Stormwater Management Ordinance Violation at 8150 Schlapp Road (PIN: 06-15-100-007) (Pages 427-437)

REVIEW VIOLATION REPORT (Page 438):

REVIEW PRE-VIOLATION REPORT (Pages 439-446):

UPDATE FROM HISTORIC PRESERVATION COMMISSION:

REVIEW PERMIT REPORT (Pages 447-457):

REVIEW REVENUE REPORT (Page 458):

CORRESPONDENCE:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT (VV):

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 PLANNING, BUILDING & ZONING COMMITTEE**

***Kendall County Office Building***

***Rooms 209 and 210***

***111 W. Fox Street, Yorkville, Illinois***

**6:30 p.m.**

**Meeting Minutes of April 10, 2023 – Unofficial until Approved**

**CALL TO ORDER**

The meeting was called to order by Chairman Wormley at 6:31 p.m.

**ROLL CALL**

Committee Members Present: Dan Koukol (Left at 6:56 p.m.), Ruben Rodriguez (arrived at 6:32 p.m.), Brooke Shanley, and Seth Wormley

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner)

**APPROVAL OF AGENDA**

Member Koukol made a motion, seconded by Member Shanley, to approve the agenda as presented. With a voice vote of three (3) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Shanley made a motion, seconded by Member Koukol, to approve the minutes of the March 13, 2023, meeting. With a voice vote of three (3) ayes, the motion carried.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

The Committee reviewed the expenditure report from March 2023.

**PETITIONS**

None

**NEW BUSINESS**

*Discussion of Updating the Kendall County Land Resource Management Plan In Its Entirety*

Mr. Asselmeier summarized the issue.

Member Rodriguez arrived at this time (6:32 p.m.).

Aside from some updates to the transportation plan, policy statements, and requests for changes to the Future Land Use Map for individual parcels, Kendall County has not completed a comprehensive update to the Land Resource Management Plan since 2005. Between 1998 and 2005, Kendall County updated the sections for each township, including doing population forecasts through the 2020 Census.

A large portion of the data in the Land Resource Management Plan is now outdated and, as part of the budget research process, in 2022, Staff contacted Teska Associates to obtain a cost estimate to update the Land Resource Management Plan. Teska Associates' price quote and

scope of work from 2022 were provided. As noted in this information, the project would occur over a three (3) year period and involve at least one (1) meeting in each township.

Prior to the preparation of the budget for FY2022-2023, the Comprehensive Land Plan and Ordinance Committee, ZPAC, Kendall County Regional Planning Commission, and Kendall County Zoning Board of Appeals reviewed the proposal and recommended that the project be included in the FY2022-2023 budget. The Committees also all recommended starting with the eastern three (3) townships. Ultimately, however, this project was not included in the budget for the present fiscal year.

With the pending adoption of three (3) agricultural areas in Lisbon Township and with the preparation of the budget for FY2023-2024 approaching in the upcoming months, Staff requests guidance from the Committee regarding whether or not the County should pursue an update at this time or simply review the future land uses around the proposed agricultural areas.

Staff contacted Teska Associates for updated price figures. To date, that information has not been provided.

Member Koukol asked about the status of the proposed agricultural areas. Mr. Asselmeier described the activities that have occurred thus far with the proposed agricultural areas as required by State law.

Member Koukol asked if the properties near the proposed agricultural areas could be changed to Mixed Use Business on the Future Land Map. Mr. Asselmeier responded that it still would be possible to change properties to Mixed Use Business. However, an investor or potential business would have to take the existence of the agricultural areas into account, when deciding to invest in the area. The agricultural areas could impact the payback period of expenditures related to the installation of infrastructure which may impact the viability of a project.

Mr. Asselmeier explained the process of removing and dissolving agricultural areas.

Member Koukol and Chairman Wormley expressed reservations about the agricultural areas program and limiting opportunities for land.

The consensus of the Committee was to wait with updating the Land Resource Management Plan in its entirety.

## **OLD BUSINESS**

### **Special Use Permit Enforcement Update**

Mr. Asselmeier reported the following:

1. Ordinance 2009-25-Special Use Permit for a Specialty Gift Store at 7275 Route 34  
Issue: Condition 1 requires an annual inspection. During site visits in 2021 and 2022 the business appeared to have ceased. Efforts to contact the property owner to see if they would like to retain the special use permit have been unsuccessful.  
How Department Became Aware of Potential Violation: Annual Inspection  
Current Status: Hearing to involuntarily revoke the special use permit is scheduled for May 1, 2023.
2. Ordinance 1987-25-Special Use Permit for a Church Camp at 1626 Route 31 (Camp Quarryledge)

Issue: Various conditions require the use to be connected to a church camp use, including the name "Camp Quarryledge".

How Department Became Aware of Potential Violation: Contacts from Potential Buyers of the Property

Current Status: Property is pending annexation to the Village of Oswego as a health camp/education center; annexation likely will be complete in May or June 2023.

3. Ordinance 2005-37-Special Use Permit for a Landscaping Business at 5681 Whitewillow Rd

Issue: Condition 6 requires a right-of-way dedication

How Department Became Aware of Violation: Property owner submitted a special use permit for a craft fair.

Current Status: Property owner finally contacted the County on April 6, 2023, Petitioner is working with the Kendall County Highway Department on the necessary paperwork.

4. Ordinance 2014-04-Special Use Permit for a Compost Facility at 1270 E. Beecher Road  
Issue: Condition 8 requires property owner to reapply for special use permit prior July 1, 2023, or the special use permit shall be revoked on December 1, 2023.

How Department Became Aware of Violation: Not presently a violation.

Current Status: Property owner sent a letter on April 3, 2023, requesting guidance as to their plans for the property.

*Discussion of Stormwater Management Ordinance Violation at 8150 Schlapp Road (PIN: 06-15-100-007)*

Mr. Asselmeier summarized the issue and provided emails from two (2) surveying companies. The property owners had not entered into a contract with either surveyor. Mr. Asselmeier left a voicemail for the property owner on April 10, 2023.

Without objection, the citation will be issued.

**REVIEW VIOLATION REPORT**

The Committee reviewed the violation report. Mr. Asselmeier reported that the case against 2511 Wildy Road had been continued to May 15, 2023, by the court in order to give the property owner additional time to work with FEMA.

**REVIEW PRE-VIOLATION REPORT**

The Committee reviewed the report.

Member Koukol asked for an update 1539 Collins Road. Mr. Asselmeier will request an update from Scott Koeppel.

Member Koukol left at this time 6:56 p.m.

## **UPDATE FOR HISTORIC PRESERVATION COMMISSION**

### **Recommendation for a Proclamation Declaring May Historic Preservation Month in Kendall County**

Mr. Asselmeier provided a proposed proclamation. The Historic Preservation Commission previously recommended approval of the proclamation.

Member Shanley made a motion, seconded by Member Rodriguez, to recommend approval of the proclamation.

The votes were as follows:

Yeas (3): Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (2): Flowers and Koukol

The motion carried.

The proposal goes to the County Board on May 2, 2023.

The historic preservation awards will be presented at the May 16, 2023, County Board Meeting.

## **REVIEW PERMIT REPORT**

The Committee reviewed the report.

## **REVIEW REVENUE REPORT**

The Committee reviewed the report. Mr. Asselmeier noted that the correction to the February figures.

## **CORRESPONDENCE**

None

## **COMMENTS FROM THE PRESS**

None

## **EXECUTIVE SESSION**

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

The votes were as follows:

Yeas (3): Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (2): Flowers and Koukol

The motion carried.

The Committee recessed at 7:01 p.m.

Chairman Wormley called the Committee back to order at 7:05 p.m.

**ROLL CALL**

Committee Members Present: Ruben Rodriguez, Brooke Shanley, and Seth Wormley

Committee Members Absent: Elizabeth Flowers and Dan Koukol

Also Present: Matt Asselmeier (Senior Planner)

**NEW BUSINESS**

Approval to Release Executive Session Minutes of April 10, 2023

Member Shanley made a motion, seconded by Member Rodriguez, to recommend approval of the release of the Executive Session Minutes of April 10, 2023.

With a voice vote of three (3) ayes, the motion carried.

The proposal goes to the County Board on April 18, 2023, on the consent agenda.

**ADJOURNMENT**

Member Rodriguez made a motion, seconded by Member Shanley, to adjourn. With a voice vote of three (3) ayes, the motion carried.

Chairman Wormley adjourned the meeting at 7:06 p.m.

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

Enc.

## Matt Asselmeier

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**From:** Eric Pokorny <eric@toddsurvey.com>  
**Sent:** Friday, April 7, 2023 11:38 AM  
**To:** Matt Asselmeier  
**Cc:** Christina Wojcik  
**Subject:** RE: [External]8150 S Schlapp Road

Hi Matt,

I have received no responses from Glenn. I did mention it might be more economical for him to contact Phil Young since Phil previously did his boundary survey.

Perhaps he is following up with Phil.

Thanks and have a Blessed Easter,

Eric

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**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Wednesday, April 5, 2023 8:20 AM  
**To:** Eric Pokorny <eric@toddsurvey.com>  
**Subject:** RE: [External]8150 S Schlapp Road

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

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**From:** Eric Pokorny <eric@toddsurvey.com>  
**Sent:** Wednesday, April 5, 2023 8:19 AM  
**To:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Subject:** RE: [External]8150 S Schlapp Road

Sorry Matt, no I haven't. With the weather I have been in the field trying to keep us on schedule. My request for a clone appears to have been denied-again!

In office today, will reach out to Glenn.

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**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Wednesday, April 5, 2023 8:12 AM  
**To:** Eric Pokorny <eric@toddsurvey.com>  
**Cc:** Scott Koeppel <skoeppel@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>  
**Subject:** RE: [External]8150 S Schlapp Road

Eric:

Were you able to contact Mr. Diller?

## Matt Asselmeier

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**From:** PHIL YOUNG <philyoung@comcast.net>  
**Sent:** Friday, April 7, 2023 4:19 PM  
**To:** Matt Asselmeier  
**Subject:** [External]Re: 8150 Schlapp 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.

Matt,

Glenn Diller stopped at our office a few weeks ago to discuss building a berm along the south and east lines of his property for a shooting range. I printed a FIRMette of his location showing that the southwest corner of the property was in flood hazard Zone A without a printed BFE elevation. I told him that a new bridge/box culvert was built recently near his southwest corner and that Kendall Co Hwy Dept may have a flood study which established the BFE. Also, since he was moving a massive amount of dirt, an engineer may be required for his project.

He left and I have not heard from him.

Phil Young  
**PHILLIP D. YOUNG AND ASSOCIATES, INC.**  
1107 South Bridge Street, Suite B  
Yorkville, Illinois 60560  
(630)553-1580 Office  
(630)553-1685 Fax

On 04/07/2023 11:41 AM Matt Asselmeier <masselmeier@kendallcountyil.gov> wrote:

Phil:

Have you had any correspondence with the owner of this property for survey work?

Thanks,

Matthew H. Asselmeier, AICP, CFM

Senior Planner

Kendall County Planning, Building & Zoning



**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**  
***Kendall County Kendall County Office Building***  
***Rooms 209 & 210***  
***111 W. Fox Street, Yorkville, Illinois***  
**6:30 p.m.**  
**Executive Session Minutes of April 10, 2023**

**CALL TO ORDER**

The executive session was called to order by Chairman Seth Wormley at 7:02 p.m.

**ROLL CALL**

Committee Members Present: Ruben Rodriguez (Vice-Chairman), Brooke Shanley, and Seth Wormley (Chairman)

Committee Members Absent: Elizabeth Flowers and Dan Koukol

Also Present: Matt Asselmeier (Senior Planner)

The purpose of this executive session was to review minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)).

The Committee reviewed the minutes from the following meetings:

December 19, 2016

August 7, 2017

November 7, 2022

The consensus of the Committee was to release the minutes of April 10, 2023. The other minutes shall remain confidential for personnel reasons and litigation reasons.

Motion by Member Shanley, seconded by Member Rodriguez, to adjourn executive session.

The votes were as follows:

Yeas (3): Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): Flowers and Koukol

Chairman Wormley adjourned the executive session at 7:05 p.m.

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

# Kendall County



PBZ 04062023

CLERK: pherber BATCH: 3387

NEW INVOICES

VENDOR REMIT NAME INVOICE PO CHECK RUN NET AMOUNT EXCEEDS PO BY PO BALANCE CHK/WIRE

## PENDING UNPAID INVOICES

859	00000	IACZO - KRISTAL	2023 Membership	041523	25.00	.00	.00	25.00	1099:
CASH 000008	2023/04	INV 03/30/2023	SEP-CHK: Y	DISC: .00					
ACCT 1Y210	DEPT 19	DUE 03/30/2023	DESC:2023 Membership IACZO		11001902 62030				
CONDITIONS THAT PREVENT POSTING INVOICE			859/39248						
* Invoice must be approved or voided to post.									
1153	00000	KENDALL CO HIGHW	MARCH 2023	041523	255.71	.00	.00	255.71	1099:
CASH 000008	2023/04	INV 03/30/2023	SEP-CHK: Y	DISC: .00					
ACCT 1Y210	DEPT 19	DUE 03/30/2023	DESC:PBZ TRUCK FUEL		11001902 62170				
CONDITIONS THAT PREVENT POSTING INVOICE			1153/39350						
* Invoice must be approved or voided to post.									
1247	00000	LEO'S	3220	041523	300.00	.00	.00	300.00	1099:
CASH 000008	2023/04	INV 03/30/2023	SEP-CHK: Y	DISC: .00					
ACCT 1Y210	DEPT 19	DUE 03/30/2023	DESC:HP Awards		11001902 63830				
CONDITIONS THAT PREVENT POSTING INVOICE			1247/39347						
* Invoice must be approved or voided to post.									
1849	00001	VERIZON	9930608527	041523	84.32	.00	.00	84.32	1099:
CASH 000008	2023/04	INV 03/30/2023	SEP-CHK: Y	DISC: .00					
ACCT 1Y210	DEPT 19	DUE 03/30/2023	DESC:Building Cell phones		11001902 62070				
CONDITIONS THAT PREVENT POSTING INVOICE			1849/39348						
* Invoice must be approved or voided to post.									
1849	00001	VERIZON	9930608527-1	041523	24.94	.00	.00	24.94	1099:
CASH 000008	2023/04	INV 03/30/2023	SEP-CHK: Y	DISC: .00					
ACCT 1Y210	DEPT 19	DUE 03/30/2023	DESC:ZONING CELL PHONE		11001902 62070				
CONDITIONS THAT PREVENT POSTING INVOICE			1849/39349						
* Invoice must be approved or voided to post.									

# Kendall County



**PBZ 04062023**

CLERK: pherber BATCH: 3387

NEW INVOICES

VENDOR REMIT NAME		INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE	CHK/WIRE
2063	00000 RUNCO OFFICE SUP	900775-0		041523	12.82	.00		.00
CASH 000008	2023/04	INV 03/30/2023	SEP-CHK: Y	DISC: .00		11001902 62000		12.82 1099:
ACCT 1Y210	DEPT 19	DUE 03/30/2023	DESC:Office Supplies					
CONDITIONS THAT PREVENT POSTING INVOICE		2063/39346						
* Invoice must be approved or voided to post.								
3883	00000 MAYER PLUMBING L	MARCH 2023		041523	1,120.00	.00		.00
CASH 000008	2023/04	INV 03/30/2023	SEP-CHK: Y	DISC: .00		11001902 63610		1,120.00 1099:
ACCT 1Y210	DEPT 19	DUE 03/30/2023	DESC:8 PLUMBING INSPECTIONS					
CONDITIONS THAT PREVENT POSTING INVOICE		3883/39351						
* Invoice must be approved or voided to post.								
7 PENDING UNPAID INVOICES					TOTAL	1,822.79		

0 INVOICE(S)

REPORT POST TOTAL

.00

REPORT TOTALS

.00

# Kendall County



PBZ 04212023

CLERK: pherber BATCH: 3451

NEW INVOICES

VENDOR REMIT NAME INVOICE PO CHECK RUN NET AMOUNT EXCEEDS PO BY PO BALANCE CHK/WIRE

## PENDING UNPAID INVOICES

1165	00000	KENDALL COUNTY R 400	043023	134.00	.00	.00	134.00	1099:
CASH 000008	2023/05	INV 04/21/2023	SEP-CHK: Y	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 04/21/2023	DESC:MARCH 2023 RECORDINGS		11001902 63700			
CONDITIONS THAT PREVENT POSTING INVOICE 1165/40376								
* Invoice must be approved or voided to post.								
1665	00000	SHAW MEDIA	032310101009	043023	657.20	.00	.00	1099:
CASH 000008	2023/05	INV 04/21/2023	SEP-CHK: Y	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 04/21/2023	DESC:LEGAL PUBLICATIONS		11001902 62090		657.20	
CONDITIONS THAT PREVENT POSTING INVOICE 1665/40388								
* Invoice must be approved or voided to post.								
1928	00000	WBK ENGINEERING, 24059	043023	142.29	.00	.00	142.29	1099:
CASH 000008	2023/05	INV 04/21/2023	SEP-CHK: Y	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 04/21/2023	DESC:Corneil's Road Interceptor		180119 63150			
CONDITIONS THAT PREVENT POSTING INVOICE 1928/40380								
* Invoice must be approved or voided to post.								
1928	00000	WBK ENGINEERING, 24060	043023	625.00	.00	.00	625.00	1099:
CASH 000008	2023/05	INV 04/21/2023	SEP-CHK: Y	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 04/21/2023	DESC:ANR Plano Subdivision Class Review		180119 63150			
CONDITIONS THAT PREVENT POSTING INVOICE 1928/40381								
* Invoice must be approved or voided to post.								
1928	00000	WBK ENGINEERING, 24069	043023	200.00	.00	.00	200.00	1099:
CASH 000008	2023/05	INV 04/21/2023	SEP-CHK: Y	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 04/21/2023	DESC:Classic Investments - AUX Sable Crossing		180119 63150			
CONDITIONS THAT PREVENT POSTING INVOICE 1928/40382								
* Invoice must be approved or voided to post.								

# Kendall County



**PBZ 04212023**

CLERK: pherber BATCH: 3451

NEW INVOICES

VENDOR REMIT NAME	INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE	CHK/WIRE
1928 00000 WBK ENGINEERING, 24037			043023	400.00	.00	.00	
CASH 000008 2023/05 INV 04/21/2023 SEP-CHK: Y DISC: .00					11001902 63630	400.00	1099:
ACCT 1Y210 DEPT 19 DUE 04/21/2023 DESC:Kendall County Review Services 2-26 to 3-31-23							
CONDITIONS THAT PREVENT POSTING INVOICE		1928/40384					
* Invoice must be approved or voided to post.							
2063 00000 RUNCO OFFICE SUP 902503-0			043023	77.72	.00	.00	
CASH 000008 2023/05 INV 04/21/2023 SEP-CHK: Y DISC: .00					11001902 62000	77.72	1099:
ACCT 1Y210 DEPT 19 DUE 04/21/2023 DESC:Office Supplies							
CONDITIONS THAT PREVENT POSTING INVOICE		2063/40378					
* Invoice must be approved or voided to post.							
7 PENDING UNPAID INVOICES		TOTAL		2,236.21			

0 INVOICE(S)	REPORT POST TOTAL	.00
	REPORT TOTALS	.00



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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

---

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### Petition 23-01

### Planning, Building and Zoning Committee

7275 Route 34, Oswego

### Revocation of Special Use Permit for a Specialty Gift Store

#### INTRODUCTION AND BACKGROUND

On July 21, 2009, the Kendall County Board granted a special use permit for a specialty gift store at 7275 Route 34, Oswego. Restriction 1 of the special use permit stated that the special use permit shall be inspected yearly. Ordinance 2009-25 included as Attachment 1.

Per information found on Facebook, Jo Ric Gift and Home Décor operated at the subject property for several years, but a retirement sale occurred in 2020 and the business closed in January 2021. This information is included as Attachment 2.

The Planning, Building and Zoning Department attempted to conduct an inspection in August 2021 and the property was described as vacant. The email related to this inspection is included as Attachment 3.

In the summer of 2022, the Planning, Building and Zoning Department again attempted to conduct an inspection, but the property was vacant. Following this attempt, the Planning, Building and Zoning Department attempted to send letters to the property owner asking if they would like to revoke the special use permit. The covers of these letters were included as Attachments 4 and 5 respectively. The Planning, Building and Zoning Department did not receive any response to these letters.

In addition to the letters, a picture from Google from 2018 and a picture from Google from 2021 were also provided as Attachments 6 and 7 respectively.

The property sold in November 2021.

At their meeting on January 9, 2023, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit. Following the January Planning, Building and Zoning Committee, Staff attempted again to contact the property, including placing a hearing sign on the property. The property owner originally verbally said they would evaluate their options and let the Department know which course of action they would take. Other than one (1) phone call in January 2023, the property owner has not initiated conversations with the Department. Emails with the property owner were included as Attachment 8. After the lack of communication from the property owner, Staff decided to exercise the authority granted by the Planning, Building and Zoning Committee to revoke the special use permit.

The subject properties are zoned R-3. If the special use permit is revoked, the properties will retain their R-3 zoning classification.

The Kendall County Zoning Board of Appeals held a public hearing on the proposal. An email from the Oswego Fire Protection District stating that the property had not been inspected as a business since August 2020 was read into the record. Nobody from the public testified at the public hearing. The Kendall County Zoning Board of Appeals recommended approval of the revocation of the special use permit by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the hearing are included as Attachment 9.

#### FINDINGS OF FACT

The Findings of Fact were as follows:

*In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the fact that the existing business closed in January 2021 and that no business has operated at the subject*

**property since the previous business closed, the special use has been discontinued for a continuous period of two (2) years.**

**RECOMMENDATION**

Staff recommends approval of the proposed special use permit revocation.

The draft ordinance is included as Attachment 10.

**ATTACHMENTS**

1. Ordinance 2009-25
2. Facebook Information for Jo Ric Gift and Home Décor
3. August 2021 Inspection Email
4. October 12, 2022 Letter to Property Owners
5. November 8, 2022 Letter to Property Owners
6. October 2018 Picture
7. July 2021 Picture
8. 2023 Emails Between Staff and Property Owners
9. May 1, 2023, Zoning Board of Appeal Minutes (This Petition Only)
10. Draft Ordinance

State of Illinois  
County of Kendall

Zoning Petition  
#09-07

ORDINANCE NUMBER 2009 - 25

GRANTING A R-3 SPECIAL USE  
7275 ROUTE 34  
JANELL COLLIER

WHEREAS, Janell Collier has filed a petition for a Special Use within the R-3 Single Family Residential Zoning District for a 0.9 acre property located at 7275 Route 34, (PIN# 02-14-452-003), in Bristol Township; and

WHEREAS, said petition is to allow for the operation of a specialty gift store pursuant to Section 8.08.B.2 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is zoned R-3 for the Lynwood Subdivision; and

WHEREAS, said property is legally described as:

Lot 118 of Lynwood Subdivision, extension 6, in the Township of Bristol, Kendall County, Illinois.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on June 23, 2009; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance except the following variances approved at the June 23, 2009 ZBA meeting:

1. Allow parking in the front yard and side yard setbacks within 2 feet from the east side lot line and 10 feet from the current ROW line to the South; and
2. Allow a 40 square foot internally illuminated free-standing sign.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, any change or modification to the Special Use that does not modify the original intent, purpose, or need for the Special Use, shall be submitted to and reviewed by the Planning, Building, & Zoning Department. Notice that a change or modification is sought shall be provided by the applicant in the manner provided in 55 ILCS 5/5-12009.5. Upon proper notice, the Planning, Building, & Zoning Department shall forward the request for change or modification to the Planning, Building & Zoning Committee. The Committee may return the matter to ZPAC and/or Plan Commission for further consideration and findings or forward the matter to the full County Board to grant, deny, or return the requested change or modification to the Committee for further



State of Illinois  
County of Kendall

Zoning Petition  
#09-07

consideration and findings, and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use (retail shop or office use) conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to allow a special use for a retail gift shop and depicted on the site plan attached as "Exhibit A" hereto and incorporated herein subject to the following conditions:

1. The Special Use shall be inspected yearly.
2. A permit shall be obtained for the sign.
3. There must be a minimum of 9 parking stalls including 1 handicapped stall.
4. No outside storage of any materials or outdoor display
5. No semi-truck deliveries are permitted
6. Off-street parking shall be provided in accordance with the provisions of Chapter 11 of the ordinance.
7. No more than 3 employees are allowed to work at one time.
8. The Health Department must verify the septic system is adequate for the proposed use.
9. The office or retail use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the R-3 district.
10. Expansion of the residential building, structure, or of any accessory building in which the office or retail use is operated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the plan commission for its review and recommendation, and upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.
11. The standards are intended to ensure compatibility with other permitted uses and maintain the residential character of the surrounding residential uses.

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

IN WITNESS OF, this ordinance has been enacted on July 21, 2009.

Attest:



Kendall County Clerk  
Debbie Gillette



Anne Vickery  
Kendall County Board Chairman



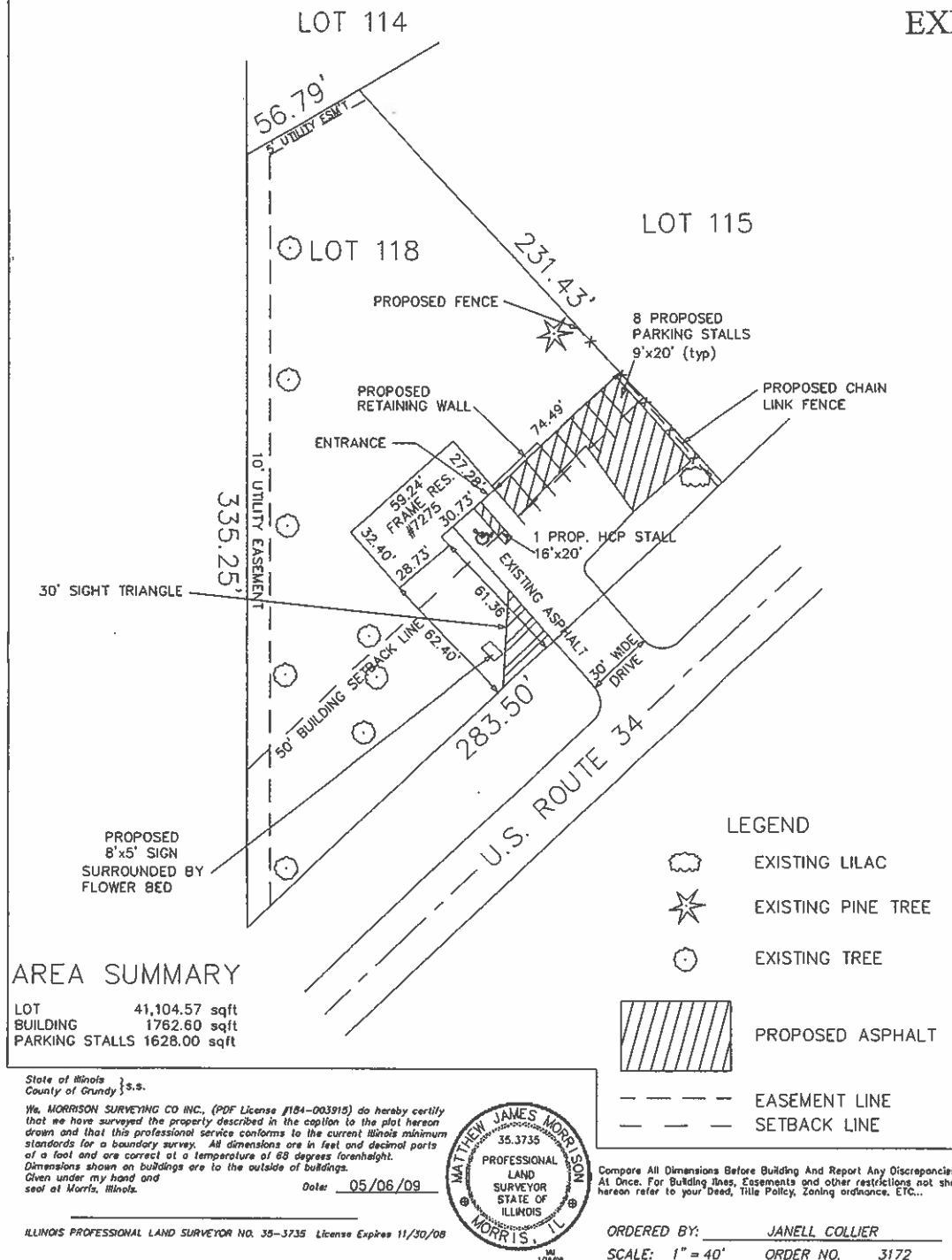
# ZONING SKETCH

MORRISON SURVEYING CO. INC.  
2710 N. Illinois Route 31, Morris, Illinois 60450-9603  
Phone (815) 942-2620 of FAX (815) 941-2620



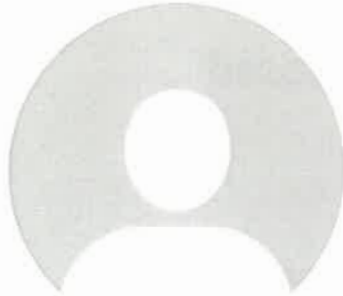
LOT 118 OF LYNWOOD SUBDIVISION, EXTENSION 6, IN THE TOWNSHIP OF BRISTOL,  
KENDALL COUNTY, ILLINOIS.

## EXHIBIT A





Log In



## Jo Ric Gift and Home Decor

19 followers • 1 following

[Posts](#)

[About](#)

[Photos](#)

[Videos](#)



### Intro

A unique gift store specializing in silver jewelry,woman's accessories,  
lodge and western home decor



**Page** · Shopping & retail



7275 US Highway 34, Oswego, IL, United States, Illinois



(630) 554-7855

**Connect with Jo Ric Gift and Home Decor on Facebook**

Log In

or

Create new account



[Privacy](#) · [Terms](#) · [Advertising](#) · [Ad Choices](#) · [Cookies](#) · [More](#) · Meta © 2023

**Jo Ric Gift and Home Decor**  
February 1, 2021 ·

JoRics is now closed

Like

Comment

**Jo Ric Gift and Home Decor**  
January 1, 2021 ·

JoRics gift and home decor is now closed

Like

Comment

**Jo Ric Gift and Home Decor**  
June 25, 2020 ·

THU, JUN 25, 2020  
**Retirement sale**  
Oswego

Like

Comment

Share

**Jo Ric Gift and Home Decor** created an **event**.  
June 25, 2020 ·

THU, JUN 25, 2020  
**Retirement sale**  
Oswego

Connect with Jo Ric Gift and Home Decor on Facebook

Log In or Create new account

facebook

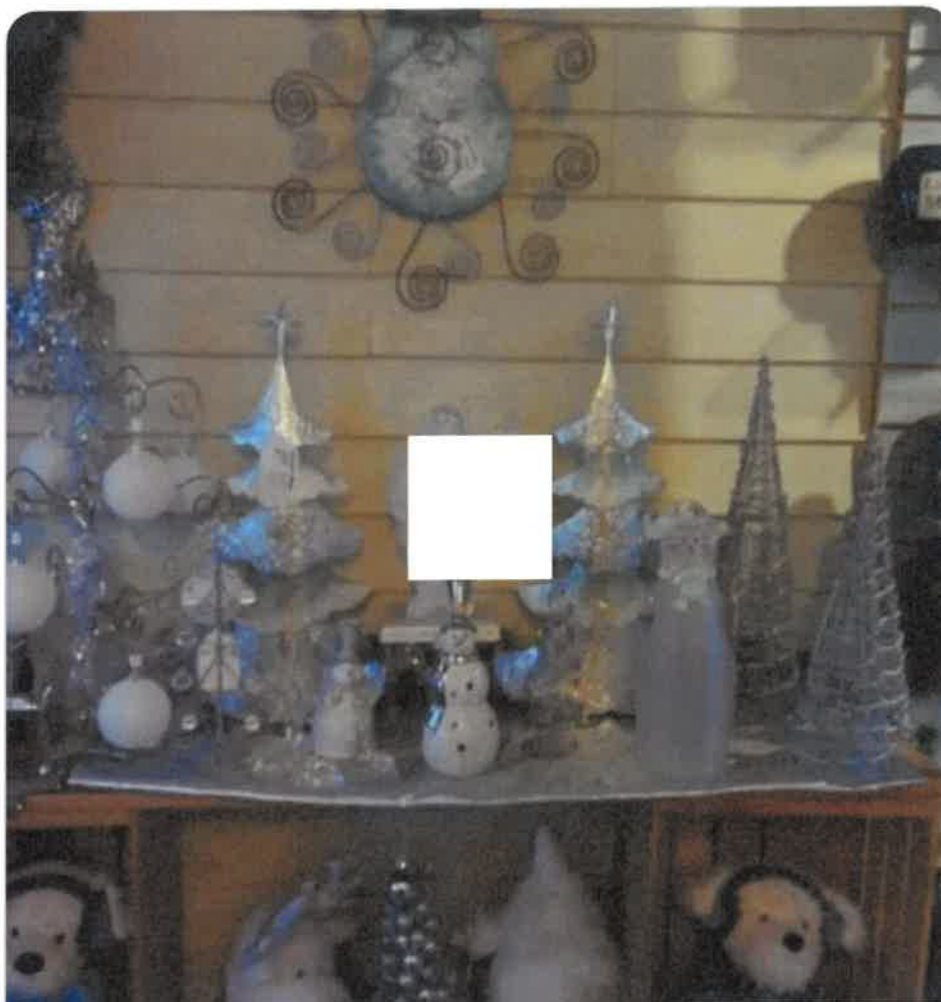
Log In

Like

Comment

**Jo Ric Gift and Home Decor**

November 15, 2019 · 🌐

**Jo Ric Gift and Home Decor**

November 14, 2019 · 🌐

JoRic's gift and home decor, 7275 US hwy 34, Oswego Illinois .  
Open Tuesday thru Saturday, 10:00 to 5:00.



Like

Comment

## Connect with Jo Ric Gift and Home Decor on Facebook

Log In

or

Create new account

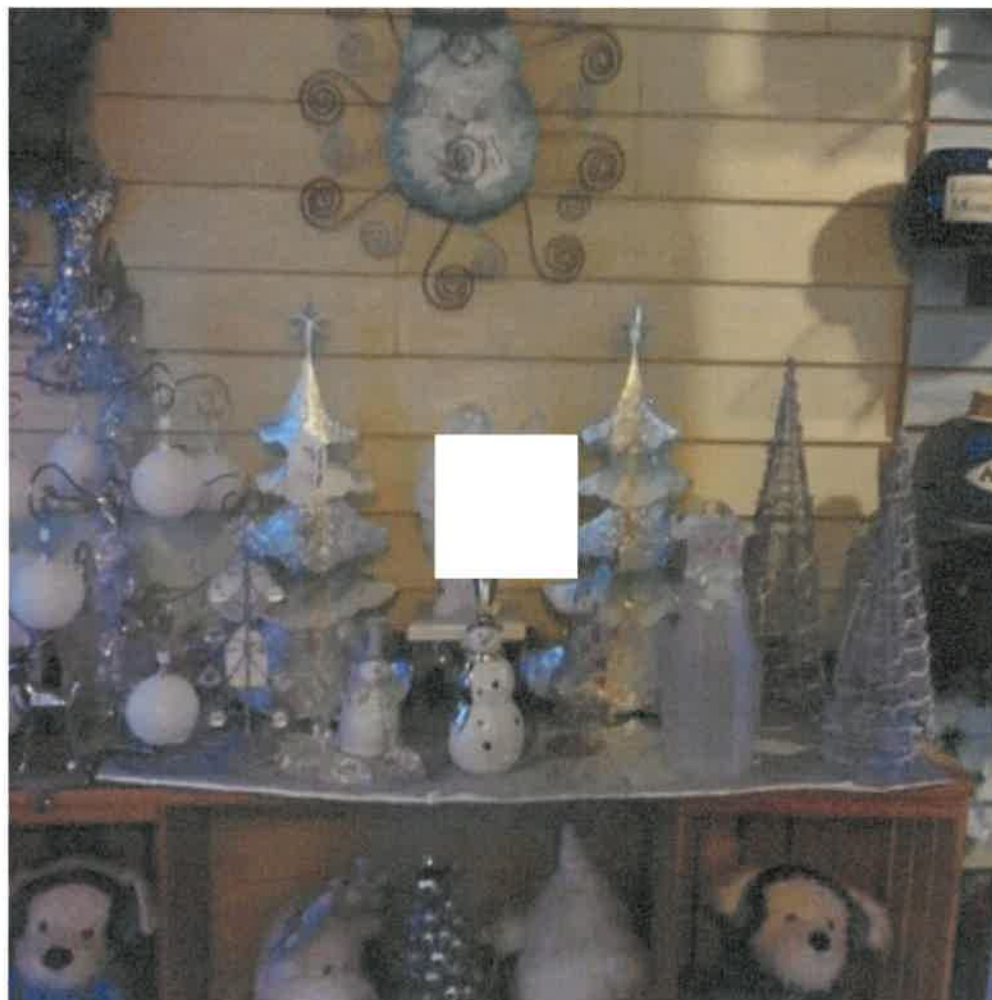
facebook

Log In

**Jo Ric Gift and Home Decor**

November 14, 2019 · 🌐

JoRic's gift and home decor,7275 US hwy 34, Oswego Illinois . Open Tuesday thru Saturday, 10:00 to 5:00.



1 share



Like



Comment

**Jo Ric Gift and Home Decor**

December 11, 2018 · 🌐

Most Christmas decor is on sale now. Come  
nick in some real bargain

**Connect with Jo Ric Gift and Home Decor on Facebook**

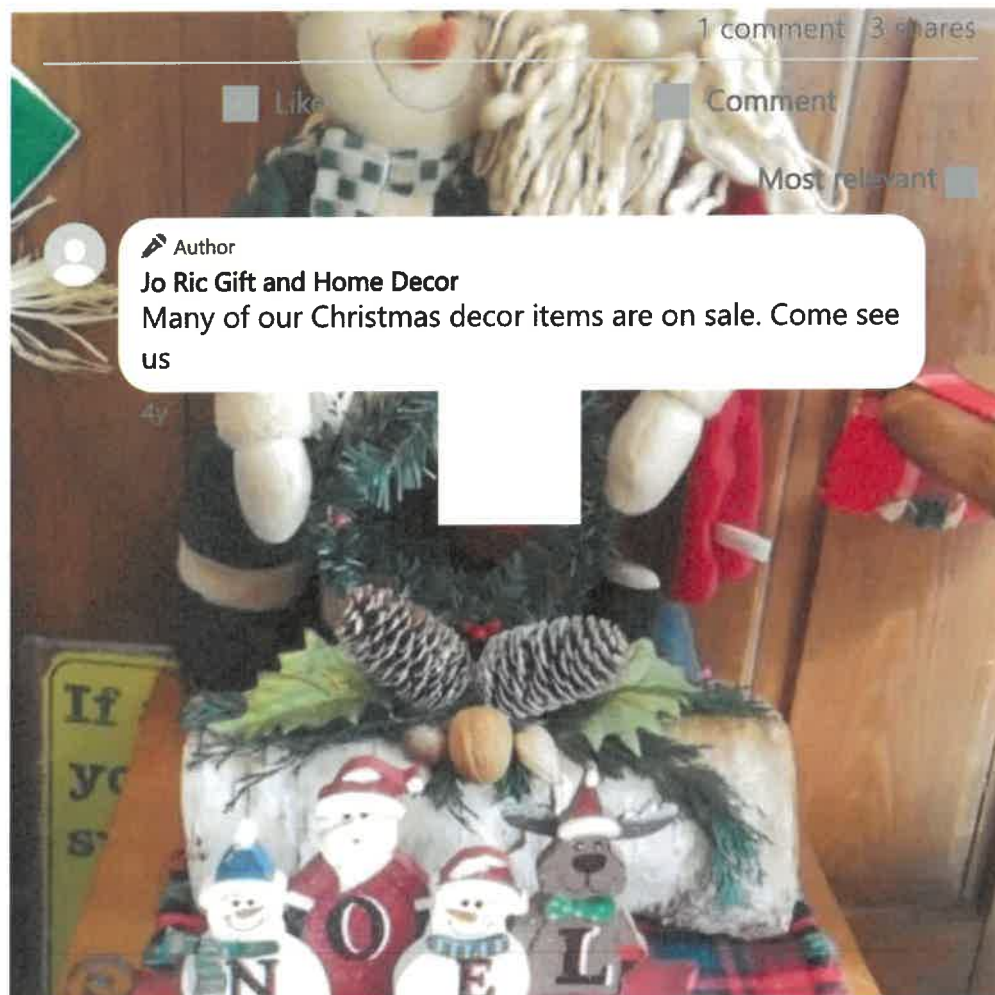
Log In

or

Create new account

facebook

Log In

**Jo Ric Gift and Home Decor**

January 25, 2017 · 🌐

Welcome the birds back with a beautiful painted glass bird bath

**Connect with Jo Ric Gift and Home Decor on Facebook**

Log In

or

Create new account



facebook

Log In



**Jo Ric Gift and Home Decor**

December 27, 2016 · 🌐

Beautiful amethyst and blue opal jewelry



4 shares



Like



Comment



**Jo Ric Gift and Home Decor**

January 28, 2016 · 🌐

Trying to get this photo on the JoRic's Facebook page



**Connect with Jo Ric Gift and Home Decor on Facebook**

Log In

or

Create new account



facebook

Log In



1

1 comment



Like



Comment

Most relevant



 Author

**Jo Ric Gift and Home Decor**

Open today from 10:00 to 5:00

6y

Connect with Jo Ric Gift and Home Decor on Facebook

Log In

or

Create new account

**Pam Herber**

**From:** Brian Holdiman  
**Sent:** Tuesday, July 13, 2021 7:16 AM  
**To:** Matt Asselmeier  
**Cc:** Scott Koeppel; Scott Gengler; Pam Herber  
**Subject:** FW: Special Use Inspections  
**Attachments:** Recorded Ord.pdf; 97-06 Koukol Special Use.pdf; 09-25 Collier R-3 Special Use.pdf; 09-38 A-1 Special use for Davis- Ag Implement sales and landscaping.pdf; 98-31 14313 Route 52 Special Use.pdf; 77-05 A-1 Special Use for implement repair and service.pdf; 06-09 14780 Galena Road Special Use for Expansion of home occupation.pdf; 92-10 A-1 SU for storage of boats, rv's and licensed antique cars.pdf; 72-08 Rezone from A-1 to M-3 Special Use.pdf

Will Do

Pam – Please print the attached and this email and place in my basket.

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

**From:** Matt Asselmeier  
**Sent:** Monday, July 12, 2021 12:14 PM  
**To:** Brian Holdiman <BHoldiman@co.kendall.il.us>  
**Cc:** Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>  
**Subject:** Special Use Inspections

Brian:

*See attached ordinances and inspect to conditions*

BH 8/4/21

Please conduct inspections of the following properties; their special use permits are attached:

1. 3485 Route 126 *Pre-Tax - compliance 8/4/21*
2. 7275 Route 34 *Business closed/vacant 8/4/21*
3. 6139 Caton Farm Road *compliance 8/4/21*
4. 14313 Route 52 (Charge a Reasonable Inspection Fee Per Ordinance) *compliance - waived Fee BH 8/4/21*
5. 10017 Lisbon Road *compliance - just a barn 8/4/21*
6. 14816 Galena Road (See if still on the market or evidence of business) *not for sale - pre cast sign still there - app 150 cars or more 8/4/21*
7. Corner of Beecher and E. Beecher *compliance 8/4/21*

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



---

## PLANNING, BUILDING & ZONING DEPARTMENT

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

630/553-4141 • FAX 630/553-4179

[www.kendallcountyil.gov](http://www.kendallcountyil.gov)

---

October 12, 2022

Luis Hernandez and Claudia Menendez Del Valle  
[REDACTED]

Re: Special Use Permit for Specialty Gift Store

Dear Luis Hernandez and Claudia Menendez Del Valle:

According to our records, you are the owners of 7275 Route 34, Oswego (PIN: 02-14-452-003) in Bristol Township.

In 2009, the Kendall County Board granted a special use permit for a specialty gift store at this property. A copy of the ordinance is attached.

Per condition 1 of the ordinance, the property was to be inspected yearly. In both 2021 and 2022, no evidence existed of a business at this property.

Accordingly, the County would like to know if you would like to retain the special use permit.

If you would like to revoke the special use permit, please complete and submit the attached letter. There is no cost to revoke the special use permit and the property would retain its current R-3 zoning.

If you would like to retain the special use permit, please contact Matt Asselmeier at 630-553-4139 or email him at [masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov) and let him know that you would like to keep the special use permit.

The County requests a response from you by **November 14, 2022**.

Thank you for your assistance on this matter.

Sincerely,

**COUNTY OF KENDALL**

Matthew H. Asselmeier, AICP, CFM  
Senior Planner

Encs: Ordinance 2009-25  
Revocation Letter



---

## PLANNING, BUILDING & ZONING DEPARTMENT

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

630/553-4141 • FAX 630/553-4179

[www.kendallcountyil.gov](http://www.kendallcountyil.gov)

---

November 8, 2022

Luis Hernandez and Claudia Menendez Del Valle  
[REDACTED]

Re: Special Use Permit for Specialty Gift Store

Dear Luis Hernandez and Claudia Menendez Del Valle:

According to our records, you are the owners of 7275 Route 34, Oswego (PIN: 02-14-452-003) in Bristol Township.

In 2009, the Kendall County Board granted a special use permit for a specialty gift store at this property. A copy of the ordinance is attached.

Per condition 1 of the ordinance, the property was to be inspected yearly. In both 2021 and 2022, no evidence existed of a business at this property.

Accordingly, the County would like to know if you would like to retain the special use permit.

If you would like to revoke the special use permit, please complete and submit the attached letter. There is no cost to revoke the special use permit and the property would retain its current R-3 zoning.

If you would like to retain the special use permit, please contact Matt Asselmeier at 630-553-4139 or email him at [masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov) and let him know that you would like to keep the special use permit.

The County requests a response from you by **December 8, 2022**.

Thank you for your assistance on this matter.

Sincerely,

**COUNTY OF KENDALL**

Matthew H. Asselmeier, AICP, CFM  
Senior Planner

Encs: Ordinance 2009-25  
Revocation Letter



## Attachment 6



## Attachment 7



**Matt Asselmeier**

---

**From:** Matt Asselmeier  
**Sent:** Thursday, March 30, 2023 2:19 PM  
**To:** luisdavid [REDACTED]  
**Cc:** Scott Koepfel; Seth Wormley  
**Subject:** RE: Special Use Permit Revocation Letter for 7275 Route 34  
**Attachments:** Voluntary 09-25 Revocation Letter.docx

David:

Per my voicemail, please either schedule an inspection of your property or sign and submit the attached revocation letter by 4:30 p.m. on March 31, 2023.

If you do not schedule the inspection or submit the attached revocation by the above deadline, I already have authority to initiate involuntary revocation of the special use permit.

Please advise as to how you would like me 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:** Matt Asselmeier  
**Sent:** Friday, March 24, 2023 1:36 PM  
**To:** luisdavid [REDACTED]  
**Subject:** RE: Special Use Permit Revocation Letter for 7275 Route 34

David:

Could we schedule a time to get the special use revocation paperwork signed?

If you would prefer to keep the special use permit, please let me know your availability to have the property inspected.

I would like to get this matter resolved within the next 2 weeks.

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:** Matt Asselmeier  
**Sent:** Monday, March 27, 2023 11:36 AM  
**To:** luisdavid [REDACTED]  
**Cc:** Scott Koepfel; Seth Wormley  
**Subject:** RE: Special Use Permit Revocation Letter for 7275 Route 34  
**Attachments:** Voluntary 09-25 Revocation Letter.docx

David:

Per my voicemail, please either schedule an inspection of your property or sign and submit the attached revocation letter by 4:30 p.m. on March 31, 2023.

If you do not schedule the inspection or submit the attached revocation by the above deadline, I already have authority to initiate involuntary revocation of the special use permit.

Please advise as to how you would like me 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:** Matt Asselmeier  
**Sent:** Friday, March 24, 2023 1:36 PM  
**To:** luisdavid [REDACTED]  
**Subject:** RE: Special Use Permit Revocation Letter for 7275 Route 34

David:

Could we schedule a time to get the special use revocation paperwork signed?

If you would prefer to keep the special use permit, please let me know your availability to have the property inspected.

I would like to get this matter resolved within the next 2 weeks.

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:** Matt Asselmeier  
**Sent:** Thursday, March 16, 2023 1:52 PM  
**To:** luisdavid@ [REDACTED]  
**Subject:** Special Use Permit Revocation Letter for 7275 Route 34

David:

Could we schedule a time to get the special use revocation paperwork signed?

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:** Thursday, March 9, 2023 9:24 AM  
**To:** luisdavid [REDACTED]  
**Subject:** RE: Special Use Permit Revocation Letter for 7275 Route 34

David:

Could we schedule a time to get the special use revocation paperwork signed?

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:** Monday, March 6, 2023 9:05 AM  
**To:** luisdavid [REDACTED]  
**Subject:** FW: Special Use Permit Revocation Letter for 7275 Route 34  
**Attachments:** Voluntary 09-25 Revocation Letter.docx

Luis:

Per our phone conversation, attached please find the voluntary revocation letter for the special use permit on your property.

Please sign the attached letter, have it notarized, and send it back to me.

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:** Tuesday, February 28, 2023 10:54 AM  
**To:** luisdavid [REDACTED]  
**Subject:** FW: Special Use Permit Revocation Letter for 7275 Route 34  
**Attachments:** Voluntary 09-25 Revocation Letter.docx

Luis:

Per our phone conversation, attached please find the voluntary revocation letter for the special use permit on your property.

Please sign the attached letter, have it notarized, and send it back to me.

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:** Tuesday, February 21, 2023 9:54 AM  
**To:** luisdavid [REDACTED]  
**Cc:** Scott Koeppel; Seth Wormley  
**Subject:** FW: Special Use Permit Revocation Letter for 7275 Route 34  
**Attachments:** Voluntary 09-25 Revocation Letter.docx

---

**From:** Matt Asselmeier  
**Sent:** Wednesday, February 1, 2023 12:45 PM  
**To:** luisdavid [REDACTED]  
**Cc:** Scott Koeppel <skoepel@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>  
**Subject:** Special Use Permit Revocation Letter for 7275 Route 34

Luis:

Per our phone conversation, attached please find the voluntary revocation letter for the special use permit on your property.

Please sign the attached letter, have it notarized, and send it back to me.

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:** Thursday, February 9, 2023 9:08 AM  
**To:** luisdavid [REDACTED]  
**Cc:** Scott Koeppel; Seth Wormley  
**Subject:** RE: Special Use Permit Revocation Letter for 7275 Route 34

Luis:

Did you have an opportunity to review and sign the document revoking the special use permit at this 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:** Wednesday, February 1, 2023 12:45 PM  
**To:** luisdavid [REDACTED]  
**Cc:** Scott Koeppel <skoeppel@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>  
**Subject:** Special Use Permit Revocation Letter for 7275 Route 34

Luis:

Per our phone conversation, attached please find the voluntary revocation letter for the special use permit on your property.

Please sign the attached letter, have it notarized, and send it back to me.

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

Date

Kendall County  
Planning, Building and Zoning  
Attn: Matthew H. Asselmeier  
111 West Fox Street Room 203  
Yorkville, IL 60560-1498  
Phone: 630-553-4139 Fax: 630.553.4179

We, Luis Hernandez and Claudia Menendez Del Valle, are the owners of the parcel 02-14-452-003.

On July 21, 2009, the property was granted a special use (Ordinance 2009-25). The special use granted in 2009 was granted for the operation of a retail gift shop business.

Pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, we hereby voluntarily request that Kendall County revoke our special use on the above-referenced property. By signing below, we acknowledge that no public hearing shall be conducted for revocation of the special use. We understand that the requested revocation shall not become effective unless and until approved by a majority vote of the Kendall County Board. By signing below, we hereby waive our right to a public hearing and formally request the above-referenced special use be removed from our property.

\_\_\_\_\_  
(Signatures)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Names)

Attest: \_\_\_\_\_  
Notary Public

**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 1, 2023 – 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 (arrived at 7:05 p.m.), Tom LeCuyer, Randy Mohr, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: None

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

Others Present: Mark Daniel and Rebecca Wintczak

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 23-01 at 7:00 p.m.

**Petition 23 – 01 – Kendall County Planning, Building and Zoning Committee**

**Request:** Involuntary Revocation of a Special Use Permit for a Specialty Gift Store Granted by Ordinance 2009-25

**PINs:** 02-14-452-005

**Location:** 7275 Route 34, Oswego in Bristol Township

**Purpose:** Petitioners Want to Revoke the Special Use Permit for Inactivity and Non-Compliance; Property is Zoned R-3 with a Special Use Permit

Mr. Asselmeier summarized the request.

On July 21, 2009, the Kendall County Board granted a special use permit for a specialty gift store at 7275 Route 34, Oswego. Restriction 1 of the special use permit stated that the special use permit shall be inspected yearly. Ordinance 2009-25 was provided.

Per information found on Facebook, Jo Ric Gift and Home Décor operated at the subject property for several years, but a retirement sale occurred in 2020 and the business closed in January 2021. This information was provided.

The Planning, Building and Zoning Department attempted to conduct an inspection in August 2021 and the property was described as vacant. The email related to this inspection was provided.

In the summer of 2022, the Planning, Building and Zoning Department again attempted to conduct an inspection, but the property was vacant. Following this attempt, the Planning, Building and Zoning  
ZBA Meeting Minutes 5.1.23



Department attempted to send letters to the property owner asking if they would like to revoke the special use permit. The covers of these letters were provided. The Planning, Building and Zoning Department did not receive any response to these letters.

In addition to the letters, a picture from Google from 2018 and a picture from Google from 2021 were also provided.

The property sold in November 2021.

At their meeting on January 9, 2023, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit. Following the January Planning, Building and Zoning Committee, Staff attempted again to contact the property, including placing a hearing sign on the property. The property owner originally verbally said they would evaluate their options and let the Department know which course of action they would take. Other than one (1) phone call in January 2023, the property owner has not initiated conversations with the Department. Emails with the property owner were provided. After the lack of communication from the property owner, Staff decided to exercise the authority granted by the Planning, Building and Zoning Committee to revoke the special use permit.

The subject properties are zoned R-3. If the special use permit is revoked, the properties will retain their R-3 zoning classification.

The proposed findings of fact were as follows:

In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the fact that the existing business closed in January 2021 and that no business has operated at the subject property since the previous business closed, the special use has been discontinued for a continuous period of two (2) years.

Staff recommended approval of the proposed special use permit revocation.

In addition, Staff provided an email dated April 3, 2023, from the Oswego Fire Protection District stated the property went back to being residential in 2021 and had not been inspected since that time.

Member Fox arrived at this time (7:05 p.m.)

Chairman Mohr opened the public hearing at 7:05 p.m.

Chairman Mohr swore in Mark Daniel and Rebecca Wintczak at this time.

No members of the public testified at the public hearing.

Chairman Mohr closed the public hearing at 7:05 p.m.

Member Whitfield made a motion, seconded by Member Cherry, to approve the findings of fact and recommend approval of the revocation of the special use permit.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion passed.

The proposal goes to the Planning, Building and Zoning Committee on May 8, 2023.

The Zoning Board of Appeals completed their review of Petition 23-01 at 7:06 p.m.

**PUBLIC COMMENTS**

Mr. Asselmeier that no Petitions were on the agenda for the May 30, 2023, hearing/meeting.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

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

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

The Zoning Board of Appeals meeting adjourned at 8:13 p.m.

The next regularly scheduled hearing/meeting will be on May 30, 2023.

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

**Exhibits**

1. Memo on Petition 23-01 Dated April 3, 2023
2. Certificate of Publication and Certified Mail Receipts for Petition 23-01 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. April 3, 2023, Email from the Oswego Fire Protection District Regarding Petition 23-01

## May 1, 2023

[illegible]

**Matt Asselmeier**

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**From:** Alec Keenum <akeenum@oswegofire.com>  
**Sent:** Monday, April 3, 2023 12:15 PM  
**To:** Matt Asselmeier  
**Subject:** [External]RE: Kendall County Zoning Petition 23-01

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

Matt,

FYI.... Oswego Fire's last inspection of JoRic Trading at 7275 Rt 71 was August of 2020. In March of 2021 we were told that the fire alarm was no longer being monitored and that the building was going back to residential. We therefore took it off our schedules as a "business".

Oswego Fire has no issues with this petition.

Regards,

Capt. Alec J Keenum  
Fire Marshal  
Oswego Fire Protection District

State of Illinois  
County of Kendall

Zoning Petition  
#23-01

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**REVOKING A SPECIAL USE PERMIT FOR A SPECIALTY GIFT STORE GRANTED BY  
ORDINANCE 2009-25 AT 7275 ROUTE 34 PARCEL IDENTIFICATIN NUMBER 02-14-452-005  
IN BRISTOL TOWNSHIP**

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

WHEREAS, Section 13:08.F of the Kendall County Zoning Ordinance permits the Kendall County Board to revoke special use permits if the special use has not been in operation for two continuous years and provides a procedure through which special use permits are revoked; and

WHEREAS, the property which are the subject of this Ordinance has been, at all relevant times, and remains currently located within the R-3 One-Family Residential Zoning District and consists of the property identified by Parcel Identification Number 02-14-452-005 and addressed as 7275 Route 34, Oswego in Bristol Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property”; and

WHEREAS, Janell Collier petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining a special use permit for the operation of a specialty gift store on the subject property in 2009; and

WHEREAS, the Kendall County Board granted a special use permit through Ordinance 2009-25 at the subject property on July 21, 2009 for the operation of a specialty store; and

WHEREAS, Condition #1 of Ordinance 2009-25 requires that the special use permit be subject to annual inspections; and

WHEREAS, the business operating at the subject property closed on or about January 1, 2021; and

WHEREAS, on or about November 2021, Luis D. Hernandez and Claudia Menendez Del Valle purchased the subject property; and

WHEREAS, on January 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate the revocation of the special use permit for a specialty gift store on the subject property and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on April 6, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on May 1, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested special use permit revocation and zero members of the public testified in favor or in opposition; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the revocation of the special use permit for a specialty gift store at the subject property as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated May 1, 2023, a true and correct copy of which is attached

State of Illinois  
County of Kendall  
hereto as Exhibit B; and

Zoning Petition  
#23-01

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of **approval/denial/neutral** of the requested revocation of a special use permit for a specialty gift store at the subject property; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby revokes the special use permit for a specialty gift store and related sign variance granted by Ordinance 2009-25.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect the revocation of the special use permit granted by Ordinance 2009-25.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of May, 2023.

Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Matt Kellogg

Exhibit A

Lot 118 of Lynwood Subdivision, Extension 6, in the Township of Bristol, in Kendall County, Illinois



Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on May 1, 2023, by a vote of seven (7) in favor and zero (0) in opposition:

**FINDINGS OF FACT**

*In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. **Based on the fact that the existing business closed in January 2021 and that no business has operated at the subject property since the previous business closed, the special use has been discontinued for a continuous period of two (2) years.***

**RECOMMENDATION**

Approval



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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

### MEMORANDUM

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To: Kendall County Planning, Building and Zoning Committee  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: May 1, 2023  
Re: Proposed Amendments Related to Codification

For the past several months, Staff has been working with the codifiers to get all of the Kendall County's regulations into one (1) code. The codifiers recommended several changes to the Kendall County Zoning Ordinance and Subdivision Control Ordinance. During the review, Staff also identified several changes to these regulations. The codifiers recommended that these changes occur prior to adoption of the new code. Below please find the proposed changes:

1. Petition 23-05 Subdivision Control Ordinance-Appendix 7  
Several phone numbers are listed in the Appendix. The accuracy of these phone numbers is unknown. Staff would like to list the organization only and not the phone numbers.
2. Petition 23-06 Subdivision Control Ordinance-Appendix 7  
Greg Chismark and WBK Engineering are listed by name. Staff would like to have a general statement regarding stormwater engineering contact information.
3. Petition 23-07 Subdivision Control Ordinance-Appendix 9 A  
In the Performance Criteria Section, there is a dead link to information about invasive species. Staff would like a general statement instead of a website link.  
  
Subdivision Control Ordinance-Appendix 9 B  
In the Native Plan Resources Section, there are several dead links. Staff would like general references instead of website links.
4. Petition 23-08 Zoning Ordinance Section 3:02  
The definitions of Brew Pub and Microbrewery should be amended to correspond to State law.
5. Petition 23-09 Zoning Ordinance Section 3:02  
The definition of Tent should be expanded to include tents outside of campgrounds.
6. Petition 23-10 Zoning Ordinance Section 11:05.D.2  
This section references a State law that does not exist.
7. Petition 23-11 Ordinance 1998-10  
This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes are attached.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposals were emailed to the townships on February 23, 2023. No comments were received.

ZPAC met on the proposals on February 28, 2023, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are attached.

The Kendall County Regional Planning Commission reviewed the proposals on March 22, 2023. Mr. Asselmeier explained the codification process. The phone numbers referenced in Petitions 23-05 and 23-06 would remain on the County's website. Greg Chismark and WBK Engineering were notified of Petition 23-06. Those entities that had special use permits for microbreweries and related brewery uses were notified of Petition 23-08. The entities that had special use permits for campgrounds and banquet facilities were notified of Petition 23-09. The entities that had special use permits for campgrounds were notified of Petition 23-10. The parties that had open special use permit applications from 2018 and 2022 were notified of Petition 23-11. The proposed definition of tent would not impact the permitting requirements contained in the Zoning Ordinance. The Kendall County Regional Planning Commission recommended approval of the proposals by a vote of eight (8) in favor and zero (0) in opposition and with two (2) members absent. The minutes of the meeting are attached.

The Kendall County Zoning Board of Appeals held a public hearing on the proposals on March 27, 2023. Nobody from the public testified at the public hearing. The Zoning Board of Appeals recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with one (1) member absent. The minutes of the hearing are attached.

The draft ordinances are attached.

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

MHA

Encs:       Redline Proposal  
              Ordinance 98-10  
              February 28, 2023, ZPAC Meeting Minutes (These Petitions Only)  
              March 22, 2023, RPC Minutes (These Petitions Only)  
              March 27, 2023 ZBA Minutes (These Petitions Only)  
              Draft Ordinance 23-05  
              Draft Ordinance 23-06  
              Draft Ordinance 23-07  
              Draft Ordinance 23-08  
              Draft Ordinance 23-09  
              Draft Ordinance 23-10  
              Draft Ordinance 23-11

1. Petition 23-05
2. Petition 23-06

**Local Government Representatives:**

**Please refer to the Kendall County website for contact information for contact information for the following organizations:**

**Kendall County Planning, Building & Zoning Department -** ~~Planning Rep: Phone (630) 553-4139~~  
~~Building Rep: Phone (630) 553-4134~~

**County Highway Department** ~~Phone: (630) 553-7616~~

**Kendall County Consulting Engineer** ~~—(Greg Chismark at WBK Engineering)~~  
~~Phone: (630) 443-7755~~

**Township Highway Department** - Contact the corresponding department for the township in which the project is located. If the project is split between more than one township, a representative from each of the affected townships will need to attend. ~~Contact phone numbers for each are as follows:~~

Little Rock Township Hwy. Department ~~Phone: (630) 552-3304~~  
Bristol Township Hwy. Department ~~Phone: (630) 553-0101~~  
Oswego Township Hwy. Department ~~Phone: (630) 264-4587~~  
Fox Township Hwy. Department ~~Phone: (630) 553-5904~~  
Kendall Township Hwy. Department ~~Phone: (630) 553-7133~~  
Na-Au-Say Township Hwy. Department ~~Phone: (815) 254-7708~~  
Big Grove Township Hwy. Department ~~Phone: (815) 695-9443~~  
Lisbon Township Hwy. Department ~~Phone: (815) 475-7160~~  
Seward Township Hwy. Department ~~Phone: (815) 475-4613~~

**Kendall County Health Department** – Environmental Health  
~~Phone: (630) 553-9100~~

**Optional**

**Kendall County Soil & Water Conservation District**  
~~Phone: (630) 553-5821 ext. --3~~

Additional individuals may be invited to attend at the developer's discretion and may include utility companies, school, park or open space agency representatives (if project involves regional trails or land donations), local Fire Department or others as may be appropriate.

## Performance Criteria

In order to ensure adequate diversity of plants, to respond to varying environmental and hydrologic conditions, to ensure the establishment of native landscapes that are functional, aesthetic, and cost-effective, and to provide reasonable variety to meet aesthetic expectations, a minimum of 10 species of native plants are required within any naturalized stormwater facility, such as naturalized detention basins or swales. A minimum of 40 native species will be established in any upland landscapes.

The success of natural landscaping can be affected by the appropriateness of the plant species selected, the effectiveness of the grading and seedbed preparation, the quality of the seed and plant material used, the timing of the planting, and attention to early maintenance. With upland prairie, savanna, and woodland restoration or establishment (see definitions), it generally is appropriate to leave soils undisturbed since mass grading will result in compacted soils and may lead to serious weed problems. Land currently under agricultural row crop production should remain undisturbed if possible until prairie seeding can be accomplished. This will contribute to the success of the native landscape by preventing the establishment of weeds and minimizing the corruption of the seed bank. The success of the project will be formally evaluated by the following vegetation performance standards monitored over time.

- By the end of the first full growing season, planted areas should have 90 percent vegetation cover and no area greater than 1.0 meter square shall be devoid of vegetation. A cover crop of annual rye or oats may be used to help achieve this goal. At least 75 percent of the plugs, root stock, and tubers, and 50 percent of the seeded species should be present and alive. If an area is designed as an aquatic or emergent system, it is anticipated that portions of the submerged area will be periodically exposed and without vegetation cover due to fluctuating water levels. If, by the end of the first full growing season, the basin emergent zones and/or side slopes fail to support the establishment of sufficient vegetation, then corrective measures regarding the fundamental design of the area and/or planting plan shall be required.
- During the second growing season at least 60 percent of the permanent species planted in seed form should be evident. Ninety percent or more of species planted as plugs, root stock, and tubers, shall also have persisted into the second season. If this fails to occur, a determination must be made as to why and remedial action shall be necessary. Remediation may include overseeding and/or plugging of appropriate species. Finally, undesirable, invasive plant species shall not be prevalent in any of the management units. No invasive, weedy species, including any of the following, shall be among the five most dominant plant species in the overall vegetative cover.

- Reed canary grass (*Phalaris arundinacea*)
- Common reed (*Phragmites australis*)
- Purple loosestrife (*Lythrum salicaria*)
- Non-native thistle (*Cirsium spp.*, *Carduus spp.*)
- Sweet clover (*Melilotus spp.*)
- Crown vetch (*Coronilla varia*)
- Wild parsnip (*Pastinaca sativa*)
- Burdock (*Arctium spp.*)
- Garlic mustard (*Alliaria petiolata*)
- Teasel (*Dipsacus spp.*)
- Ragweed (*Ambrosia spp.*)
- Kentucky bluegrass (*Poa pratensis*)
- Buckthorn (*Rhamnus spp.*)
- Sandbar willow (*Salix interior*)
- Honeysuckle (*Lonicera spp.*)
- Multiflora rose (*Rosa multiflora*)
- Box elder (*Acer negundo*)

A more complete listing of common invasive species **can be found on the Illinois Department of Natural Resource's website. is found in the Illinois Nature Preserve Management Guidelines: [http://dnr.state.il.us/INPC/Management\\_guidelines.htm](http://dnr.state.il.us/INPC/Management_guidelines.htm)**

- At the end of the third full growing season, at least 75 percent of the seeded permanent species and 90 percent or more of species planted as plugs, root stock, and tubers are expected to be established. Alternatively, native perennial species that volunteer on the site, excluding undesirable invasive species, may also be counted in determining the preceding criteria. Qualitative vegetative sampling within each management area shall achieve the following to be determined a success and a mean Coefficient of Conservatism shall meet or exceed 3 and the Floristic Quality Index shall meet or exceed 20, except in designated stormwater management facilities (Swink and Wilhelm).
- The five most dominant species of the overall vegetative cover within each management unit shall not include any of the undesirable species referenced above under the 2<sup>nd</sup> season performance standards. If the identified level of species development fails to occur, a determination must be made as to why, and a remedial action plan must be prepared and submitted to the Kendall County Planning, Building and Zoning Department (KCPBZ) for approval. The approved remedial plan must be implemented and continued monitoring will be required beyond the third growing season until these performance criteria are met. Where the minimum performance standards cannot be achieved, a written explanation and alternative performance standards must be submitted for consideration by the Planning, Building and Zoning Department.

## **APPENDIX NINE (B)**

### **NATIVE PLANTING RESOURCES**

Suggested references for restoration and natural landscaping include:

*Illinois Nature Preserve Management Guidelines*, Illinois Nature Preserves Commission.  
[http://dnr.state.il.us/INPC/Management\\_guidelines.htm](http://dnr.state.il.us/INPC/Management_guidelines.htm)

*Tallgrass Restoration Handbook, for Prairies, Savannas, and Woodlands*, S. Packard and C. Mutel, Society for Ecological Restoration, 1997.

*Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois*, USDA Natural Resources Conservation Service, 2004. <http://www.il.nrcs.usda.gov/technical/plants/npg/NPG-toc.html>

*Natural Landscaping for Local Officials: Design and Management Guidelines*, Northeastern Illinois Planning Commission, 2004.  
<http://www.nipc.org/environment/sustainable/naturallandscaping/installation%20and%20maintenance%20guide.pdf>

*Plants of the Chicago Region*, F. Swink and G. Wilhelm, the Morton Arboretum, Published by the Indiana Academy of Science, 1994.

*Kane County Wild Plants & Natural Areas, 3rd Edition*, D. Young, 2008

4. Petition 23-08

**BREW PUB.** ~~A restaurant-brewery where the beer is brewed primarily for sale in the restaurant and bar. A brew pub shall not sell for off-premises consumption more than 50,000 gallons per year. A person, including a restaurant or brewery, who manufactures no more than one hundred fifty-five thousand (155,000) gallons of beer per year only at a designated licensed premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than one hundred fifty-five (thousand) 155,000 gallons per year. (235 ILCS 5/1-3.33).~~

**MICROBREWERY.** ~~A brewery that produces between 1,000 barrels and 15,000 barrels (31,000 to 465,000 gallons) of beer per year with 75% or more of its beer sold off-site. A person, including a brewery, who is a holder of a brewer license or non-resident dealer license who manufactures up to 930,000 gallons of beer per year and who may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in in the Illinois Liquor Control Act. Also referred to as a "Class 1 brewer" per 235 ILCS 5/1-3.38~~

5. Petition 23-09

**TENT.** ~~Collapsible shelter of canvas or other material stretched and sustained by poles fixed in the ground and used for a temporary outdoor camping shelter. A structure, enclosure, umbrella structure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.~~

6. Petition 23-10

Occupied recreational trailers and mobile homes subject to permit requirements must show evidence of compliance with federal HUD regulations or ~~the Illinois Mobile Home Safety Act~~ **applicable State law.**

7. Petition 23-11

1. Delete Ordinance 1998-10 in its entirety.
2. Section 13:01.A is amended by adding the following:

**"4. Procedure in case of petition inactivity.** The Zoning Administrator may declare an application for text amendment, map amendment, special use permit, major or minor amendments to special use permits, administrative or traditional variance, conditional use permit, or site plan review closed if the party requesting the action has ceased communications with the Planning, Building and Zoning Department for a period of six (6) months and the following actions are taken:

- a. The Zoning Administrator shall send a certified letter to the applicant at the address stated on the original application stating that the petition will be closed for inactivity. The applicant will be informed that they have sixty (60) days from the date of the letter to re-activate the petition.
- b. If the Zoning Administrator does not receive a response in writing within sixty (60) days of the date the letter was mailed, the petition shall be dismissed by the Zoning Administrator.
- c. If the Zoning Administrator receives communication that the applicant would like to keep the petition active, the Zoning Administrator shall keep the petition open.



- d. If an applicant believes that the Zoning Administrator incorrectly closed an application for inactivity, the applicant shall submit an appeal to the Planning, Building and Zoning Committee outlining the reasons why the application should remain active. The Planning, Building and Zoning Committee shall conduct an initial review of the appeal at their next available Committee meeting. If the Planning, Building and Zoning Committee rules in favor of the applicant, the application shall be re-activated. If the Planning, Building and Zoning Committee rules against the applicant, the application shall be considered closed.”

ORDINANCE # 98-10

**PETITION TIME LIMIT ORDINANCE**

WHEREAS, the Kendall County regulates development under authority of its Zoning Ordinance, Storm Water Runoff Ordinance, Soil and Erosion Control Ordinance, Subdivision Control Ordinance, Special Flood Hazard Areas Ordinance, and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time; and

WHEREAS, inactive petitions for development approval may become obsolete or non-compliant with the amended ordinances; and

WHEREAS, several current petitions for development approval to the Planning, Building and Zoning Department have been inactive; and

WHEREAS, the potential for future petitioners to continue to delay the petition process indefinitely does exist; and

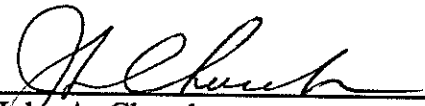
WHEREAS, all administrative procedures for ordinances have been followed including a Public Hearing was held before the Kendall County Zoning Board of Appeals;


NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby adopts the following Petition Time Limit Ordinance:

- A. All petitioners with petitions on file, or will be filed after the date on which this ordinance was enacted, that have been inactive for the past six (6) months shall be notified in writing that:
1. The petition has been inactive for at least six (6) months
  2. If the petitioner chooses to continue with their petition, they have sixty (60) days from the date on the letter to activate the petition.
  3. If the Zoning Administrator has not received a written response within sixty (60) days of the date on the letter, the petition shall be dismissed by the Zoning Administrator.
  4. If the petitioner can provide documentation that the petition has not been inactive or will be re-activated, the Zoning Administrator can decide not to dismiss.

- B. The Zoning Administrator shall dismiss any petition that has been inactive for at least six (6) months after a sixty (60) day notification period, which begins at the date on the notification letter.
- C. The petitioner may appeal the Zoning Administrator's decision regarding dismissal to the Planning, Building, and Zoning Committee of the Kendall County Board at the next available, regularly scheduled meeting after the decision.
- D. Petition Time Limit Definitions:
  - 1. "Inactive" means any instance when a petition has not been:
    - a. On an agenda of a committee or board authorized to review the petition by ordinance or statute; or
    - b. Within an impact study or other reasonable analytical investigation commissioned or required by Kendall County or other governmental entity.
  - 2. "Petition" means any zoning or site development petition, application, request, or letter of intent accepted by the Kendall County Planning, Building, and Zoning Department. The following are excluded since the time limit is regulated under a separate ordinance:
    - a. Building Permit Applications are regulated under the Kendall County Building Code Ordinance 94-06.
    - b. Preliminary Plats and Final Plats are regulated under the Kendall County Subdivision Control Ordinance enacted on August 10, 1971.
  - 3. "Petitioner" means any owner of property filing said petition.

IN WITNESS OF, this Ordinance was approved by the Kendall County Board on June 16, 1998.

  
\_\_\_\_\_  
John A. Church  
Kendall County Board Chairman

  
\_\_\_\_\_  
Paul Anderson  
Kendall County Clerk

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
February 28, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS Department  
David Guritz – Forest Preserve  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Commander Jason Langston – Sheriff's Department  
Alyse Olson – Soil and Water Conservation District  
Aaron Rybski – Health Department  
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Doug Westphal

**PETITIONS**

Without objection, Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 were combined.

**Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the requests.

For the past several months, Staff has been working with the codifiers to get all of the Kendall County's regulations into one (1) code. The codifiers recommended several changes to the Kendall County Zoning Ordinance and Subdivision Control Ordinance. During the review, Staff also identified several changes to these regulations. The codifiers recommended that these changes occur prior to adoption of the new code. Below please find the proposed changes:

1. Petition 23-05 Subdivision Control Ordinance-Appendix 7  
Several phone numbers are listed in the Appendix. The accuracy of these phone numbers is unknown. Staff would like to list the organization only and not the phone numbers.
2. Petition 23-06 Subdivision Control Ordinance-Appendix 7  
Greg Chismark and WBK Engineering are listed by name. Staff would like to have a general statement regarding stormwater engineering contact information.
3. Petition 23-07 Subdivision Control Ordinance-Appendix 9 A  
In the Performance Criteria Section, there is a dead link to information about invasive species. Staff would like a general statement instead of a website link.  
  
Subdivision Control Ordinance-Appendix 9 B  
In the Native Plant Resources Section, there are several dead links. Staff would like general references instead of website links.
4. Petition 23-08 Zoning Ordinance Section 3:02  
The definitions of Brew Pub and Microbrewery should be amended to correspond to State law.
5. Petition 23-09 Zoning Ordinance Section 3:02  
The definition of Tent should be expanded to include tents outside of campgrounds.
6. Petition 23-10 Zoning Ordinance Section 11:05.D.2  
This section references a State law that does not exist.

7. Petition 23-11 Ordinance 1998-10

This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes were provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

Mr. Holdiman made a motion, seconded by Mr. Rybski, to recommend approval of the proposals.

The votes were follows:

Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley

Nays (0): None

Abstain (0): None

Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 22, 2023.

**PUBLIC COMMENT**

Doug Westphal expressed concerns about townships maintaining their roads when large renewable energy projects occur. Mr. Asselmeier noted the road use agreement requirement in the law.

**ADJOURNMENT**

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

With a voice vote of nine (9) ayes, the motion carried.

The ZPAC, at 9:54 a.m., adjourned.

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

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unapproved - Meeting Minutes of March 22, 2023 - 7:00 p.m.**

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman (Arrived at 7:04 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, and Seth Wormley

Members Absent: Bob Stewart and Claire Wilson

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Dan Nagel and Greg Vander Kamp

**PETITIONS**

**Petitions 23-05 Through 23-11 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the requests.

For the past several months, Staff has been working with the codifiers to get all of the Kendall County's regulations into one (1) code. The codifiers recommended several changes to the Kendal County Zoning Ordinance and Subdivision Control Ordinance. During the review, Staff also identified several changes to these regulations.

Member Rodriguez asked what the codification process entailed. Mr. Asselmeier explained that Kendall County's various ordinances were presently stand-alone documents. The codifiers would take all of the ordinances and place them in one (1) document. The codifiers were a private company hired by the County.

Member Hamman arrived at this time (7:04 p.m.).

The codifiers recommended that these changes occur prior to adoption of the new code. Below please find the proposed changes:

1.     Petition 23-05 Subdivision Control Ordinance-Appendix 7  
       Several phone numbers are listed in the Appendix. The accuracy of these phone numbers is unknown. Staff would like to list the organization only and not the phone numbers.
2.     Petition 23-06 Subdivision Control Ordinance-Appendix 7  
       Greg Chismark and WBK Engineering are listed by name. Staff would like to have a general statement regarding stormwater engineering contact information.
3.     Petition 23-07 Subdivision Control Ordinance-Appendix 9 A  
       In the Performance Criteria Section, there is a dead link to information about invasive species. Staff would like a general statement instead of a website link.

       Subdivision Control Ordinance-Appendix 9 B

       In the Native Plan Resources Section, there are several dead links. Staff would like general references instead of website links.

4. Petition 23-08 Zoning Ordinance Section 3:02  
The definitions of Brew Pub and Microbrewery should be amended to correspond to State law.
5. Petition 23-09 Zoning Ordinance Section 3:02  
The definition of Tent should be expanded to include tents outside of campgrounds.
6. Petition 23-10 Zoning Ordinance Section 11:05.D.2  
This section references a State law that does not exist.
7. Petition 23-11 Ordinance 1998-10  
This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes were provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposals were emailed to the townships on February 23, 2023.

ZPAC met on the proposals on February 28, 2023, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

Member Nelson asked if the phone numbers referenced in Petitions 23-05 and 23-06 would be kept updated on the website. Mr. Asselmeier responded yes. Member Nelson noted the difficulty of getting phone numbers for certain township officials.

Member Rodriguez asked who received notices for the Petitions. Mr. Asselmeier responded that no one received notices for Petitions 23-05 and 23-07. Greg Chismark and WBK Engineering were notified of Petition 23-06. Those entities that had special use permits for microbreweries and related brewery uses were notified of Petition 23-08. The entities that had special use permits for campgrounds and banquet facilities were notified of Petition 23-09. The entities that had special use permits for campgrounds were notified of Petition 23-10. The parties that had open special use permit applications from 2018 and 2022 were notified of Petition 23-11.

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

Member Nelson asked if the definition of tent changed any permitting requirements for tents. Mr. Asselmeier said the proposal does not change the permitting requirements related to tents.

The votes were as follows:

Ayes (8): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wormley  
Nays (0): None  
Absent (2): Stewart and Wilson  
Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on March 27, 2023.



## **CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

## **OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported that the proposed text amendment related to chickens on residentially zoned and used properties will be on the agenda for the April meeting. There will also be a petition for a special use permit for a landscaping business and related variances at the property located at the southwest corner of Route 126 and Grove Road.

## **ADJOURNMENT**

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

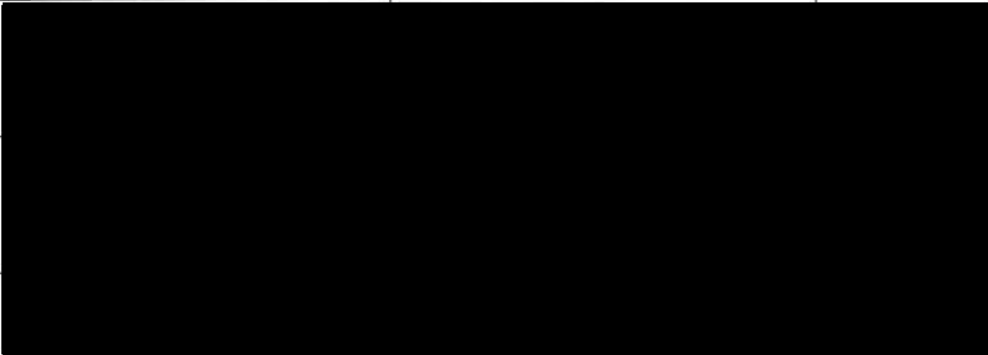
The Kendall County Regional Planning Commission meeting adjourned at 7:49 p.m.

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



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
MARCH 22, 2023**

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 Nagel		
Greg Vander Kamp		

**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 27, 2023 – 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: Scott Cherry (Arrived at 7:06 p.m.), Cliff Fox, Tom LeCuyer, Randy Mohr, Jillian Prodehl, and Dick Thompson

Members Absent: Dick Whitfield

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

Others Present: Emma Tajchman and Dan Nagel

**PETITIONS**

Without objection, Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 were combined.

The Zoning Board of Appeals started their review of Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 at 8:01 p.m.

**Petition 23 – 05 – Kendall County Planning, Building and Zoning Committee**

Request: Text Amendments to Appendix 7 of the Kendall County Subdivision Control Ordinance by Removing Phone Numbers and Related Text Adjustments

**Petition 23 – 06 – Kendall County Planning, Building and Zoning Committee**

Request: Text Amendments to Appendix 7 of the Kendall County Subdivision Control Ordinance by Removing References to Specific Engineering Companies, Engineers, and Related Text Adjustments

**Petition 23 – 07 – Kendall County Planning, Building and Zoning Committee**

Request: Text Amendments to Appendix 9 A and Appendix 9 B of the Kendall County Subdivision Control Ordinance by Removing Dead Website Links and Related Text Adjustments

**Petition 23 – 08 – Kendall County Planning, Building and Zoning Committee**

Request: Text Amendments to Section 3:02 of the Kendall County Zoning Ordinance by Amending the Definitions of Brew Pub and Microbrewery

**Petition 23 – 09 – Kendall County Planning, Building and Zoning Committee**

Request: Text Amendments to Section 3:02 of the Kendall County Zoning Ordinance by Amending the Definitions of Tent

**Petition 23 – 10 – Kendall County Planning, Building and Zoning Committee**

Request: Text Amendment to Section 11:05 of the Kendall County Zoning Ordinance by Amending the Permitting Requirements of Occupied Recreational Trailers and Mobile Homes (Specifically Deleting the Reference to the Illinois Mobile Home Safety Act)

**Petition 23 – 11 – Kendall County Planning, Building and Zoning Committee**

Request: Repealing Ordinance 1998-10 and Text Amendment to Section 13:01 of the Kendall County Zoning Ordinance by Establishing Procedures to Close Inactive Zoning Related Petitions

Mr. Asselmeier summarized the requests.

For the past several months, Staff has been working with the codifiers to get all of the Kendall County's regulations into one (1) code. The codifiers recommended several changes to the Kendall County Zoning Ordinance and Subdivision Control Ordinance. During the review, Staff also identified several changes to these regulations. The codifiers recommended that these changes occur prior to adoption of the new code. Below please find the proposed changes:

1.           Petition 23-05 Subdivision Control Ordinance-Appendix 7  
Several phone numbers are listed in the Appendix. The accuracy of these phone numbers is unknown. Staff would like to list the organization only and not the phone numbers.
2.           Petition 23-06 Subdivision Control Ordinance-Appendix 7  
Greg Chismark and WBK Engineering are listed by name. Staff would like to have a general statement regarding stormwater engineering contact information.
3.           Petition 23-07 Subdivision Control Ordinance-Appendix 9 A  
In the Performance Criteria Section, there is a dead link to information about invasive species. Staff would like a general statement instead of a website link.  
  
Subdivision Control Ordinance-Appendix 9 B  
In the Native Plan Resources Section, there are several dead links. Staff would like general references instead of website links.
4.           Petition 23-08 Zoning Ordinance Section 3:02  
The definitions of Brew Pub and Microbrewery should be amended to correspond to State law.
5.           Petition 23-09 Zoning Ordinance Section 3:02  
The definition of Tent should be expanded to include tents outside of campgrounds.
6.           Petition 23-10 Zoning Ordinance Section 11:05.D.2  
This section references a State law that does not exist.

7. Petition 23-11 Ordinance 1998-10

This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes were provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposals were emailed to the townships on February 23, 2023. To date, no comments have been received.

ZPAC met on the proposals on February 28, 2023, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposals on March 22, 2023. Mr. Asselmeier explained the codification process. The phone numbers referenced in Petitions 23-05 and 23-06 would remain on the County's website. Greg Chismark and WBK Engineering were notified of Petition 23-06. Those entities that had special use permits for microbreweries and related brewery uses were notified of Petition 23-08. The entities that had special use permits for campgrounds and banquet facilities were notified of Petition 23-09. The entities that had special use permits for campgrounds were notified of Petition 23-10. The parties that had open special use permit applications from 2018 and 2022 were notified of Petition 23-11. The proposed definition of tent would not impact the permitting requirements contained in the Zoning Ordinance. The Kendall County Regional Planning Commission recommended approval of the proposals by a vote of eight (8) in favor and zero (0) in opposition and with two (2) members absent. The minutes of the meeting are attached.

Chairman Mohr opened the public hearing at 8:07 p.m.

Nobody from the public was present for the hearing.

Chairman Mohr closed the public hearing at 8:07 p.m.

Member Prodehl asked if tents could be up permanently. Mr. Asselmeier said the proposal impacts the definition of tent; permitting requirements would remain unchanged.

Member Prodehl made a motion, seconded by Member Thompson, to recommend approval of the text amendments.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Prodehl, and Thompson  
Nays (0): None  
Abstain (0): None  
Absent (1): Whitfield

The motion passed.

The townships will be notified of the results of the public hearing.

The proposal goes to the Planning, Building and Zoning Committee on May 8, 2023.

The Zoning Board of Appeals completed their review of Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 at 8:09 p.m.

#### **PUBLIC COMMENTS**

Mr. Asselmeier reported that the proposed text amendment related to chickens on residentially zoned and used properties will be on the agenda for the May 1, 2023, meeting. There will also be a petition for a special use permit for a landscaping business and related variances at the property located at the southwest corner of Route 126 and Grove Road.

#### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member LeCuyer made a motion, seconded by Member Cherry 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 regularly scheduled hearing/meeting will be on May 1, 2023.

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

#### **Exhibits**

1. Memo on Petition 23-05 Through 23-11 Dated March 23, 2023
2. Certificate of Publication and Certified Mail Receipts for Petitions 23-05 Through 23-11 (Not Included with Report but on file in Planning, Building and Zoning Office)

*OK*

**KENDALL COUNTY  
ZONING BOARD OF APPEALS**

**March 27, 2023**

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
Emma Tajchman	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	DAN Nagel

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**TEXT AMENDMENTS TO APPENDIX 7 OF THE KENDALL COUNTY SUBDIVISION  
CONTROL ORDINANCE BY DELETING PHONE NUMBERS  
AND RELATED TEXT ADJUSTMENTS**

WHEREAS, 55 ILCS 5/5-1041 grants counties the ability to adopt subdivision control ordinances; and

WHEREAS, Kendall County adopted the current Kendall County Subdivision Control Ordinance by adoption of Ordinance 2011-06 on March 15, 2011; and

WHEREAS, Appendix 7 of the Kendall County Subdivision Control Ordinance includes telephone numbers as the primary manner of contact for the Kendall County Planning, Building and Zoning Department, Kendall County Highway Department, Kendall County Consulting Engineering, Township Highway Departments, Kendall County Health Department, and Kendall County Soil and Water Conservation District; and

WHEREAS, Kendall County can no longer verify the accuracy of all of the phone numbers listed in Appendix 7 of the Kendall County Subdivision Control Ordinance; and

WHEREAS, additional language needs to be altered in Appendix 7 of the Subdivision Control Ordinance in order to reflect the removal of the various telephone numbers; and

WHEREAS, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, desires to remove the various phone numbers listed in Appendix 7 of the Kendall County Subdivision Control Ordinance; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Subdivision Control Ordinance amending Appendix 7 of the Kendall County Subdivision Control Ordinance by removing the telephone numbers and altering the text of Appendix 7 to reflect the deletion of phone numbers; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 2, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on March 27, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendments and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on March 27, 2023; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation **approval/denial/neutral** of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Subdivision Control Ordinance; and



NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,  
that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The following text is added directly under the heading “Local Government Representatives” in Appendix 7 of the Kendall County Subdivision Control Ordinance:  
  
“Please refer to the Kendall County website for contact information for contact information for the following organizations:”
- III. Amended Text: All of the phone numbers listed in Appendix 7 of the Kendall County Subdivision Control Ordinance are hereby deleted.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of May, 2023.

Attest:

---

Kendall County Clerk  
Debbie Gillette

---

Kendall County Board Chairman  
Matt Kellogg

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**TEXT AMENDMENTS TO APPENDIX 7 OF THE KENDALL COUNTY SUBDIVISION  
CONTROL ORDINANCE BY DELETING REFERENCES TO SPECIFIC ENGINEERING  
COMPANIES AND ENGINEERS AND RELATED TEXT ADJUSTMENTS**

WHEREAS, 55 ILCS 5/5-1041 grants counties the ability to adopt subdivision control ordinances; and

WHEREAS, Kendall County adopted the current Kendall County Subdivision Control Ordinance by adoption of Ordinance 2011-06 on March 15, 2011; and

WHEREAS, Appendix 7 of the Kendall County Subdivision Control Ordinance specifically names Greg Chismark at WBK Engineering as the Kendall County Consulting Engineer; and

WHEREAS, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, desires not to name a specific engineer or a specific company as the Kendall County Consulting Engineer in Appendix 7 of the Kendall County Subdivision Control Ordinance; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Subdivision Control Ordinance amending Appendix 7 of the Kendall County Subdivision Control Ordinance by removing the name of a specific engineer and a specific company as the Kendall County Consulting Engineer and altering the text of Appendix 7 to reflect the deletion of the same; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 2, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on March 27, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendments and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on March 27, 2023; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation **approval/denial/neutral** of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Subdivision Control Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: All references to Greg Chismark and WBK Engineering listed in Appendix 7 of the Kendall County Subdivision Control Ordinance are hereby deleted.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of May, 2023.

Attest:

---

Kendall County Clerk  
Debbie Gillette

---

Kendall County Board Chairman  
Matt Kellogg

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**TEXT AMENDMENTS TO APPENDIX 9 A APPENDIX 9 B OF THE KENDALL COUNTY  
SUBDIVISION CONTROL ORDINANCE BY DELETING DEAD WEBSITE LINKS AND  
RELATED TEXT ADJUSTMENTS**

WHEREAS, 55 ILCS 5/5-1041 grants counties the ability to adopt subdivision control ordinances; and

WHEREAS, Kendall County adopted the current Kendall County Subdivision Control Ordinance by adoption of Ordinance 2011-06 on March 15, 2011; and

WHEREAS, Appendix 9 A of the Kendall County Subdivision Control Ordinance includes a website link to the Illinois Department of Natural Resources on the topic of invasive species that is no longer active; and

WHEREAS, Appendix 9 B of the Kendall County Subdivision Control Ordinance includes website links to various documents on the topics of restoration and natural landscaping that are no longer active; and

WHEREAS, certain text needs to be amended if the inactive website links are removed; and

WHEREAS, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, desires to remove dead website links in Appendix 9 A and Appendix 9 B of the Kendall County Subdivision Control Ordinance; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Subdivision Control Ordinance amending Appendix 9 A and Appendix 9 B of the Kendall County Subdivision Control Ordinance by removing dead website links and altering the text of Appendix 9 A and Appendix 9 B to reflect the deletion of the same; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 2, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on March 27, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendments and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on March 27, 2023; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation **approval/denial/neutral** of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Subdivision Control Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.

- II. Amended Text: The paragraph under the second bullet point in the Performance Criteria Section contained in Appendix 9 A of the Kendall County Subdivision Control Ordinance is deleted in its entirety and is replaced with the following:

“A more complete listing of common invasive species can be found on the Illinois Department of Natural Resource’s website.”

- III. Amended Text: All website links listed in Appendix 9 B of the Kendall County Subdivision Control Ordinance are hereby deleted.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of May, 2023.

Attest:

---

Kendall County Clerk  
Debbie Gillette

---

Kendall County Board Chairman  
Matt Kellogg

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**TEXT AMENDMENTS CHANGING THE DEFINITIONS OF BREW PUB AND  
MICROBREWERY IN THE KENDALL COUNTY ZONING ORDINANCE**

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, desires to have the definitions of “brew pub” and “microbrewery” contained in the Kendall County Zoning Ordinance match the definitions of these terms contained in State law; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Zoning Ordinance amending Section 3:02 of the Kendall County Zoning Ordinance by amending the definitions of “brew pub” and “microbrewery” to match the definitions of these terms with the definitions contained in State law; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 2, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on March 27, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendments and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on March 27, 2023; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation **approval/denial/neutral** of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: Section 3:02 Definitions is amended by deleting the definitions of “brew pub” and “microbrewery” in their entirety and adding the following terms in the appropriate places alphabetically:

“BREW PUB. A person, including a restaurant or brewery, who manufactures no more than one hundred fifty-five thousand (155,000) gallons of beer per year only at a designated licensed premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed

premises, provided that a brew pub licensee shall not sell for off-premises consumption more than one hundred fifty-five (thousand) 155,000 gallons per year. (235 ILCS 5/1-3.33).”

“MICROBREWERY. A person, including a brewery, who is a holder of a brewer license or non-resident dealer license who manufactures up to 930,000 gallons of beer per year and who may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in in the Illinois Liquor Control Act. Also referred to as a “Class 1 brewer” per 235 ILCS 5/1-3.38.”

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of May, 2023.

Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Matt Kellogg

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**TEXT AMENDMENTS CHANGING THE DEFINITION OF TENT IN THE  
KENDALL COUNTY ZONING ORDINANCE**

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, desires to have the definition of “tent” contained in the Kendall County Zoning Ordinance match the definition of this term contained in the 2018 International Building Code; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Zoning Ordinance amending Section 3:02 of the Kendall County Zoning Ordinance by amending the definition of “tent” to match the definition of this term with the definition contained in the 2018 International Building Code; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 2, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on March 27, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendments and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on March 27, 2023; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation **approval/denial/neutral** of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: Section 3:02 Definitions is amended by deleting the definition of “tent” in its entirety and adding the following term in the appropriate places alphabetically:

“TENT. A structure, enclosure, umbrella structure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.”

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of May, 2023.



State of Illinois  
County of Kendall

Zoning Petition  
#23-09

Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Matt Kellogg

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**TEXT AMENDMENTS PERTAINING TO THE PERMITTING REQUIREMENTS FOR  
OCCUPIED RECREATIONAL TRAILERS AND MOBILE HOMES IN THE  
KENDALL COUNTY ZONING ORDINANCE**

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, Section 11:05.D.2 of the Kendall County Zoning Ordinance requires occupied recreational trailer and mobile homes to be in compliance with the Illinois Mobile Home Safety Act; and

WHEREAS, the Illinois Mobile Home Safety Act does not exist; and

WHEREAS, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, desires to correct this inaccurate reference; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Zoning Ordinance amending Section 11:05.D.2 of the Kendall County Zoning Ordinance by deleting the reference to the Illinois Mobile Home Safety Act and adjusting the remainder of the text of this Section to reflect this deletion; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 2, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on March 27, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendments and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on March 27, 2023; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation **approval/denial/neutral** of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The present language contained in Section 11:05.D.2 of the Kendall County Zoning Ordinance is hereby deleted in its entirety and is replaced with the following:

“Occupied recreational trailers and mobile homes subject to permit requirements must show evidence of compliance with federal HUD regulations or applicable State law.”

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of May, 2023.

Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Matt Kellogg

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**REPEALING ORDINANCE 1998-10 AND TEXT AMENDMENTS ESTABLISHING A  
PROCEDURE TO CLOSE INACTIVE ZONING RELATED PETITIONS IN THE  
KENDALL COUNTY ZONING ORDINANCE**

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, on June 16, 1998, the Kendall County Board adopted Ordinance 1998-10 which established procedures for closing inactive petitions; and

WHEREAS, Ordinance 1998-10 was not incorporated into the Kendall County Zoning Ordinance; and

WHEREAS, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, desires to incorporate similar language contained in Ordinance 1998-10 into the Kendall County Zoning Ordinance; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Zoning Ordinance repealing Ordinance 1998-10 and amending Section 13:01.A of the Kendall County Zoning Ordinance by establishing procedures for closing inactive petitions; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 2, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on March 27, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendments and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on March 27, 2023; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation **approval/denial/neutral** of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,  
that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Ordinance 1998-10 is hereby repealed in its entirety.

III. Amended Text: Section 13:01.A of the Kendall County Zoning Ordinance is hereby amended by adding the following language to the end of the Section:

“4. Procedure in case of petition inactivity. The Zoning Administrator may declare an application for text amendment, map amendment, special use permit, major or minor amendments to special use permits, administrative or traditional variance, conditional use permit, or site plan review closed if the party requesting the action has ceased communications with the Planning, Building and Zoning Department for a period of six (6) months and the following actions are taken:

- a. The Zoning Administrator shall send a certified letter to the applicant at the address stated on the original application stating that the petition will be closed for inactivity. The applicant will be informed that they have sixty (60) days from the date of the letter to re-activate the petition.
- b. If the Zoning Administrator does not receive a response in writing within sixty (60) days of the date the letter was mailed, the petition shall be dismissed by the Zoning Administrator.
- c. If the Zoning Administrator receives communication that the applicant would like to keep the petition active, the Zoning Administrator shall keep the petition open.
- d. If an applicant believes that the Zoning Administrator incorrectly closed an application for inactivity, the applicant shall submit an appeal to the Planning, Building and Zoning Committee outlining the reasons why the application should remain active. The Planning, Building and Zoning Committee shall conduct an initial review of the appeal at their next available Committee meeting. If the Planning, Building and Zoning Committee rules in favor of the applicant, the application shall be re-activated. If the Planning, Building and Zoning Committee rules against the applicant, the application shall be considered closed.”

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of May, 2023.

Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Matt Kellogg



## 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 Planning, Building and Zoning Committee  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: May 1, 2023  
Re: Solar and Wind Energy Regulations

In January 2023, the Illinois General Assembly approved and the Governor signed House Bill 4412 pertaining to commercial wind and solar energy systems. The new law requires that the County update its solar and wind regulations by May 27, 2023, in order to be able to have regulations governing commercial solar energy facilities and commercial wind energy facilities.

The proposed amendments are attached. For reference, items in red are proposed changes and changes in bolded black are items that need to be discussed due to potential conflicts with State law.

General proposed changes are as follows:

1. Various definitions related to solar and wind energy facilities are proposed to be amended, added, and deleted. Many terms are defined in State law and were referenced as such. The definitions of solar farm and solar gardens were removed. The definitions of solar energy system, private and wind energy system, small were adjusted to reflect State law. Onsite consumption would include energy generated within a subdivision, planned development, or business park and consumed within the development.
2. Small wind energy systems would become permitted accessory uses. They would be added to the list of uses in the R-3 in addition to their existing allowance in the A-1, R-1, R-2, RPD, Business, and Manufacturing Districts. Solar energy system, private would become permitted uses in all zoning districts.
3. Commercial solar energy facilities, test solar energy systems, commercial energy wind facilities and test wind towers would become special uses in the A-1, R-1, RPD Districts, and Manufacturing Districts.
4. Adding a statement that the regulations do not apply to commercial wind energy facilities within one point five (1.5) miles of a municipality, unless the County has an Intergovernmental Agreement with the municipality to provide zoning services to the municipality. Staff added a requirement that solar and wind energy facilities within one point five (1.5) miles of a municipality must either annex to the municipality or enter into a pre-annexation agreement with the municipality using the Chatham annexation rules.
5. Add a requirement that the County Board shall make its decision on the application not more than thirty (30) days after the conclusion of the public hearing.
6. As proposed, the new setbacks would follow State law.
7. As proposed changes in setbacks, certain height requirements for solar, and fencing requirements would be allowed if nonparticipating property owners consent to these requirements. As proposed, the changes would be allowed to occur if documentation was provided at the time of application submittal.

8. As proposed, sound regulations would follow State law.
9. As proposed, agricultural impact mitigation agreements have to be submitted with the application instead of prior to the hearing.
10. The County's landscaping requirements were adjusted to reflect the law.
11. Statements requiring compliance with EcoCat reports, Fish and Wildlife Service reports, and Illinois State Historic Preservation consultations were added to the Zoning Ordinance.
12. Statements regarding road use agreements were adjusted to reflect the law.
13. Language was added related to the enforcement of damaged drain systems.

The new law is also attached.

A map showing the one point five (1.5) mile planning boundaries was also attached.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposal was emailed to the townships on February 15, 2023. To date, no comments were received.

ZPAC met on the proposals on February 28, 2023. Discussion occurred regarding wind and solar projects on Forest Preserve property; uses within the confines of the Downstate Forest Preserve Act are exempt from zoning. Discussion occurred regarding requiring properties to be annexed to municipalities; municipalities could choose to enter into annexation agreements without annexing the property. If a property owner was not agreeable to an annexation or annexation agreement, litigation could arise. Discussion occurred regarding some counties choosing not to regulate these uses or to have the uses as permitted uses because the county may not want to have zoning hearings that cannot alter a project. Discussion occurred regarding the precedence of the State taking away a county's zoning authority. The State's Attorney's Office has not reviewed the proposal. ZPAC voted to issue a neutral recommendation by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are attached.

The Kendall County Regional Planning Commission reviewed this proposal on March 22, 2023. It was noted that the Illinois Farm Bureau was working on a proposal to restore some local control on these types of petitions. Greg Vander Kamp, Savion expressed concerns regarding the language related to vegetative screening and the requirement that properties either annex to municipalities or enter into annexation agreements. It was noted that the term "vegetative screening" was not defined and could be evaluated on a case-by-case basis. Discussion occurred regarding vegetative management plans. Discussion occurred regarding the timing of executing road use agreements; Mr. Vander Kamp felt such agreements should occur closer to construction. Dan Nagel asked about notification requirements to townships for proposals; townships have to be notified of special use applications per State law. Mr. Nagel also asked about bonding requirements; the language regarding agricultural impact mitigation agreements was referenced. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting are attached.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on March 27, 2023. Emma Tajchman, from Savion, expressed concerns about the vegetative screening requirement. It was again noted that screening would be handled on a case-by-case basis. She also expressed concerns regarding the annexation and pre-annexation requirement. It was noted that no township or municipality objected to that language. Dan Nagel asked how road districts would be notified of such projects. Townships were required to be notified of special use permit applications, per State law. Mr. Nagel also expressed concerns about such projects crossing drainage districts without permits; he requested that drainage districts be notified of such proposal.

The Kendall County Zoning Board of Appeals recommended approval of the proposal with an amendment requiring Petitioners for commercial wind and commercial solar projects to notify the drainage district, if the property is in a drainage district, of the proposal by certified, return receipt mail and that proof of the mailing be submitted at the time of application by a vote of six (6) in favor and zero (0) in opposition with one (1) member absent. The minutes of the hearing are attached.

The draft ordinance is attached.

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

MHA

Enc.: Redlined Proposal  
New State Law  
1.5 Mile Map  
February 28, 2023, ZPAC Minutes (This Petition Only)  
March 22, 2023, RPC Minutes (This Petition Only)  
March 27, 2023, ZBA Minutes (This Petition Only)  
Draft Ordinance



### Section 3:02 (Definitions)

**ACTIVE SOLAR ENERGY SYSTEM.** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS.** An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**COMMERCIAL SOLAR ENERGY FACILITY.** Shall have the same meaning as defined in 55 ILCS 5/5-12.

**COMMERCIAL WIND ENERGY FACILITY.** Shall have the same meaning as defined in 55 ILCS 5/5-12.

~~**GRID-INTERIE SOLAR ENERGY SYSTEM.** A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.~~

~~**GROUND MOUNT SOLAR ENERGY SYSTEM.** A solar energy system mounted on a rack or pole that rests on or is attached to the ground.~~

**FACILITY OWNER.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, a facility owner shall have the same meaning defined in 55 ILCS 5/5-12.

**NONPARTICIPATING PROPERTY.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, a nonparticipating property shall have the same meaning as defined in 55 ILCS 5/5-12.

**NONPARTICIPATING RESIDENCE.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, a nonparticipating residence shall have the same meaning as defined in 55 ILCS 5/5-12.

**OCCUPIED COMMUNITY BUILDING.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, an occupied community building shall have the same meaning as defined in 55 ILCS 5/5-12.

**OFF-GRID SOLAR ENERGY SYSTEM.** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

**PARTICIPATING PROPERTY.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, a participating property shall have the same meaning as defined in 55 ILCS 5/5-12.

**PARTICIPATING RESIDENCE.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, a participating residence shall have the same meaning as defined in 55 ILCS 5/5-12.

~~**PASSIVE SOLAR ENERGY SYSTEM.** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.~~

~~PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy directly into electricity.~~

**PROTECTED LANDS.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, protected lands shall have the same meaning as defined in 55 ILCS 5/5-12.

**ROOF MOUNT SOLAR ENERGY SYSTEM.** A solar energy system that is mounted on a rack that is fastened onto a building roof.

~~SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.~~

**SOLAR COLLECTOR.** An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

**SOLAR ENERGY.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

~~SOLAR ENERGY EASEMENT. An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.~~

**SOLAR ENERGY SYSTEM (SES).** All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

~~SOLAR ENERGY SYSTEM ADDITION. A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.~~

**SOLAR ENERGY SYSTEM, PRIVATE.** A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot, **planned development, commercial and industrial park, or subdivision** on which or **in which** said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

~~SOLAR FARM. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.~~

~~SOLAR GARDEN. A commercial solar electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses located off-site from the location of the solar energy system.~~

~~**SOLAR HEAT EXCHANGER.** A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.~~

**SOLAR HOT AIR SYSTEM.** An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

**SOLAR HOT WATER SYSTEM.** A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

~~**SOLAR MOUNTING DEVICES.** Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.~~

~~**SOLAR STORAGE UNIT.** A component of a solar energy device that is used to store solar generated electricity or heat for later use.~~

**SUPPORTING FACILITIES.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, supporting facilities shall have the same meaning as defined in 55 ILCS 5/5-12.

**WIND ENERGY SYSTEM, SMALL A** wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity ~~of not more than 100 kW~~ **that does not meet the kilowatt capacity in total nameplate generating capacity as defined by 55 ILCS 5/5-12** and which is intended to primarily reduce onsite consumption of utility power. If all applicable regulations are met a small wind energy system may contain more than one wind energy conversion system. **This system may power properties in planned developments, commercial and industrial parks, or subdivisions on which or in which said system is located.**

~~**WIND FARM, COMMERCIAL** A single wind driven machine or a collection of wind driven machines or turbines that convert wind energy into electrical power for the primary purpose of sale, resale or offsite use.~~

**WIND TOWER.** For the purposes of commercial solar energy facilities and commercial wind energy facilities, a wind tower shall have the same meaning as defined in 55 ILCS 5/5-12.

#### Section 4:05.A. (Accessory Uses)

12. Small wind energy system (Permitted as ~~Conditional~~ Accessory Use only in the A-1, R-1, R-2, **R-3**, and all Business and Manufacturing Districts – may also be approved as part of a Residential Planned Development) subject to the conditions of Section 4:17.

13. ~~Solar panels~~ **Solar Energy System, Private** subject to the conditions of Section 4:18.

#### Section 4:17

##### 4:17 SMALL WIND ENERGY SYSTEMS

A. Total Height: There is no limitation on tower height, except as imposed by setback, clear one and FAA regulations.

B. Setback: The wind energy system shall be set back a distance equal to one hundred ten (110) percent of the hub height from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.

C. Clear Zone: The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to one hundred and ten (110) percent of the hub height. This clear zone shall be maintained free of any occupied structures on adjoining properties, tanks containing combustible/ flammable liquids, and above ground utility/electrical lines.

D. Noise: Wind energy systems shall not exceed sixty (60) dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

E. Tower Security: Any climbing apparatus must be located at least twelve (12) feet above the ground, and the tower must be designed to prevent climbing within the first twelve (12) feet.

F. Lighting: Wind energy systems shall not be artificially lighted with accent lighting. For the protection of the flight patterns of aircraft and the protection of heliports, airports and landing strips, wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.

G. Signs/Advertising: No tower should have any sign, writing, or picture that may be construed as advertising.

H. Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction/~~Use~~ Permit will be issued. ~~When an applicant intends to submit a Construction/Use Permit Application to the PBZ Department, he/she must also submit a copy of the completed conditional use application form to each adjacent neighbor at least 15 days prior to the issuance of a conditional use permit. If there are negative comments from neighbors, staff will attempt to resolve these negative neighbor comments with the applicant. If staff is unsuccessful in resolving concerns of the neighbors with the applicant, staff will schedule and provide notice of a public hearing before the Kendall County Planning Commission to review and make a determination on the pending application and unresolved issues. At this public hearing the Kendall County Planning Commission will take testimony from staff, the neighbors and the applicant, and then will make a determination, based on the evidence presented, to approve, conditionally approve or deny the application. Any decision by staff or the Planning Commission may be appealed to the County Board.~~

I. Multiple wind energy systems: Multiple wind energy systems are allowed on a single parcel as long as the owner/operator complies with all noncommercial wind farm regulations contained in these regulations. Units shall be installed in compliance with minimum setback and clear zone requirements, as defined by these regulations. The minimum distance between wind energy systems shall be equivalent to one hundred ten (110) percent of the hub height.

J. Approved Wind Turbines: At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.

K. Onsite Electrical Use: On the Construction/Use Permit Application, the applicant must certify that the proposed system will be used primarily to reduce onsite consumption of electricity.

L. Compliance with the National Electrical Code: Construction/Use Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

M. Removal of Defective or Abandoned Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. If any wind energy system is not operated for a continuous period of twelve (12) months, the county will notify the landowner by registered mail and provide forty-five (45) days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receipt of notice from the county.

#### Section 4:18

##### **Solar Panels-Solar Energy System, Private**

A. Roof Mounted for On-Site Energy Consumption. Solar panels located on the roof of an existing structure shall be permitted in all districts. Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof mounted or building integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of the Kendall County Zoning Ordinance. Roof mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of roof mounted solar panels for on-site energy consumption shall comply with all applicable federal, state, and local laws and the rules of the local electrical utility.

B. Freestanding for On-Site Energy Consumption. Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures in all zoning districts provided that the system is no larger than necessary to provide one hundred twenty percent (120%) of the electrical and/or thermal requirements of the structure, **planned development, commercial and industrial park, or subdivision** to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems. **Freestanding solar energy systems, private may be the first structure constructed on lots zoned residential, business, or manufacturing.** Freestanding solar panels shall be permitted if they comply with the standards listed in the Kendall County Zoning Ordinance. Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located. Freestanding solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of freestanding solar panels for on-site energy consumption shall comply with all applicable federal, state, and local laws and the rules of the local electrical utility.

~~C. Solar Gardens. Solar gardens shall be allowed in all zoning districts and shall require a special use permit whether accessory or principal use of the property subject to the following requirements:~~

- ~~1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.~~
- ~~2. Rooftop community systems are permitted in all zoning districts where buildings are permitted.~~
- ~~3. Ground-mount community solar energy gardens must be less than or equal to twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.~~
- ~~4. Solar gardens are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.~~
- ~~5. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.~~
- ~~6. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.~~

~~D. Solar Farms. Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market are permitted under the following standards:~~

- ~~1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all required standards for structures in the district in which the system is located.~~
- ~~2. Solar farms are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.~~
- ~~3. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run-off and build soil. A plan must be approved by the Kendall County Soil and Water Conservation District and paid for by the developer. Applicable noxious weed ordinances shall be followed. Due to potential County liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)), it is required that any crops or vegetation planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually and paid for by the developer.~~
- ~~4. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.~~
- ~~5. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes and the National Electric Code, as amended.~~

~~6. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Kendall County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible, at the discretion of the Kendall County Planning, Building and Zoning Department. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.~~

~~7. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Kendall County. The site plan should also show all zoning districts and overlay districts.~~

**E. C.** Setback Requirements. Unless otherwise stated in the Kendall County Zoning Ordinance, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions. No solar energy system shall be located in any front yard of any residentially zoned or used property.

**F. D.** Design Standards. Active solar energy systems shall be designed to conform to the County's Land Resource Management Plan and to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

1. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.

3. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

4. Damaged field drain tile shall be repaired or rerouted on a timetable approved by the Kendall County Planning, Building and Zoning Department.

**G. E.** Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for firefighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious

surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

**H. F. Plan Approval Required.** All solar energy systems shall require administrative plan approval by the Kendall County Building Official via the review of the application for a building permit.

1. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.
2. For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
3. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
4. Applications that meet the design requirements of the Kendall County Zoning Ordinance and do not require an administrative variance shall be granted administrative approval by the Zoning Administrator and not require Planning, Building and Zoning Committee review. Plan approval does not indicate compliance with Building or Electrical Codes.

**H. G. Approved Solar Components.** Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an SRCC rating.

**H. H. Compliance with Building Code.** All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County adopted building codes will apply and take precedence where applicable.

**H. I. Utility Notification.** All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

**H. J. Building Permit Requirements and Fees.** All solar energy systems will be required to have a Kendall County Building Permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be established by the County Board. Any solar energy system that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes.

#### **~~M. Liability Insurance and Indemnification.~~**

**~~1. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least Three Million Dollars (\$3 Million) per occurrence and Five Million Dollars (\$5 Million) in the aggregate. Such insurance may be provided~~**



~~pursuant to a plan of selfinsurance, by a party with a net worth of Twenty Million Dollars (\$20 Million) or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.~~

~~2. Any SES(s), applicant, owner, or operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of applicant, owner, or operators selection, construction, operation, and removal of the SES(s) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the County's other indemnification rights available under the law.~~

#### ~~N.~~ K. Decommissioning Plan.

1. Upon the request of the Kendall County Planning, Building and Zoning Department, an owner of a solar energy system must provide documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have 180 days, after notification from the Kendall County Planning, Building and Zoning Department, to remove the solar energy system from the property.

~~2. A decommissioning plan shall be required at the time of applying for all solar farms and solar gardens to ensure that the facilities are properly removed after their useful life.~~

~~3.~~ 2. Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.

~~4. The owner or operator will have six (6) months to complete the decommissioning plan after operation of a solar farm or solar garden ceases.~~

~~5. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.~~

~~6. The Kendall County Board shall require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.~~

~~7. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.~~

#### ~~O.~~ L. Other Requirements.

~~1. Upon request from the Kendall County Planning, Building and Zoning Department, the owner or operator of a solar farm or a solar garden must submit, within fourteen (14) calendar days, a current operation and maintenance report to the Department.~~

~~2. In all undeveloped areas, the solar energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the Kendall County Planning, Building and Zoning Department before a permit or special use permit will be issued.~~

~~3.~~ 1. No fencing is required; however, if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.

~~4. Any lighting for solar farms or solar gardens shall be installed for security and safety purposes only. Except for lighting that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.~~

~~5.~~ 2. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

~~6.~~ 3. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

~~7.~~ 4. Solar energy systems must be in compliance with all State of Illinois Plumbing and Energy Codes.

~~8.~~ 5. For solar energy systems located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

**N. Applicability. The regulations in this Section apply only to solar energy system, private and do not apply to commercial solar energy facilities.**

#### Section 7:01.D (A-1 Special Uses)

**Add Commercial Solar Energy Facility and Test Solar Energy Systems to the appropriate place alphabetically in the list of special uses subject to the following:**

- a. All commercial solar energy facilities and test solar energy systems located within one point five (1.5) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality's regulations to flow through the property.
- b. The setbacks for commercial solar energy facilities shall be measured from the nearest edge of any component of the facility as follows:

Occupied Community Buildings Dwellings on Nonparticipating Properties	One hundred fifty feet (150') from the nearest point on the outside wall of the structure
Boundary Lines of Participating Properties	None
Boundary Lines of Nonparticipating Properties	Fifty feet (50') to the nearest point on the property line of the nonparticipating property
Public Road Rights-Of-Way	Fifty feet (50') from the nearest edge

The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

- c. A commercial solar energy facility's perimeter shall be enclosed by fencing having a height of at least six feet (6') and no more than twenty-five feet (25').
- d. No component of a solar panel as part of a commercial solar energy facility shall have a height of more than twenty feet (20') above ground when the solar energy facility's arrays are at full tilt.
- e. The above setback, fencing, and component height requirements may be waived subject to written consent of the owner of each affected nonparticipating property. **This written consent shall be submitted at the time of application submittal.**
- f. Sound limitations for components in commercial solar energy facilities shall follow the sound limitations established by the Illinois Pollution Control Board.
- g. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial solar energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. **A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.**
- h. A vegetative screening shall be placed around the commercial solar energy facility.
- i. Commercial solar energy facility applicants shall provide the results and recommendations from consultations with the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial solar energy facility applicant shall adhere to the recommendations provided through this consultation.
- j. Commercial solar energy facility applicants shall provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor toll that is consistent with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines and any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

- k. A facility owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.
- l. A facility owner shall provide evidence at the time of application submittal of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.
- m. A commercial solar energy facility owner shall plant, establish, and maintain for the life of the facility vegetative ground cover consistent with State law and the guidelines of the Illinois Department of Natural Resources' vegetative management plans. The vegetation management plan shall be required at the time of application submittal.
- n. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the Kendall County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.
- o. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial solar energy system within a reasonable time after construction of the commercial solar energy facility is complete. The specific time shall be set in the special use permit.

Add Commercial Wind Energy Facility and Test Wind Towers to the appropriate place alphabetically in the list of special uses subject to the following:

- a. The following conditions apply to all commercial wind energy facilities located outside the one point five (1.5) mile zoning jurisdiction of municipalities and within the one point five (1.5) mile zoning jurisdictions of municipalities under intergovernmental agreements with the County for zoning services. All commercial wind energy facilities located within one point five (1.5) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality's regulations to flow through the property, unless not required to do so by applicable law.
- b. The setbacks for wind towers as measured from the center of the base of the wind tower shall be as follows:

Occupied Community Buildings  
Nonparticipating Residences

Two point one (2.1) times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure

Participating Residences	One point one (1.1) times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Boundary Lines of Participating Properties	None
Boundary Lines of Nonparticipating Properties	One point one (1.1) times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property
Public Road Rights-Of-Way	One point one (1.1) times the maximum blade tip height of the wind tower to the center point of the public road right-of-way
Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Homes or Outbuildings)	One point one (1.1) times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement, or right-of-way containing the overhead line
Overhead Utility Service Lines to Individual Houses or Outbuildings	None
Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands	Two point one (2.1) times the maximum blade tip height of the wind tower to the nearest point on the property line of the fish and wildlife or protected land

The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

A wind tower of a commercial wind energy facility shall be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than thirty (30) hours per year of shadow flicker under planned operating conditions.

The above setback may be waived subject to written consent of the owner of each affected nonparticipating property. This written consent shall be submitted at the time of application submittal.

- c. Sound limitations for wind towers in commercial wind energy facilities shall follow the sound limitations established by the Illinois Pollution Control Board.
- d. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial wind energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning

payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.

- e. A vegetative screening shall be placed around the commercial wind energy facility.
- f. The commercial wind energy facility shall follow applicable federal regulations pertaining to blade tip height maximums.
- g. Commercial wind energy systems applicants shall provide the results and recommendations from consultations with the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial wind energy system applicant shall adhere to the recommendations provided through this consultation.
- h. Commercial wind energy systems applicants shall provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor toll that is consistent with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines and any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.
- i. A facility owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.
- j. A facility owner shall provide evidence at the time of application submittal of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.
- k. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the Kendall County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.
- l. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy system within a reasonable time after construction of the commercial wind energy facility is complete. The specific time shall be set in the special use permit.

~~52. Solar Gardens subject to the provisions of Section 4:18.D.~~

~~53. Solar Farms subject to the provisions of Section 4:18.C.~~

~~57. Wind Farms, Commercial, subject to the following:~~

~~a. Location Guidelines—The following guidelines shall be considered in evaluating the appropriateness of proposed locations for Wind Farms and the proposed project components. The purpose of these guidelines is to assist decision makers in uniformly analyzing the site-specific impacts of each proposed project and thereby arrive at consistent and balanced decisions.~~

~~i. Natural and Biological Resources—Wind Farms should not be located in areas that have a large potential for biological conflicts. Wind Farms should not be located in large impact areas such as wilderness study areas, areas of critical environmental concern, county and state parks, historic trails, and special management areas. Wind Farms should not significantly impact important wildlife habitat.~~

~~ii. Visual Impacts—Wind Farms should avoid those visual corridors that are designated by the County as essential view sheds or scenic areas. Essential view sheds or scenic areas are those areas designated in the County's LRMP or in other locations determined by the County Board after analyzing the applicant's wind farm visual simulations and considering public hearing comments. A Wind Farm project should maintain visual unity among clusters of turbines. To promote visual uniformity, the rotors, nacelles and towers of all turbines in an array should appear similar. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less, should be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, render the project economically infeasible or be hidden from public view. To avoid cluttering the skyline, transformers and other electric equipment should be hidden from view or otherwise constructed in harmony with the surrounding landscape.~~

~~iii. Soil Erosion & Water Quality—Wind Farms should avoid erosion. Disturbance and construction on erodible slopes should be minimized. The number of improved roads and construction staging areas should be kept to a minimum. The grading width of roads should be minimized. One-lane roadways with turnouts are recommended. The number and size of staging areas and crane pad sites should be minimized.~~

~~iv. Historical, Cultural & Archeological Resources—Wind Farms should avoid sites with known sensitive historical, cultural or archeological resources.~~

~~v. Public Safety—Wind Farms shall be developed in a manner that utilizes sound engineering practices and considers public safety regarding the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created.~~

~~b. Performance Standards—The following standards are to be achieved by each Wind Farm project without exception. Because they are standards, they are requirements of any Wind Farm project. The final decision on whether or not a particular standard is achieved by a Wind Farm project shall be made by the County Board after considering the recommendations of all advisory bodies.~~

~~i. Noise Management—The noise level caused by the operation of the project, measured at five (5) feet above ground level at the property line coincident with or outside the project boundary, shall not exceed 65 decibels (A-weighted) and shall not exceed 50 decibels (A-weighted) if it is determined that a pure tone noise is generated by the project. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.~~

~~ii. Wind Farm Design: Wind Farms that are not designed in “accordance with proven good engineering practices” or not purchased from a national manufacturer with a proven track record shall be prohibited. Wind Farms designed with the following characteristics shall be deemed in “accordance with proven good engineering practices”:~~

~~1. at least 3 blades.~~

~~2. upwind rotor.~~

~~3. no furling, where “furling” means that the wind turbine is designed to limit its power output in high winds by changing the rotor’s plane of rotation to a plane that is not perpendicular to the prevailing wind direction.~~

~~4. tapered and twisted blades.~~

~~5. a well designed braking system.~~

~~iii. Visual Impacts—To provide visual order to a Wind Farm project, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter-clockwise) in relation to the wind. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground. Except during construction, reconstruction or removal, outdoor storage is not permitted within the project boundary except at locations that are screened from view. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers. Aircraft obstruction markings of the turbines by use of alternating red and white bands shall be prohibited. No Billboards, logos and advertising signs of any kind shall be located on the turbines.~~

~~iv. Soil Erosion & Water Quality—Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the Building Permit so as to minimize soil erosion and damage to existing vegetation. If vegetation is damaged during construction, in areas not occupied by the Wind Farms and related facilities and roads, it shall be restored after construction is complete. Disturbed areas shall be reseeded to the landowner’s or manager’s requirements. Dust control on the project site is required.~~

~~v. Setback—Individual wind turbines shall be set back from all property lines coincident with or outside of the project boundary a distance equal to 1.1 times the turbine hub height. Individual wind turbines shall be set back from all public roads a distance equal to at least 1.1 times the turbine hub height.~~

~~vi. Lighting—Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County Regional Plan Commission. If lighting of turbines, or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each turbine located on the same or contiguous~~



~~zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color. (Amended 2/16/2010)~~

~~c. Roads—All routes on either County or Township roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress need to be shown. The routing shall be subject to the approval of the Kendall County Highway Engineer in coordination with the Township Road Commissioner(s). The developer shall provide and complete a pre-construction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The developer shall provide a road repair plan to improve any and all damage, installation or replacement of roads that might be required by the developer. The developer shall provide a letter of credit or a surety bond in amount and form approved by the highway official(s).~~

~~d. Fees—All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the ZBA, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.~~

~~e. Removal of Defective Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within sixty (60) days. If any wind energy system is not operated for a continuous period of 12 months, the county will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the operator and such operator shall remove the turbine within 120 days of receipt of notice from the county.~~

~~f. Decommissioning Plan: A Commercial Wind Farm shall submit a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Facility abandonment shall include the ceasing of operations for a period of not less than one (1) year. Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of the project life or facility abandonment. At the time of~~

~~decommissioning, an Alta Survey shall be submitted to the County. The decommissioning plan shall state how the facility will be decommissioned, a professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County which states:~~

~~i. The financial resources for decommissioning which shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the County.~~

~~ii. If the Applicant chooses an escrow agreement:~~

~~i. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed; and~~

~~ii. The County shall have access to the escrow account funds for the express purpose of completing decommissioning if decommissioning is not completed by the applicant within sixty (60) days of the end of the project life or facility abandonment.~~

~~iii. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.~~

~~iv. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of excess, and to take all steps allowed to enforce said lien.~~

~~Financial provisions shall not be so onerous as to make Commercial Wind Farm projects unfeasible.~~

Renumber the list of special uses in the A-1 accordingly.

Section 7:01.E (Conditional Uses in A-1)

~~11. Small Wind Energy Systems subject to the conditions of Section 4:17~~

The list of conditional uses would be renumbered.

Section 8:02.C (Special Uses in the R-1, R-2, and R-3)

~~18. Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance.~~

Add Commercial Solar Energy Facilities and Test Solar Energy Systems Subject to the Conditions Contained in Section 7:01.D and Commercial Wind Energy Facilities and Test Wind Towers Subject to the Conditions in Section 7:01.D to the List of Special Uses in the Appropriate Places Alphabetically.

The list of special uses would be renumbered.

Section 8:02.B (Conditional Uses in R-1)

~~4. Small Wind Energy Systems subject to the conditions of Section 4:17~~

Section 8:03.G.2.d (Conditional Uses in the RPD-1, RPD-2, and RPD-3)

~~(vi) Small Wind Energy Systems subject to the conditions of Section 4:17~~

Section 8:03.H.1 (Special Uses in the RPD-1, RPD-2, and RPD-3)

~~o. Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance.~~

**Add Commercial Solar Energy Facilities and Test Solar Energy Systems Subject to the Conditions Contained in Section 7:01.D and Commercial Wind Energy Facilities and Test Wind Towers Subject to the Conditions in Section 7:01.D to the List of Special Uses in the Appropriate Places Alphabetically.**

**The list of special uses would be renumbered.**

Section 8:06.B (Special Uses in the R-2)

1. Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8:02.C, **except Commercial Solar Energy Facilities, Test Solar Energy Facilities, Commercial Wind Energy Facilities, and Test Wind Towers**, and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty acres.

Section 8:06.C (Conditional Uses in the R-2)

~~4. Small Wind Energy Systems~~

Section 8:07.B (Special Uses in the R-3)

1. Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8:02.C, except a bed and breakfast, **Commercial Solar Energy Facilities, Test Solar Energy Facilities, Commercial Wind Energy Facilities, and Test Wind Towers**, and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty acres.

Section 8:08.B (Special Uses in R-4, R-5, R-6, and R-7)

~~9. Solar Gardens—See Section 4:00~~

**The list of special uses would be renumbered to reflect this deletion.**

Section 9:01.C (Special Uses in B-1)

~~13. Solar Gardens~~

**The list of special uses would be renumbered to reflect this deletion.**

Section 9:01.D (Conditional Uses in B-1)

~~4. Small Wind Energy Systems (Amended 9/15/20).~~

Section 9:02.C (Special Uses in B-2)

~~24. Solar Gardens~~

**The list of special uses would be renumbered to reflect this deletion.**

Section 9:02.D (Conditional Uses in B-2 and B-3)

~~9. Small Wind Energy Systems (Amended 9/15/20)~~

Section 9:03.C (Special Uses in B-3)

~~29. Solar Gardens~~

The list of special uses would be renumbered to reflect this deletion.

Section 9:04.C (Special Uses in B-4)

~~18. Solar Gardens~~

The list of special uses would be renumbered to reflect this deletion.

Section 9:04.D (Conditional Uses in B-4)

~~Small Wind Energy Systems only if specially authorized by the Zoning Administrator (Amended 9/15/20)~~

Reserved

Section 9:05.E (Special Uses in B-5)

~~7. Solar Gardens shall be a special use in the B-5 Business Planned Development District.~~

Section 9:06.C (Special Uses in B-6)

~~17. Solar Gardens~~

The list of special uses would be renumbered to reflect this deletion.

Section 9:06.D (Conditional Uses in B-6)

~~Small Wind Energy Systems only if specially authorized by the Zoning Administrator (Amended 9/15/20)~~

Reserved

Section 10:01.C. (Special Uses in M-1 and M-2)

~~30. Wind Farms, Commercial, subject to the conditions in Section 7:01.D (Amended 9/15/20).~~

Add Commercial Solar Energy Facilities and Test Solar Energy Systems Subject to the Conditions Contained in Section 7:01.D and Commercial Wind Energy Facilities and Test Wind Towers Subject to the Conditions in Section 7:01.D to the List of Special Uses in the Appropriate Places Alphabetically.

The list of special uses would be renumbered.

Section 10:01.D (Conditional Uses in M-1)

~~Small Wind Energy Systems only if specially authorized by the Zoning Administrator (Amended 9/15/20)~~

Reserved

Section 10:02.D (Conditional Uses in M-2)

~~Small Wind Energy Systems only if specially authorized by the Zoning Administrator (Amended 9/15/20)~~

Reserved

Section 10:03.C (Special Uses in M-3)

~~5. Solar Gardens~~

~~Add Commercial Solar Energy Facilities and Test Solar Energy Systems Subject to the Conditions Contained in Section 7:01.D and Commercial Wind Energy Facilities and Test Wind Towers Subject to the Conditions in Section 7:01.D to the List of Special Uses in the Appropriate Places Alphabetically.~~

~~The list of special uses would be renumbered.~~

Section 10:03.D (Conditional Uses in M-1)

~~Small Wind Energy Systems only if specially authorized by the Zoning Administrator (Amended 9/15/20)~~

Reserved

Section 13:08.E. (Decisions on Special Use Permits)

- ~~4. In cases involving special use permit applications or applications for major amendments to existing special use permits for commercial solar energy facilities and commercial wind energy facilities, the County Board shall make its decision not more than thirty (30) days after the conclusion of the public hearing.~~

Appendix 9 (Table of Uses)

~~Add Commercial Solar Energy Facility and Test Solar Energy Systems as a special use to A-1, R-1, RPD-1, RPD-2, RPD-3, M-1, M-2, and M-3~~

~~Add Commercial Wind Energy Facility and Test Wind Towers as a special use to A-1, R-1, RPD-1, RPD-2, RPD-3, M-1, M-2, and M-3~~

~~Add Solar Energy System, Private as permitted uses in all zoning districts.~~

~~Change Small Wind Energy Systems to permitted uses in the A-1, R-1, RPD-1, RPD-2, RPD-3, R-2, B-1, B-2, B-3, B-4, B-5, B-6, M-1, M-2, M-3.~~

~~Add Small Wind Energy Systems as a Permitted Use in the R-3.~~

~~Delete Solar Farms, Solar Gardens, and Wind Farms, Commercial.~~

General

~~Citation Corrections caused by the amendments.~~

(55 ILCS 5/5-12020)

Sec. 5-12020. Commercial wind energy facilities and commercial solar energy facilities.

(a) As used in this Section:

"Commercial solar energy facility" means a "commercial solar energy system" as defined in Section 10-720 of the Property Tax Code. "Commercial solar energy facility" does not mean a utility-scale solar energy facility being constructed at a site that was eligible to participate in a procurement event conducted by the Illinois Power Agency pursuant to subsection (c-5) of Section 1-75 of the Illinois Power Agency Act.

"Commercial wind energy facility" means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. "Commercial wind energy facility" includes a wind energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before the effective date of this amendatory Act of the 102nd General Assembly.

"Facility owner" means (i) a person with a direct ownership interest in a commercial wind energy facility or a commercial solar energy facility, or both, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

"Nonparticipating property" means real property that is not a participating property.

"Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.

"Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

"Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities.

"Participating residence" means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial

solar energy facility is filed with the county.

"Protected lands" means real property that is:

(1) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or

(2) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

"Supporting facilities" means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the commercial wind energy facility or commercial solar energy facility.

"Wind tower" includes the wind turbine tower, nacelle, and blades.

(b) Notwithstanding any other provision of law or whether the county has formed a zoning commission and adopted formal zoning under Section 5-12007, a county may establish standards for commercial wind energy facilities, commercial solar energy facilities, or both. The standards may include all of the requirements specified in this Section but may not include requirements for commercial wind energy facilities or commercial solar energy facilities that are more restrictive than specified in this Section. A county may also regulate the siting of commercial wind energy facilities with standards that are not more restrictive than the requirements specified in this Section in unincorporated areas of the county that are outside the zoning jurisdiction of a municipality and that are outside the 1.5-mile radius surrounding the zoning jurisdiction of a municipality.

(c) If a county has elected to establish standards under subsection (b), before the county grants siting approval or a special use permit for a commercial wind energy facility or a commercial solar energy facility, or modification of an approved siting or special use permit, the county board of the county in which the facility is to be sited or the zoning board of appeals for the county shall hold at least one public hearing. The public hearing shall be conducted in accordance with the Open Meetings Act and shall be held not more than 45 days after the filing of the application for the facility. The county shall allow interested parties to a special use permit an opportunity to present evidence and to cross-examine witnesses at the hearing, but the county may impose reasonable restrictions on the public hearing, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses. The county shall also allow public comment at the public hearing in accordance with the Open Meetings Act. The county shall make its siting and permitting decisions not more than 30 days after the conclusion of the public hearing. Notice of the hearing shall be published in a newspaper of general circulation in the county. A facility owner must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to the date of the required public hearing. A commercial wind energy facility owner seeking an extension of a permit granted by a county prior to July 24, 2015 (the effective date of Public Act 99-132) must enter into an agricultural impact mitigation

agreement with the Department of Agriculture prior to a decision by the county to grant the permit extension. Counties may allow test wind towers or test solar energy systems to be sited without formal approval by the county board.

(d) A county with an existing zoning ordinance in conflict with this Section shall amend that zoning ordinance to be in compliance with this Section within 120 days after the effective date of this amendatory Act of the 102nd General Assembly.

(e) A county may require:

(1) a wind tower of a commercial wind energy facility to be sited as follows, with setback distances measured from the center of the base of the wind tower:

Setback Description	Setback Distance
Occupied Community Buildings	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Participating Residences	1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Nonparticipating Residences	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None
Boundary Lines of Nonparticipating Property	1.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property
Public Road Rights-of-Way	1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way
Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Houses or Outbuildings)	1.1 times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement, or right of way containing the overhead line
Overhead Utility Service	None



Lines to Individual  
Houses or Outbuildings

Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands 2.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the fish and wildlife area or protected land

This Section does not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, The National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

(2) a wind tower of a commercial wind energy facility to be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions;

(3) a commercial solar energy facility to be sited as follows, with setback distances measured from the nearest edge of any component of the facility:

Setback Description	Setback Distance
Occupied Community Buildings and Dwellings on Nonparticipating Properties	150 feet from the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None
Public Road Rights-of-Way	50 feet from the nearest edge
Boundary Lines of Nonparticipating Property	50 feet to the nearest point on the property line of the nonparticipating property

(4) a commercial solar energy facility to be sited so that the facility's perimeter is enclosed by fencing having a height of at least 6 feet and no more than 25 feet; and

(5) a commercial solar energy facility to be sited so that no component of a solar panel has a height of more than 20 feet above ground when the solar energy facility's arrays are at full tilt.

The requirements set forth in this subsection (e) may be waived subject to the written consent of the owner of each affected nonparticipating property.

(f) A county may not set a sound limitation for wind towers in commercial wind energy facilities or any components in commercial solar energy facility that is more restrictive than the sound limitations established by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

(g) A county may not place any restriction on the installation or use of a commercial wind energy facility or a commercial solar energy facility unless it adopts an ordinance that complies with this Section. A county may not establish siting standards for supporting facilities that preclude development of commercial wind energy facilities or commercial solar energy facilities.

A request for siting approval or a special use permit for a commercial wind energy facility or a commercial solar energy facility, or modification of an approved siting or special use permit, shall be approved if the request is in compliance with the standards and conditions imposed in this Act, the zoning ordinance adopted consistent with this Code, and the conditions imposed under State and federal statutes and regulations.

(h) A county may not adopt zoning regulations that disallow, permanently or temporarily, commercial wind energy facilities or commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses.

(i) A county may not require permit application fees for a commercial wind energy facility or commercial solar energy facility that are unreasonable. All application fees imposed by the county shall be consistent with fees for projects in the county with similar capital value and cost.

(j) Except as otherwise provided in this Section, a county shall not require standards for construction, decommissioning, or deconstruction of a commercial wind energy facility or commercial solar energy facility or related financial assurances that are more restrictive than those included in the Department of Agriculture's standard wind farm agricultural impact mitigation agreement, template 81818, or standard solar agricultural impact mitigation agreement, version 8.19.19, as applicable and in effect on December 31, 2022. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by those agricultural impact mitigation agreements, minus the salvage value of the project.

(k) A county may not condition approval of a commercial wind energy facility or commercial solar energy facility on a property value guarantee and may not require a facility owner to pay into a neighboring property devaluation escrow account.

(l) A county may require certain vegetative screening surrounding a commercial wind energy facility or commercial solar energy facility but may not require earthen berms or similar structures.

(m) A county may set blade tip height limitations for wind towers in commercial wind energy facilities but may not set a blade tip height limitation that is more restrictive than the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR

Part 77.

(n) A county may require that a commercial wind energy facility owner or commercial solar energy facility owner provide:

(1) the results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and

(2) the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines" and (ii) any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

(o) A county may require a commercial wind energy facility or commercial solar energy facility to adhere to the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

(p) A county may require a facility owner to:

(1) demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or

(2) consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.

(q) A county may require that a facility owner provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

(r) To maximize community benefits, including, but not limited to, reduced stormwater runoff, flooding, and erosion at the ground mounted solar energy system, improved soil health, and increased foraging habitat for game birds, songbirds, and pollinators, a county may (1) require a commercial solar energy facility owner to plant, establish, and maintain for the life of the facility vegetative ground cover, consistent with the goals of the Pollinator-Friendly Solar Site Act and (2) require the submittal of a vegetation management plan in the application to construct and operate a commercial solar energy facility in the county.

No later than 90 days after the effective date of this amendatory Act of the 102nd General Assembly, the Illinois Department of Natural Resources shall develop guidelines for vegetation management plans that may be required under this subsection for commercial solar energy facilities. The guidelines must include guidance for short-term and long-term property management practices that provide and maintain native and non-invasive naturalized perennial vegetation to protect the health and well-being of pollinators.

(s) If a facility owner enters into a road use agreement with the Illinois Department of Transportation, a road district, or other unit of local government relating to a

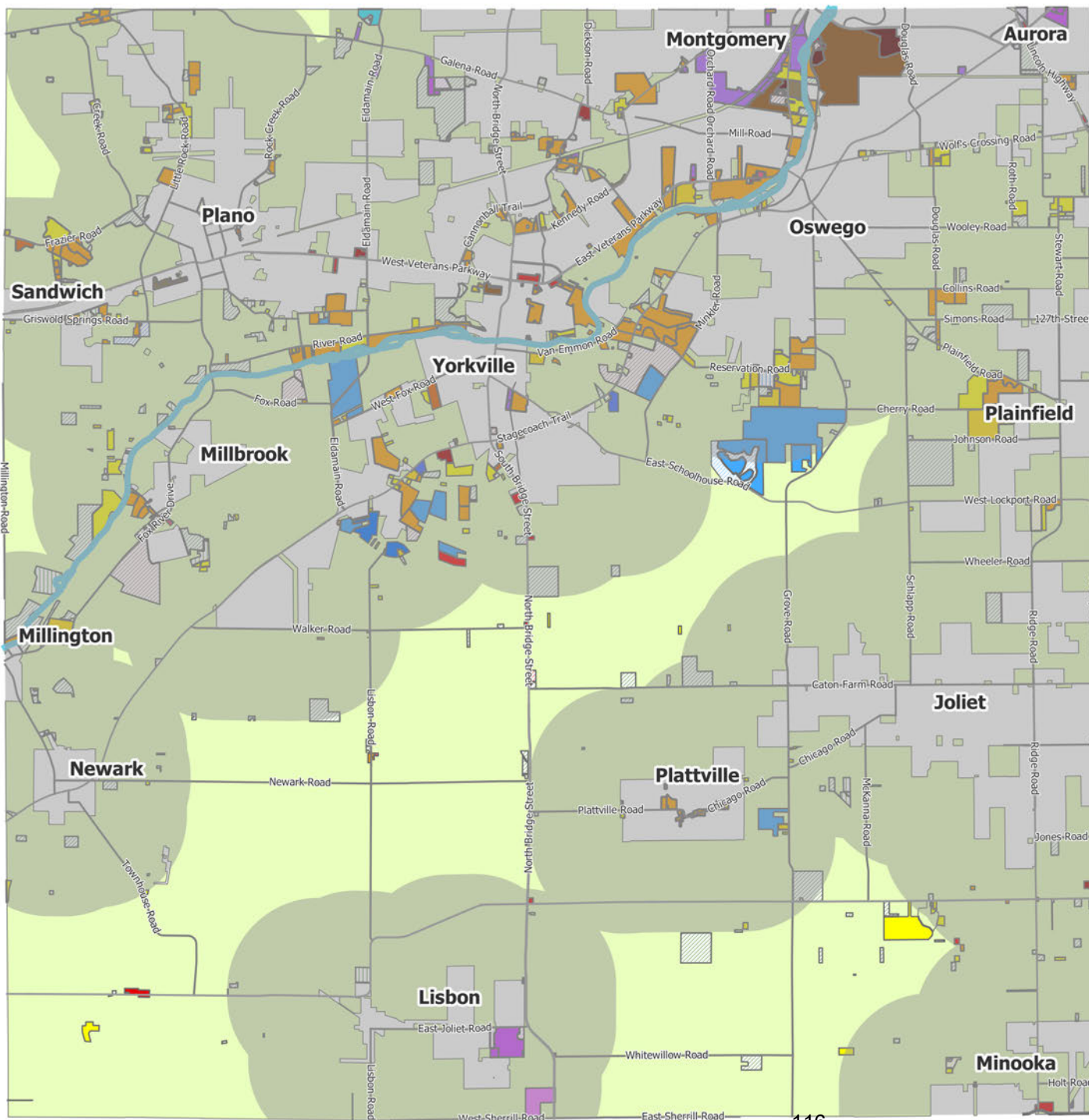
commercial wind energy facility or a commercial solar energy facility, the road use agreement shall require the facility owner to be responsible for (i) the reasonable cost of improving roads used by the facility owner to construct the commercial wind energy facility or the commercial solar energy facility and (ii) the reasonable cost of repairing roads used by the facility owner during construction of the commercial wind energy facility or the commercial solar energy facility so that those roads are in a condition that is safe for the driving public after the completion of the facility's construction. Roadways improved in preparation for and during the construction of the commercial wind energy facility or commercial solar energy facility shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

The road use agreement shall not require the facility owner to pay costs, fees, or charges for road work that is not specifically and uniquely attributable to the construction of the commercial wind energy facility or the commercial solar energy facility. Road-related fees, permit fees, or other charges imposed by the Illinois Department of Transportation, a road district, or other unit of local government under a road use agreement with the facility owner shall be reasonably related to the cost of administration of the road use agreement.

(t) Notwithstanding any other provision of law, a facility owner with siting approval from a county to construct a commercial wind energy facility or a commercial solar energy facility is authorized to cross or impact a drainage system, including, but not limited to, drainage tiles, open drainage districts, culverts, and water gathering vaults, owned or under the control of a drainage district under the Illinois Drainage Code without obtaining prior agreement or approval from the drainage district, except that the facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy facility or the commercial solar energy facility within a reasonable time after construction of the commercial wind energy facility or the commercial solar energy facility is complete.

(u) The amendments to this Section adopted in this amendatory Act of the 102nd General Assembly do not apply to (1) an application for siting approval or for a special use permit for a commercial wind energy facility or commercial solar energy facility if the application was submitted to a unit of local government before the effective date of this amendatory Act of the 102nd General Assembly or (2) a commercial wind energy facility or a commercial solar energy facility if the facility owner has submitted an agricultural impact mitigation agreement to the Department of Agriculture before the effective date of this amendatory Act of the 102nd General Assembly.

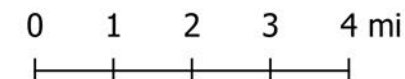
(Source: P.A. 101-4, eff. 4-19-19; 102-1123, eff. 1-27-23.)



## 1.5 Mile Municipality Radius

### Zoning

	A1		R2
	A1-BP		R2-PUD
	A1-SU		R2-R3
	A1-SU-PUD		R2-SU-PUD
	B1		R3
	B1-SU		R3-PUD
	B2		R3-SU
	B2-SU		R3-SU-PUD
	B3		R4
	B3-SU		R5
	B4		R6
	M1		R7
	M1-SU		R7-SU
	M2		RPD-1
	M2-SU		RPD-1-SU
	M3		RPD-2
	M3-SU		RPD-2-SU
	R1		RPD-3
	R1-PUD		COURT ORDERED MINING
	R1-SU		



Kendall County GIS  
 (630) 553-4212  
 111 W Fox St  
 Yorkville, IL 60560



**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)**  
**February 28, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS Department  
David Guritz – Forest Preserve  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Commander Jason Langston – Sheriff's Department  
Alyse Olson – Soil and Water Conservation District  
Aaron Rybski – Health Department  
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Doug Westphal

**PETITIONS**

**Petitions 23-12 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In January 2023, the Illinois General Assembly approved and the Governor signed House Bill 4412 pertaining to commercial wind and solar energy systems. The new law requires that the County update its solar and wind regulations by May 27, 2023, in order to be able to have regulations governing commercial solar energy facilities and commercial wind energy facilities.

The proposed amendments were provided.

General proposed changes are as follows:

1. Various definitions related to solar and wind energy facilities are proposed to be amended, added, and deleted. Many terms are defined in State law and were referenced as such. The definitions of solar farm and solar gardens were removed. The definitions of solar energy system, private and wind energy system, small were adjusted to reflect State law. Onsite consumption would include energy generated within a subdivision, planned development, or business park and consumed within the development.
2. Small wind energy systems would become permitted accessory uses. They would be added to the list of uses in the R-3 in addition to their existing allowance in the A-1, R-1, R-2, RPD, Business, and Manufacturing Districts. Solar energy system, private would become permitted uses in all zoning districts.
3. Commercial solar energy facilities, test solar energy systems, commercial energy wind facilities and test wind towers would become special uses in the A-1, R-1, RPD Districts, and Manufacturing Districts.
4. Adding a statement that the regulations do not apply to commercial wind energy facilities within one point five (1.5) miles of a municipality, unless the County has an Intergovernmental Agreement with the municipality to provide zoning services to the municipality. Staff added a requirement that solar and wind energy facilities within one point five (1.5) miles of a municipality must either annex to the municipality or enter into a pre-annexation agreement with the municipality using the Chatham annexation rules.
5. Add a requirement that the County Board shall make its decision on the application not more than thirty (30) days after the conclusion of the public hearing.

6. As proposed, the new setbacks would follow State law.
7. As proposed changes in setbacks, certain height requirements for solar, and fencing requirements would be allowed if nonparticipating property owners consent to these requirements. As proposed, the changes would be allowed to occur if documentation was provided at the time of application submittal.
8. As proposed, sound regulations would follow State law.
9. As proposed, agricultural impact mitigation agreements have to be submitted with the application.
10. The County's landscaping requirements were adjusted to reflect the law.
11. Statements requiring compliance with EcoCat reports, Fish and Wildlife Service reports, and Illinois State Historic Preservation consultations were added to the Zoning Ordinance.
12. Statements regarding road use agreements were adjusted to reflect the law.
13. Language was added related to the enforcement of damaged drain systems.

The new law was also provided.

A map showing the one point five mile (1.5) planning boundaries was also provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

Mr. Guritz asked how the municipalities felt about requiring these types of projects to annex into a municipality. Mr. Asselmeier responded that the municipalities have been notified of the proposal and none of the municipalities have expressed favor or opposition regarding the proposal. Mr. Asselmeier noted that municipalities would have more control and an issue would arise if a property owner or developer could not come to an agreement with a municipality. A municipality could enter into an annexation agreement and not require the property to be annexed.

Mr. Guritz asked if renewable energy projects on Forest Preserve property would cause that property to be annexed to a municipality. Mr. Asselmeier responded that, if the Forest Preserve is operating within the confines of the Downstate Forest Preserve Act, then the property would be exempt from County zoning.

Discussion occurred about repairing roads as part of wind projects.

Chairman Wormley asked why a county would not have regulations. Mr. Asselmeier responded that, if a proposal meets all of the requirements of State law, a county must approve the project, regardless of the information provided at zoning hearing. Rather than obtain comments that cannot be incorporated into a project or giving residents unfounded hope that a project might be altered or denied, a county might choose to opt out of having unproductive hearings, and simply permit a project.

Mr. Klaas asked if there was any precedence about the State taking away a county's ability to zone. Mr. Asselmeier responded that the Garden Act, Agricultural Experiences Act, and the agricultural exemptions were examples of the State taking away a county's ability to zone. Discussion occurred regarding how the State adopted the law.

Mr. Klaas asked if the State's Attorney's Office has been involved with this proposal or to see if there were ways to get the State law changed. Mr. Asselmeier responded no.

Mr. Guritz made a motion, seconded by Mr. Klaas, to issue a neutral recommendation.

The votes were follows:

Ayes (9):	Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley
Nays (0):	None
Abstain (0):	None
Absent (1):	Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 22, 2023.

**PUBLIC COMMENT**

Doug Westphal expressed concerns about townships maintaining their roads when large renewable energy projects occur. Mr. Asselmeier noted the road use agreement requirement in the law.

**ADJOURNMENT**

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

With a voice vote of nine (9) ayes, the motion carried.

The ZPAC, at 9:54 a.m., adjourned.

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



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unapproved - Meeting Minutes of March 22, 2023 - 7:00 p.m.**

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman (Arrived at 7:04 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, and Seth Wormley

Members Absent: Bob Stewart and Claire Wilson

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Dan Nagel and Greg Vander Kamp

**PETITIONS**

**Petition 23-12 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In January 2023, the Illinois General Assembly approved and the Governor signed House Bill 4412 pertaining to commercial wind and solar energy systems. The new law requires that the County update its solar and wind regulations by May 27, 2023, in order to be able to have regulations governing commercial solar energy facilities and commercial wind energy facilities.

The proposed amendments were provided.

General proposed changes were as follows:

1. Various definitions related to solar and wind energy facilities are proposed to be amended, added, and deleted. Many terms are defined in State law and were referenced as such. The definitions of solar farm and solar gardens were removed. The definitions of solar energy system, private and wind energy system, small were adjusted to reflect State law. Onsite consumption would include energy generated within a subdivision, planned development, or business park and consumed within the development.
2. Small wind energy systems would become permitted accessory uses. They would be added to the list of uses in the R-3 in addition to their existing allowance in the A-1, R-1, R-2, RPD, Business, and Manufacturing Districts. Solar energy system, private would become permitted uses in all zoning districts.
3. Commercial solar energy facilities, test solar energy systems, commercial energy wind facilities and test wind towers would become special uses in the A-1, R-1, RPD Districts, and Manufacturing Districts.
4. Adding a statement that the regulations do not apply to commercial wind energy facilities within one point five (1.5) miles of a municipality, unless the County has an Intergovernmental Agreement with the municipality to provide zoning services to the municipality. Staff added a requirement that solar and wind energy facilities within one point five (1.5) miles of a municipality must either annex to the municipality or enter into a pre-annexation agreement with the municipality using the Chatham

annexation rules.

5. Add a requirement that the County Board shall make its decision on the application not more than thirty (30) days after the conclusion of the public hearing.
6. As proposed, the new setbacks would follow State law.
7. As proposed changes in setbacks, certain height requirements for solar, and fencing requirements would be allowed if nonparticipating property owners consent to these requirements. As proposed, the changes would be allowed to occur if documentation was provided at the time of application submittal.
8. As proposed, sound regulations would follow State law.
9. As proposed, agricultural impact mitigation agreements have to be submitted with the application instead of prior to the hearing.
10. The County's landscaping requirements were adjusted to reflect the law.
11. Statements requiring compliance with EcoCat reports, Fish and Wildlife Service reports, and Illinois State Historic Preservation consultations were added to the Zoning Ordinance.
12. Statements regarding road use agreements were adjusted to reflect the law.
13. Language was added related to the enforcement of damaged drain systems.

The new law was also provided.

A map showing the one point five mile (1.5) planning boundaries was also provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposal was emailed to the townships on February 15, 2023.

ZPAC met on the proposals on February 28, 2023. Discussion occurred regarding wind and solar projects on Forest Preserve property; uses within the confines of the Downstate Forest Preserve Act are exempt from zoning. Discussion occurred regarding requiring properties to be annexed to municipalities; municipalities could choose to enter into annexation agreements without annexing the property. If a property owner was not agreeable to an annexation or annexation agreement, litigation could arise. Discussion occurred regarding some counties choosing not to regulate these uses or to have the uses as permitted uses because the county may not want to have zoning hearings that cannot alter a project. Discussion occurred regarding the precedence of the State taking away a county's zoning authority. The State's Attorney's Office has not reviewed the proposal. ZPAC voted to issue a neutral recommendation by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

Member Nelson noted that the proposal covers all of the bases regarding proposals to work with municipalities on annexation to retain a certain level of local control.

Member Wormley was disappointed that the State took away the County's authority to review these types of applications.

Chairman Ashton noted that the Illinois Farm Bureau was working on a proposal to restore some authority to counties.

Greg Vander Kamp, Savion Energy, said that he did not oppose or support the new State law. He commended Mr. Asselmeier for his professionalism during the process. He suggested that the vegetative screening requirement be amended to not require vegetative screening around the entire project regardless of what the neighboring land uses are in the area. He recommended requiring a vegetative management plan with a vegetative screening component. It was noted that land uses change over time and housing could be constructed on fields adjacent to the solar project at some point. It was also noted that “vegetative screening” was not defined, either in the Kendall County proposal or in State law. The landscaping plan would be evaluated as part of the special use permit application. Mr. Vander Kamp also recommended that the one point five (1.5) mile annexation and pre-annexation agreement requirement be changed because some municipalities do not want to annex these properties. He felt that annexation should be recommended and not mandated. He felt that properties between a solar project and a municipality might have issues with this type of arrangement. It was noted that municipalities did not want to be physically blocked from growing during the duration of a solar project. The property owners between a project and the municipality would not be impacted by an annexation agreement. It was also noted that the Mayor of Plano spoke in favor of the annexation requirement during the Kendall County Regional Planning Commission Annual Meeting.

Chairman Ashton asked about regulations regarding ground cover to address erosion. Mr. Asselmeier read the portion of the law requiring the Illinois Department of Natural Resources to develop vegetative management plan guidelines. Discussion occurred regarding panels channelizing water. Mr. Vander Kamp explained the vegetative management work that Savion Energy does in their projects.

Member Bernacki asked about the timing of road use agreements. Mr. Vander Kamp favored that road use agreements be formalized closer to the construction instead of earlier in the process. Mr. Asselmeier said that the proposal did not specify when the road use agreement had to be finalized.

Dan Nagel asked about how township highway commissioners are notified of proposals. Mr. Asselmeier responded that State law requires townships be notified of special use hearings.

Mr. Nagel asked about bonding requirements. Discussion occurred regarding prescriptive road rights-of-way. Mr. Asselmeier read the agricultural impact mitigation agreement language in the proposal.

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

The votes were as follows:

Ayes (8): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wormley  
Nays (0): None  
Absent (2): Stewart and Wilson  
Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on March 27, 2023.

#### **CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

#### **OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported that the proposed text amendment related to chickens on residentially zoned and used properties will be on the agenda for the April meeting. There will also be a petition for a special use permit for KCRPC Meeting Minutes 3.22.23

a landscaping business and related variances at the property located at the southwest corner of Route 126 and Grove Road.

**ADJOURNMENT**

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

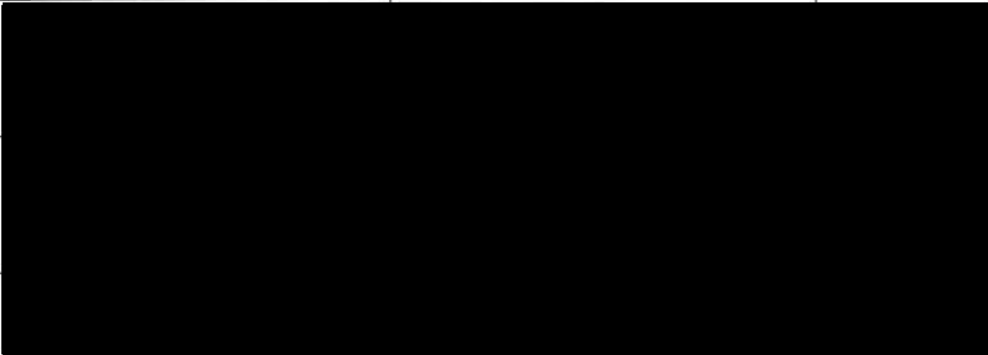
The Kendall County Regional Planning Commission meeting adjourned at 7:49 p.m.

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



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
MARCH 22, 2023**

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 Nagel		
Greg Vander Kamp		

## **Comments on 2023 Kendall County Draft Text Amendment – Solar Energy Facilities**

### Commercial Solar Energy Facility Regulations

Section 7:01.D.a: The provision concerning commercial solar energy facilities located within 1.5 miles of a municipality should be deleted. The provision requires that solar facilities within 1.5 miles of a municipality shall either annex to the municipality or obtain an annexation agreement, and be developed and operated under municipal jurisdiction.

This proposed regulation is in conflict with the requirements of the new statewide siting law, 55 ILCS 5/5-12020. 55 ILCS 5/5-12020(h) provides that: “A county may not adopt zoning regulations that disallow, permanently or temporarily, commercial wind energy facilities or commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses.”

Kendall County’s proposed mandatory annexation requirement has the effect of prohibiting commercial solar energy facilities in agricultural or industrial zoned areas of Kendall County that are located within 1.5 miles of the municipality. Under the statewide siting law, Kendall County must allow commercial solar energy facilities in all areas of its agricultural or industrial zoning districts, including areas located within 1.5 miles of a municipality.

It should also be noted that 55 ILCS 5/5-12020 does not grant municipalities 1.5 mile extra-territorial zoning jurisdiction over solar energy facilities in counties with a zoning ordinance. Although 55 ILCS 5/5-12020(b) grants such extra-territorial zoning for wind energy facilities, it does not apply to solar energy facilities. Accordingly, municipalities in Kendall County are not permitted to enforce solar energy zoning regulations outside of their corporate limits.

Although municipalities may exercise zoning jurisdiction over areas outside of their corporate limits through annexation agreements, municipalities are not obligated to enter into such agreements, nor obligated to annex territory. Groenings v. City of St. Charles, 215 Ill.App.3d 295, 307 (1991) (“St. Charles is under no obligation to annex plaintiffs’ property”). Moreover, a zoned county may not transfer its zoning authority to a municipality. 1976 Ill. Att’y Gen Op. No. S-1029 (opining that the City of Crystal Lake may not, by agreement with McHenry County, obtain zoning jurisdiction over unincorporated areas within 1.5 miles of Crystal Lake). Kendall County’s proposal to transfer some of its zoning authority to municipalities is an unlawful delegation of power.

Section 7:01.D.e: The reference to “non-participating structure” should be changed to “non-participating property.” Non-participating structure is not a defined term under the statewide siting act.

Section 7:01.D.g: Add an affirmative statement: “A facility owner shall provide the County decommissioning security in accordance with the requirements of the agricultural impact mitigation agreement.” The current section prohibits the County from requiring standards more restrictive than the AIMA, but does not affirmatively set any standards.

Section 7:01.D.g: Revise last sentence to state that the AIMA shall be submitted “prior to the public hearing on the special use application.” This change is consistent with the state siting law, 55 ILCS 5/5-12020, which requires the AIMA by the time of the public hearing, but not at time of filing the special use application.

Section 7:01.D.h: Revise to specify that vegetative screening is only required for areas “adjacent to nonparticipating residences.” Vegetative screening should not be required for areas adjacent to roadways or other agricultural uses.

Section 7:01.D.j: Delete reference to USFWS “Land-Based Wind Energy Guidelines” as such guidance is not applicable to solar energy projects.

Section 7:01.D.n: Clarify that road use agreements only are required “Prior to construction of a commercial solar energy facility . . . .”

**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 27, 2023 – 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: Scott Cherry (Arrived at 7:06 p.m.), Cliff Fox, Tom LeCuyer, Randy Mohr, Jillian Prodehl, and Dick Thompson

Members Absent: Dick Whitfield

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

Others Present: Emma Tajchman and Dan Nagel

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 23-12 at 7:01 p.m.

**Petition 23 – 12 – Kendall County Planning, Building and Zoning Committee**

**Request:** Text Amendments to the Kendall County Zoning Ordinance By Amending Kendall County's Zoning Regulations Pertaining to Commercial Solar Energy Facilities, Commercial Wind Energy Facilities, Test Solar Energy Facilities, Test Wind Towers, Small Wind Energy Systems, Private Solar Energy Systems, Commercial Wind Farms, Solar Gardens, and Solar Farms

Mr. Asselmeier summarized the request.

In January 2023, the Illinois General Assembly approved and the Governor signed House Bill 4412 pertaining to commercial wind and solar energy systems. The new law requires that the County update its solar and wind regulations by May 27, 2023, in order to be able to have regulations governing commercial solar energy facilities and commercial wind energy facilities.

The proposed amendments are attached. For reference, items in red are proposed changes and changes in bolded black are items that need to be discussed due to potential conflicts with State law.

General proposed changes are as follows:

1. Various definitions related to solar and wind energy facilities are proposed to be amended, added, and deleted. Many terms are defined in State law and were referenced as such. The definitions of solar farm and solar gardens were removed. The definitions of solar energy system, private and wind energy system, small were adjusted to reflect State law. Onsite



consumption would include energy generated within a subdivision, planned development, or business park and consumed within the development.

2. Small wind energy systems would become permitted accessory uses. They would be added to the list of uses in the R-3 in addition to their existing allowance in the A-1, R-1, R-2, RPD, Business, and Manufacturing Districts. Solar energy system, private would become permitted uses in all zoning districts.
3. Commercial solar energy facilities, test solar energy systems, commercial energy wind facilities and test wind towers would become special uses in the A-1, R-1, RPD Districts, and Manufacturing Districts.
4. Adding a statement that the regulations do not apply to commercial wind energy facilities within one point five (1.5) miles of a municipality, unless the County has an Intergovernmental Agreement with the municipality to provide zoning services to the municipality. Staff added a requirement that solar and wind energy facilities within one point five (1.5) miles of a municipality must either annex to the municipality or enter into a pre-annexation agreement with the municipality using the Chatham annexation rules.
5. Add a requirement that the County Board shall make its decision on the application not more than thirty (30) days after the conclusion of the public hearing.
6. As proposed, the new setbacks would follow State law.

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

7. As proposed changes in setbacks, certain height requirements for solar, and fencing requirements would be allowed if nonparticipating property owners consent to these requirements. As proposed, the changes would be allowed to occur if documentation was provided at the time of application submittal.
8. As proposed, sound regulations would follow State law.
9. As proposed, agricultural impact mitigation agreements have to be submitted with the application instead of prior to the hearing.
10. The County's landscaping requirements were adjusted to reflect the law.
11. Statements requiring compliance with EcoCat reports, Fish and Wildlife Service reports, and Illinois State Historic Preservation consultations were added to the Zoning Ordinance.
12. Statements regarding road use agreements were adjusted to reflect the law.
13. Language was added related to the enforcement of damaged drain systems.

The new law was provided.

A map showing the one point five (1.5) mile planning boundaries was provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposal was emailed to the townships on February 15, 2023. To date, no comments have been received.

ZPAC met on the proposals on February 28, 2023. Discussion occurred regarding wind and solar projects on Forest Preserve property; uses within the confines of the Downstate Forest Preserve Act are exempt from zoning. Discussion occurred regarding requiring properties to be annexed to municipalities; municipalities could choose to enter into annexation agreements without annexing the property. If a property owner was not agreeable to an annexation or annexation agreement, litigation could arise. Discussion occurred regarding some counties choosing not to regulate these uses or to have the uses as permitted uses because the county may not want to have zoning hearings that cannot alter a project. Discussion occurred regarding the precedence of the State taking away a county's zoning authority. The State's Attorney's Office has not reviewed the proposal. ZPAC voted to issue a neutral recommendation by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal on March 22, 2023. It was noted that the Illinois Farm Bureau was working on a proposal to restore some local control on these types of petitions. Greg Vander Kamp, Savion expressed concerns regarding the language related to vegetative screening and the requirement that properties either annex to municipalities or enter into annexation agreements. It was noted that the term "vegetative screening" was not defined and could be evaluated on a case-by-case basis. Discussion occurred regarding vegetative management plans. Discussion occurred regarding the timing of executing road use agreements; Mr. Vander Kamp felt such agreements should occur closer to construction. Dan Nagel asked about notification requirements to townships for proposals; townships have to be notified of special use applications per State law. Mr. Nagel also asked about bonding requirements; the language regarding agricultural impact mitigation agreements was referenced. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The County has intergovernmental agreements for zoning services for Millbrook and Plattville only.

Member Fox asked what happens if a proposal came up within one point five (1.5) miles of Newark. Mr. Asselmeier responded that the proposal will be sent to Newark to either negotiate a pre-annexation agreement or annex the property. The municipality is not bound to annex the property.

Chairman Mohr asked if the proposal follows the State's guidelines. Mr. Asselmeier noted the annexation or pre-annexation requirement was not in State law. The written consent of non-participating properties has to be submitted with the application submittal; the State law does not say

when the written consent has to be submitted. The agricultural impact mitigation agreement has to be submitted with the application materials; State law requires submittal prior to the public hearing. The decommissioning bond was set as part of the agricultural impact mitigation agreement. The timeline to repair damages to drain tiles would be set by the special use permit; State law did not specify a timeline for repairs to drain tiles.

Mr. Asselmeier noted that the requirements for vegetative ground covering have not been set by the Illinois Department of Natural Resources.

Chairman Mohr asked if non-participating properties waiving setback or fencing height requirements signaled their approval. Mr. Asselmeier responded that the language was copied and pasted from State law. Waiving certain requirements did not mean approval of the plan by a neighboring property owner.

Member Prodehl asked if the State's Attorney had reviewed the proposal. Mr. Asselmeier responded no.

Member Prodehl asked if the fence requirement could be waived by a homeowners' association. Mr. Asselmeier responded that the waiver had to be signed by impacted non-participating property owners. A homeowners' association could sign a waiver if they were the impacted property owner.

Chairman Mohr opened the public hearing at 7:17 p.m.

Chairman Mohr swore in Emma Tajchman at Dan Nagel.

Emma Tajchman, Savion, expressed concerns regarding the vegetative screening requirement. She felt the requirements could require screening around an entire project. There could be situations, like if a project touched a creek or forest, where screening would not be necessary. She would like to see screening evaluated on a case-by-case basis. Mr. Asselmeier noted that a project might be in the middle of the country when approved and, at some point in the future, the neighboring properties are developed and screening becomes necessary. Mr. Asselmeier also noted that "vegetative screening" was not defined in the proposal or State law. This lack of definition would allow some subjectivity when evaluating individual projects.

Ms. Tajchman expressed concerns about the pre-annexation and annexation requirement. She felt that instances could arise where a municipality or property owners between the project site and the municipality did not favor annexation. Mr. Asselmeier said the annexation or pre-annexation requirement was not in State law. He also noted that property owners between project sites and municipalities would not be bound by or party to pre-annexation agreements. It was noted that annexations would not occur until the property touches the municipality. Pre-annexation agreements were only valid for twenty (20) years per State law. Mr. Asselmeier noted that the County did not want renewable energy projects to physically block municipalities from growing geographically. Mr. Asselmeier also noted the importance of securing easement for public facilities at the beginning of a project. No municipality in Kendall County, to date, has opposed the annexation or pre-annexation agreement requirement. Mr. Asselmeier explained the requirements for pre-annexation agreements where properties were greater than one point five (1.5) miles from a municipality; he used the Troy Fire

Protection District special use permit on Jones Road as an example. The requirement to enter into a pre-annexation agreement at the beginning also ensures that projects do not have duplicative public hearings and meetings.

Chairman Mohr felt that a vegetative screening was relative and urged petitioners to submit landscaping plans.

Discussion occurred regarding the State law related to vegetative screening and earthen berms. Some counties might require berms because of the language in the State law. Discussion occurred regarding vegetation placed on earthen berms and the importance of shielding developments from neighboring properties and/or roads.

A pre-annexation could define a vegetative screening; everything is negotiable in pre-annexation agreements.

Dan Nagel asked how road districts are informed of projects and the time involved to go through the County Highway Department. Mr. Asselmeier responded that townships have to be notified of special use permit applications per State law.

Mr. Nagel also expressed concerns about parties crossing drainage districts without permits. Mr. Asselmeier read from the State law the rules related to drain tile repair. Discussion occurred regarding the term "reasonable time". Facility owners must be given time to repair or pay for the repairs to drain tile. The County was proposing to set a time in individual special use permits; it was questionable that the County could have a time requirement. Drain tile information would be submitted at the time of application submittal. Illinois Drainage Law would still allow neighbors to file a lawsuit against someone that damaged tile. Discussion occurred regarding the bond paying for the damage. Mr. Asselmeier explained the County's enforcement procedures. It was noted that drainage districts lacked funds to sue entities. Ms. Tajchman said that her company maps drain tile and they coordinate with drainage districts. In cases where damage occurs, her company works to repair the drain tiles. The consensus of the Board was to add a requirement that applicants of commercial renewable energy projects notify drainage districts by certified return receipt and provide proof of such at the time of application submittal. It was noted that drain tile has to be repaired for onsite renewable energy projects. It was noted the infrequency of drainage district meetings. Chairman Mohr closed the public hearing at 7:59 p.m.

Member Prodehl made a motion, seconded by Member LeCuyer, to recommend approval of the text amendments with an additional condition for commercial wind and solar projects that, if a project is located within a drainage district, the drainage district shall be notified of the project by certified return receipt mail and proof of notification shall be submitted with the special use permit application.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Prodehl, and Thompson  
Nays (0): None  
Abstain (0): None  
Absent (1): Whitfield

The motion passed.

The townships will be notified of the results of the public hearing.

The proposal goes to the Planning, Building and Zoning Committee on May 8, 2023.

The Zoning Board of Appeals completed their review of Petition 23-12 at 8:01 p.m.

#### **PUBLIC COMMENTS**

Mr. Asselmeier reported that the proposed text amendment related to chickens on residentially zoned and used properties will be on the agenda for the May 1, 2023, meeting. There will also be a petition for a special use permit for a landscaping business and related variances at the property located at the southwest corner of Route 126 and Grove Road.

#### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member LeCuyer made a motion, seconded by Member Cherry 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 regularly scheduled hearing/meeting will be on May 1, 2023.

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

#### **Exhibits**

1. Memo on Petition 23-12 Dated March 23, 2023
2. Certificate of Publication and Certified Mail Receipts for Petition 23-12 (Not Included with Report but on file in Planning, Building and Zoning Office)

*OK*

**KENDALL COUNTY  
ZONING BOARD OF APPEALS**

**March 27, 2023**

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
Emma Tajchman	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	DAN Nagel

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**TEXT AMENDMENTS PERTAINING TO THE REGULATION OF COMMERCIAL SOLAR ENERGY FACILITIES, COMMERCIAL WIND ENERGY FACILITIES, TEST SOLAR ENERGY FACILITIES, TEST WIND TOWERS, SMALL WIND ENERGY SYSTEMS, PRIVATE SOLAR ENERGY SYSTEMS, COMMERCIAL WIND FARMS, SOLAR GARDENS, AND SOLAR FARMS IN THE KENDALL COUNTY ZONING ORDINANCE**

WHEREAS, Public Act 102-1123, enacted by the State of Illinois on January 27, 2023, amended the Illinois Counties Code by allowing counties to establish certain zoning and permitting regulations for commercial solar energy facilities, commercial wind energy facilities, test solar energy facilities, and test wind towers; and

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, desires to have regulations for commercial solar energy facilities, commercial wind energy facilities, test solar energy facilities, and test wind towers in compliance with Public Act 102-1123; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Zoning Ordinance amending, adding, and deleting regulations pertaining to commercial solar energy facilities, commercial wind energy facilities, test solar energy facilities, test wind towers, small wind energy systems, private solar energy systems, commercial wind farms, solar gardens, and solar farms; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 2, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on March 27, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendments and zero members of the public testified in favor or in opposition to the request and two members of the public asked questions and provided suggested amendments regarding aspects of the proposal; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on March 27, 2023, with an amendment requiring Petitioners for commercial wind and commercial solar projects to notify the drainage district, if the property is in a drainage district, of the proposal by certified, return receipt mail and that proof of the mailing be submitted at the time of application; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation of **approval/denial/neutral** of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,  
that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: Section 3:02 of the Kendall County Zoning Ordinance is hereby amended by deleting the following terms:

Grid-Interie Solar Energy System.  
Ground Mount Solar Energy System.  
Passive Solar Energy System.  
Photovoltaic System.  
Solar Access.  
Solar Energy Easement.  
Solar Energy System Addition.  
Solar Farm.  
Solar Garden.  
Solar Heat Exchanger.  
Solar Mounting Devices.  
Solar Storage Unit.  
Wind Farm, Commercial.

- III. Amended Text: Section 3:02 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present definition of Building Integrated Solar Energy System replacing it with the following:

“BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS. An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.”

- IV. Amended Text: Section 3:02 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present definition of Solar Energy System, Private and replacing it with the following:

“SOLAR ENERGY SYSTEM, PRIVATE. A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot, planned development, commercial and industrial park, or subdivision on which or in which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.”



- V. Amended Text: Section 3:02 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present definition of Wind Energy System, Small and replacing it with the following:

“WIND ENERGY SYSTEM, SMALL A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not meet the kilowatt capacity in total nameplate generating capacity as defined by 55 ILCS 5/5-12 and which is intended to primarily reduce onsite consumption of utility power. If all applicable regulations are met a small wind energy system may contain more than one wind energy conversion system. This system may power properties in planned developments, commercial and industrial parks, or subdivisions on which or in which said system is located.”

- VI. Amended Text: Section 3:02 of the of the Kendall County Zoning Ordinance is hereby amended by adding the following terms in the appropriate places alphabetically to the list of definitions:

“COMMERCIAL SOLAR ENERGY FACILITY. Shall have the same meaning as defined in 55 ILCS 5/5-12.”

“COMMERCIAL WIND ENERGY FACILITY. Shall have the same meaning as defined in 55 ILCS 5/5-12.”

“FACILITY OWNER. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a facility owner shall have the same meaning defined in 55 ILCS 5/5-12.”

“NONPARTICIPATING PROPERTY. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a nonparticipating property shall have the same meaning as defined in 55 ILCS 5/5-12.”

“NONPARTICIPATING RESIDENCE. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a nonparticipating residence shall have the same meaning as defined in 55 ILCS 5/5-12.”

“OCCUPIED COMMUNITY BUILDING. For the purposes of commercial solar energy facilities and commercial wind energy facilities, an occupied community building shall have the same meaning as defined in 55 ILCS 5/5-12.”

“PARTICIPATING PROPERTY. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a participating property shall have the same meaning as defined in 55 ILCS 5/5-12.”

“PARTICIPATING RESIDENCE. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a participating residence shall have the same meaning as defined in 55 ILCS 5/5-12.”

“PROTECTED LANDS. For the purposes of commercial solar energy facilities and commercial wind energy facilities, protected lands shall have the same meaning as defined in 55 ILCS 5/5-12.”

“SUPPORTING FACILITIES. For the purposes of commercial solar energy facilities and commercial wind energy facilities, supporting facilities shall have the same meaning as defined in 55 ILCS 5/5-12.”

“WIND TOWER. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a wind tower shall have the same meaning as defined in 55 ILCS 5/5-12.”

VII. Amended Text: Section 4:05.A.12 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“12. Small wind energy system (Permitted as Accessory Use only in the A-1, R-1, R-2, R-3, and all Business and Manufacturing Districts – may also be approved as part of a Residential Planned Development) subject to the conditions of Section 4:17.”

VIII. Amended Text: Section 4:05.A.13 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“13. Solar Energy System, Private subject to the conditions of Section 4:18.”

IX. Amended Text: Section 4:17.H of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“H. Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction Permit will be issued.”

X. Amended Text: Section 4:18 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“4:18 SOLAR ENERGY SYSTEM, PRIVATE

A. Roof Mounted for On-Site Energy Consumption. Solar panels located on the roof of an existing structure shall be permitted in all districts. Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof mounted or building integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of the Kendall County Zoning Ordinance. Roof mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of roof mounted solar panels for on-site energy consumption

shall comply with all applicable federal, state, and local laws and the rules of the local electrical utility.

B. Freestanding for On-Site Energy Consumption. Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures in all zoning districts provided that the system is no larger than necessary to provide one hundred twenty percent (120%) of the electrical and/or thermal requirements of the structure, planned development, commercial and industrial park, or subdivision to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems. Freestanding solar energy systems, private may be the first structure constructed on lots zoned residential, business, or manufacturing. Freestanding solar panels shall be permitted if they comply with the standards listed in the Kendall County Zoning Ordinance. Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located. Freestanding solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of freestanding solar panels for on-site energy consumption shall comply with all applicable federal, state, and local laws and the rules of the local electrical utility.

C. Setback Requirements. Unless otherwise stated in the Kendall County Zoning Ordinance, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions. No solar energy system shall be located in any front yard of any residentially zoned or used property.

D. Design Standards. Active solar energy systems shall be designed to conform to the County's Land Resource Management Plan and to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

1. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
2. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.
3. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

4. Damaged field drain tile shall be repaired or rerouted on a timetable approved by the Kendall County Planning, Building and Zoning Department.

E. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for firefighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

F. Plan Approval Required. All solar energy systems shall require administrative plan approval by the Kendall County Building Official via the review of the application for a building permit.

1. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.
2. For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
3. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
4. Applications that meet the design requirements of the Kendall County Zoning Ordinance and do not require an administrative variance shall be granted administrative approval by the Zoning Administrator and not require Planning, Building and Zoning Committee review. Plan approval does not indicate compliance with Building or Electrical Codes.

G. Approved Solar Components. Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an SRCC rating.

H. Compliance with Building Code. All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County adopted building codes will apply and take precedence where applicable.

I. Utility Notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

J. Building Permit Requirements and Fees. All solar energy systems will be required to have a Kendall County Building Permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the Building Permit Application. The

plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be established by the County Board. Any solar energy system that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes.

K. Decommissioning Plan.

1. Upon the request of the Kendall County Planning, Building and Zoning Department, an owner of a solar energy system must provide documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have 180 days, after notification from the Kendall County Planning, Building and Zoning Department, to remove the solar energy system from the property.
2. Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.

L. Other Requirements.

1. No fencing is required; however, if installed on the property the fencing shall have a maximum height of eight feet (8'). The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.
2. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
3. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
4. Solar energy systems must be in compliance with all State of Illinois Plumbing and Energy Codes.
5. For solar energy systems located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

M. Applicability. The regulations in this Section apply only to solar energy system, private and do not apply to commercial solar energy facilities.”

XI. Amended Text: Section 7:01.D of the of the Kendall County Zoning Ordinance is hereby amended by adding the following use to appropriate place alphabetically to the list of special uses:

“Commercial Solar Energy Facility and Test Solar Energy Systems subject to the following conditions:

- a. All commercial solar energy facilities and test solar energy systems located within one point five (1.5) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality’s regulations to flow through the property.
- b. The setbacks for commercial solar energy facilities shall be measured from the nearest edge of any component of the facility as follows:

Occupied Community Buildings or Dwellings on Nonparticipating Properties	One hundred fifty feet (150’) from the nearest point on the outside wall of the structure
---	---

Boundary Lines of Participating Properties	None
---	------

Boundary Lines of Nonparticipating Properties	Fifty feet (50’) to the nearest point on the property line of the nonparticipating property
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Public Road Rights-Of-Way	Fifty feet (50’) from the nearest edge
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The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

- c. A commercial solar energy facility’s perimeter shall be enclosed by fencing having a height of at least six feet (6’) and no more than twenty-five feet (25’).
- d. No component of a solar panel as part of a commercial solar energy facility shall have a height of more than twenty feet (20’) above ground when the solar energy facility’s arrays are at full tilt.
- e. The above setback, fencing, and component height requirements may be waived subject to written consent of the owner of each affected nonparticipating property. This written consent shall be submitted at the time of application submittal.
- f. Sound limitations for components in commercial solar energy facilities shall follow the sound

limitations established by the Illinois Pollution Control Board.

- g. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial solar energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.
- h. A vegetative screening shall be placed around the commercial solar energy facility.
- i. Commercial solar energy facility applicants shall provide the results and recommendations from consultations with the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial solar energy facility applicant shall adhere to the recommendations provided through this consultation.
- j. Commercial solar energy facility applicants shall provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor toll that is consistent with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines and any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.
- k. A facility owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.
- l. A facility owner shall provide evidence at the time of application submittal of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.
- m. A commercial solar energy facility owner shall plant, establish, and maintain for the life of the facility vegetative ground cover consistent with State law and the guidelines of the Illinois Department of Natural Resources' vegetative management plans. The vegetation management plan shall be required at the time of application submittal.
- n. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the Kendall County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.
- o. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial solar energy system within a reasonable time after construction of the commercial solar energy facility is complete. The specific time shall be set in the special use permit."

XII. Amended Text: Section 7:01.D of the of the Kendall County Zoning Ordinance is hereby amended by adding the following use to appropriate place alphabetically to the list of special uses:

“Commercial Wind Energy Facility and Test Wind Towers subject to the following conditions:

- a. The following conditions apply to all commercial wind energy facilities located outside the one point five (1.5) mile zoning jurisdiction of municipalities and within the one point five (1.5) mile zoning jurisdictions of municipalities under intergovernmental agreements with the County for zoning services. All commercial wind energy facilities located within one point five (1.5) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality’s regulations to flow through the property, unless not required to do so by applicable law.
- b. The setbacks for wind towers as measured from the center of the base of the wind tower shall be as follows:

Occupied Community Buildings or Nonparticipating Residences	Two point one (2.1) times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Participating Residences	One point one (1.1) times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Boundary Lines of Participating Properties	None
Boundary Lines of Nonparticipating Properties	One point one (1.1) times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property
Public Road Rights-Of-Way	One point one (1.1) times the maximum blade tip height of the wind tower to the center point of the public road right-of-way



Overhead Communication and  
Electric Transmission and  
Distribution Facilities (Not Including  
Overhead Utility Service Lines to  
Individual Homes or Outbuildings)

One point one (1.1) times the  
maximum blade tip height of the  
wind tower to the nearest edge of the  
property line, easement, or right-of-  
way containing the overhead line

Overhead Utility Service Lines to  
Individual Houses or Outbuildings

None

Fish and Wildlife Areas and Illinois  
Nature Preserve Commission  
Protected Lands

Two point one (2.1) times the  
maximum blade tip height of the  
wind tower to the nearest point on  
the property line of the fish and  
wildlife or protected land

The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

A wind tower of a commercial wind energy facility shall be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than thirty (30) hours per year of shadow flicker under planned operating conditions.

The above setback may be waived subject to written consent of the owner of each affected nonparticipating property. This written consent shall be submitted at the time of application submittal.

- c. Sound limitations for wind towers in commercial wind energy facilities shall follow the sound limitations established by the Illinois Pollution Control Board.
- d. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial wind energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.

- e. A vegetative screening shall be placed around the commercial wind energy facility.
- f. The commercial wind energy facility shall follow applicable federal regulations pertaining to blade tip height maximums.
- g. Commercial wind energy systems applicants shall provide the results and recommendations from consultations with the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial wind energy system applicant shall adhere to the recommendations provided through this consultation.
- h. Commercial wind energy systems applicants shall provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor toll that is consistent with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines and any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.
- i. A facility owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.
- j. A facility owner shall provide evidence at the time of application submittal of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.
- k. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the Kendall County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.
- l. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy system within a reasonable time after construction of the commercial wind energy facility is complete. The specific time shall be set in the special use permit."

XIII. Amended Text: Section 7:01.D of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following uses from the appropriate places alphabetically from the list of special uses:

Solar Gardens.

Solar Farms.

Wind, Farms Commercial

XIV. Amended Text: Section 7:01.E of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XV. Amended Text: Section 8:02.B of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XVI. Amended Text: Section 8:02.C of the of the Kendall County Zoning Ordinance is hereby amended by adding the following uses to the appropriate places alphabetically to the list of special uses:

“Commercial Solar Energy Facility and Test Solar Energy Systems subject to the conditions contained in Section 7:01.D.”

“Commercial Wind Energy Facility and Test Wind Towers subject to the conditions contained in Section 7:01.D.”

XVII. Amended Text: Section 8:03.G.2.d of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XVIII. Amended Text: Section 8:03.H.1.o of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XIX. Amended Text: Section 8:03.H.1 of the of the Kendall County Zoning Ordinance is hereby amended by adding the following uses to the appropriate places alphabetically to the list of special uses:

“Commercial Solar Energy Facility and Test Solar Energy Systems subject to the conditions contained in Section 7:01.D.”

“Commercial Wind Energy Facility and Test Wind Towers subject to the conditions contained in Section 7:01.D.”

XX. Amended Text: Section 8:06.B.1 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8:02.C, except Commercial Solar Energy Facilities, Test Solar Energy Facilities, Commercial Wind Energy Facilities, and Test Wind Towers, and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty (40) acres.”

XXI. Amended Text: Section 8:06.C of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XXII. Amended Text: Section 8:07.B.1 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8:02.C, except Commercial Solar Energy Facilities, Test Solar Energy Facilities, Commercial Wind Energy Facilities, and Test Wind Towers, and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty (40) acres.”

XXIII. Amended Text: Section 8:08.B of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXIV. Amended Text: Section 9:01.C of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXV. Amended Text: Section 9:01.D of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XXVI. Amended Text: Section 9:02.C of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

XXVII. Amended Text: Section 9:02.D of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XXVIII. Amended Text: Section 9:03.C of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXIX. Amended Text: Section 9:04.C of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXX. Amended Text: Section 9:04.D of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Reserved.”

XXXI. Amended Text: Section 9:05.E of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXXII. Amended Text: Section 9:06.D of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Reserved.”

XXXIII. Amended Text: Section 10:01.C.1 of the of the Kendall County Zoning Ordinance is hereby amended by adding the following uses to the appropriate places alphabetically to the list of special uses:

“Commercial Solar Energy Facility and Test Solar Energy Systems subject to the conditions contained in Section 7:01.D.”

“Commercial Wind Energy Facility and Test Wind Towers subject to the conditions contained in Section 7:01.D.”

XXXIV. Amended Text: Section 10:01.D of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Reserved.”

XXXV. Amended Text: Section 10:02.D of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Reserved.”

XXXVI. Amended Text: Section 10:01.C of the of the Kendall County Zoning Ordinance is hereby amended by adding the following uses to the appropriate places alphabetically to the list of special uses:

“Commercial Solar Energy Facility and Test Solar Energy Systems subject to the conditions contained in Section 7:01.D.”

“Commercial Wind Energy Facility and Test Wind Towers subject to the conditions contained in Section 7:01.D.”

XXXVII. Amended Text: Section 10:03.C of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXXVIII. Amended Text: Section 10:03.D of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Reserved.”

XXXIX. Amended Text: Section 13:08 of the Kendall County Zoning Ordinance is hereby amended by adding the following text:

“4. In cases involving special use permit applications or applications for major amendments to existing special use permits for commercial solar energy facilities and commercial wind energy facilities, the County Board shall make its decision not more than thirty (30) days after the conclusion of the public hearing.”

XL. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to reflect the addition of Commercial Solar Energy Facility and Test Solar Energy Systems as special uses in the A-1, R-1, RPD-1, RPD-2, RPD-3, M-1, M-2, and M-3 Districts.

XLI. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to reflect the addition of Commercial Wind Energy Facility and Test Wind Towers as special uses in the A-1, R-1, RPD-1, RPD-2, RPD-3, M-1, M-2, and M-3 Districts.

XLII. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to reflect the addition of Solar Energy System, Private as permitted use in all zoning districts.

XLIII. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to change Small Wind Energy Systems to permitted uses in the A-1, R-1, RPD-1, RPD-2, RPD-3, R-2, B-1, B-2, B-3, B-4, B-5, B-6, M-1, M-2, and M-3 Districts.

XLIV. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to reflect the addition of Small Wind Energy Systems as permitted uses in the R-3 Districts.

XLV. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to reflect the deletion of Solar Farms, Solar Gardens, and Wind Farms, Commercial from the list of uses within the Kendall County Zoning Ordinance.

XLVI. Any reference or citation errors created by the above text amendments are hereby corrected.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of May, 2023.

Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Matt Kellogg



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**MEMORANDUM**

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To: Kendall County Planning, Building and Zoning Committee

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

Date: May 1, 2023

Re: Proposed Amendments Related to Kennels (Petition 23-13)

In response to the special use permit amendments for the kennel at the northeast corner of Ridge and Bell Roads, Staff prepared the following proposed amendments to kennel regulations.

In summary, the proposed changes are as follows:

1. Allow pets outdoors until 10:00 p.m. for the purposes of allowing owners to pick-up and drop-off pets and to allow for normal bathroom breaks.
2. Establish uniform kennel regulations throughout the County.
3. Minor text alterations.

Redlined versions of the proposed changes are attached.

As of the date of this memo, there are six (6) active special use permits for kennels in the unincorporated area.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposals were emailed to the townships on February 23, 2023. To date, no comments were received.

ZPAC met on the proposals on February 28, 2023. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of meeting are attached.

The Kendall County Regional Planning Commission reviewed this proposal on March 22, 2023. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting are attached.

The Kendall County Zoning Board of Appeals held a public hearing on the proposal on March 27, 2023. No members of the public testified at the public hearing. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with one (1) member absent. The minutes of the hearing are attached.

The draft ordinance is attached.

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

MHA



Enc. Redlined Proposal  
February 28, 2023, ZPAC Minutes (This Petition Only)  
March 22, 2023, RPC Minutes (This Petition Only)  
March 27, 2023, ZBA Minutes (This Petition Only)  
Draft Ordinance

## Kennel Regulations

### Amend Section 7:01.D

29. Kennels provided that the kennels must be located inside and must be located a minimum of **two hundred fifty feet (250')** from the lot line of lots zoned residential or shown as Residential on the LRMP map and **one hundred fifty feet (150')** from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset, **except for the purposes of owners picking-up and dropping-off pets and regular bathroom breaks until 10:00 p.m.**

### Amend Section 9:03.C

14. Kennels **with the conditions contained in Section 7:01.D.** ~~with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the LRMP map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.~~

### Amend Section 9:04.C

10. Kennels **with the conditions contained in Section 7:01.D.** ~~when located more than 600' from any occupied residential structure other than the owners residence~~

The M-1 and M-2 Districts already reference Section 7:01.D.

Kennels are special uses in the A-1, B-3, B-4, M-1, and M-2 Zoning Districts.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
February 28, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS Department  
David Guritz – Forest Preserve  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Commander Jason Langston – Sheriff's Department  
Alyse Olson – Soil and Water Conservation District  
Aaron Rybski – Health Department  
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Doug Westphal

**PETITIONS**

**Petitions 23-13 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In response to the special use permit amendments for the kennel at the northeast corner of Ridge and Bell Roads, Staff prepared the following proposed amendments to kennel regulations.

In summary, the proposed changes are as follows:

1. Allow pets outdoors until 10:00 p.m. for the purposes of allowing owners to pick-up and drop-off pets and to allow for normal bathroom breaks.
2. Establish uniform kennel regulations throughout the County.
3. Minor text alterations.

Redlined versions of the proposed changes were provided.

As of the date of this memo, there are six (6) active special use permits for kennels in the unincorporated area.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

Mr. Rybski made a motion, seconded by Commander Langston, to recommend approval of the proposal.

The votes were follows:

Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 22, 2023.

**PUBLIC COMMENT**

Doug Westphal expressed concerns about townships maintaining their roads when large renewable energy projects occur. Mr. Asselmeier noted the road use agreement requirement in the law.

**ADJOURNMENT**

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

With a voice vote of nine (9) ayes, the motion carried.

The ZPAC, at 9:54 a.m., adjourned.

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

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unapproved - Meeting Minutes of March 22, 2023 - 7:00 p.m.**

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman (Arrived at 7:04 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, and Seth Wormley

Members Absent: Bob Stewart and Claire Wilson

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Dan Nagel and Greg Vander Kamp

**PETITIONS**

**Petition 23-13 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In response to the special use permit amendments for the kennel at the northeast corner of Ridge and Bell Roads, Staff prepared the following proposed amendments to kennel regulations.

In summary, the proposed changes are as follows:

1. Allow pets outdoors until 10:00 p.m. for the purposes of allowing owners to pick-up and drop-off pets and to allow for normal bathroom breaks.
2. Establish uniform kennel regulations throughout the County.
3. Minor text alterations.

Redlined versions of the proposed changes were provided.

As of the date of this meeting, there were six (6) active special use permits for kennels in the unincorporated area.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposals were emailed to the townships on February 23, 2023.

ZPAC met on the proposals on February 28, 2023. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of meeting were provided.

Member Wormley made a motion, seconded by Member McCarthy-Lange, to recommend approval of the text amendments.

The votes were as follows:

Ayes (8): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wormley  
Nays (0): None  
Absent (2): Stewart and Wilson  
Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on March 27, 2023.

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported that the proposed text amendment related to chickens on residentially zoned and used properties will be on the agenda for the April meeting. There will also be a petition for a special use permit for a landscaping business and related variances at the property located at the southwest corner of Route 126 and Grove Road.

**ADJOURNMENT**

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

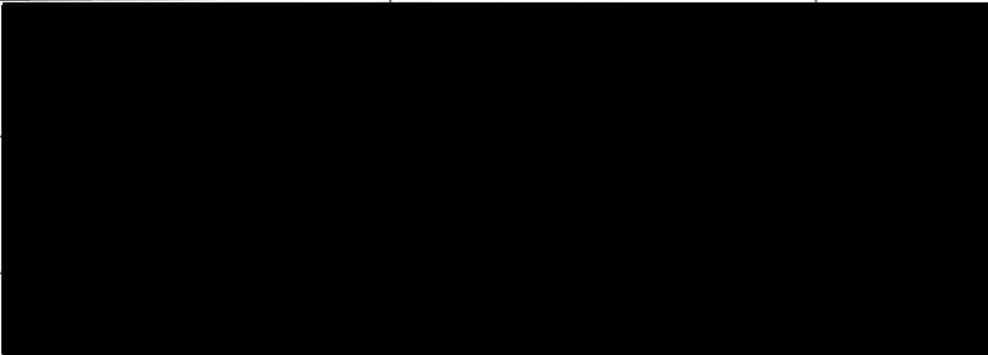
The Kendall County Regional Planning Commission meeting adjourned at 7:49 p.m.

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



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
MARCH 22, 2023**

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 Nagel		
Greg Vander Kamp		

**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 27, 2023 – 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: Scott Cherry (Arrived at 7:06 p.m.), Cliff Fox, Tom LeCuyer, Randy Mohr, Jillian Prodehl, and Dick Thompson

Members Absent: Dick Whitfield

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

Others Present: Emma Tajchman and Dan Nagel

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 23-13 at 8:09 p.m.

**Petition 23 – 13 – Kendall County Planning, Building and Zoning Committee**

**Request:** Text Amendments to the Kendall County Zoning Ordinance by Amending Kendall County's Kennel Regulations

Mr. Asselmeier summarized the request.

In response to the special use permit amendments for the kennel at the northeast corner of Ridge and Bell Roads, Staff prepared the following proposed amendments to kennel regulations.

In summary, the proposed changes are as follows:

1. Allow pets outdoors until 10:00 p.m. for the purposes of allowing owners to pick-up and drop-off pets and to allow for normal bathroom breaks.
2. Establish uniform kennel regulations throughout the County.
3. Minor text alterations.

Redlined versions of the proposed changes were provided.

As of the date of this memo, there are six (6) active special use permits for kennels in the unincorporated area.



At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposals were emailed to the townships on February 23, 2023. To date, no comments have been received.

ZPAC met on the proposals on February 28, 2023. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal on March 22, 2023. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

Chairman Mohr opened the public hearing at 8:10 p.m.

Nobody from the public was present at the public hearing.

Chairman Mohr closed the public hearing at 8:10 p.m.

The proposal applies to all kennels.

Member Fox made a motion, seconded by Member Thompson, to recommend approval of the text amendments.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Prodehl, and Thompson

Nays (0): None

Abstain (0): None

Absent (1): Whitfield

The motion passed.

The townships will be notified of the results of the public hearing.

The proposal goes to the Planning, Building and Zoning Committee on May 8, 2023.

The Zoning Board of Appeals completed their review of Petition 23-13 at 8:11 p.m.

#### **PUBLIC COMMENTS**

Mr. Asselmeier reported that the proposed text amendment related to chickens on residentially zoned and used properties will be on the agenda for the May 1, 2023, meeting. There will also be a petition for a special use permit for a landscaping business and related variances at the property located at the southwest corner of Route 126 and Grove Road.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member LeCuyer made a motion, seconded by Member Cherry 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 regularly scheduled hearing/meeting will be on May 1, 2023.

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

**Exhibits**

1. Memo on Petition 23-13 Dated March 23, 2023
2. Certificate of Publication and Certified Mail Receipts for Petition 23-13 (Not Included with Report but on file in Planning, Building and Zoning Office)

*OK*

**KENDALL COUNTY  
ZONING BOARD OF APPEALS**

**March 27, 2023**

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
Emma Tajchman	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	DAN Nagel

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**TEXT AMENDMENTS PERTAINING TO THE REGULATION OF KENNELS IN THE  
KENDALL COUNTY ZONING ORDINANCE**

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, kennels are presently special uses within the A-1 Agricultural, B-3 Highway Commercial, B-4 Commercial Recreation, M-1 Limited Manufacturing, and M-2 Heavy Industrial Zoning Districts;

WHEREAS, animals in kennels are required to be indoors between the hours of sunset and sunrise with no exceptions;

WHEREAS, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, desires to allow animals in kennels to be outdoors between the hours of sunset and sunrise for specific purposes and desires to have common regulations for kennels across the zoning districts where they are allowed by special use permit; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Zoning Ordinance amending the regulations for kennels by allowing animals at kennels to be outdoors between the hours of sunset and sunrise for the purposes of owners picking-up and dropping-off pets and for regular bathroom breaks until 10:00 p.m. and related text corrections; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 2, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on March 27, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendments and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on March 27, 2023; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation **approval/denial/neutral** of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.

- II. Amended Text: Section 7:01.D.29 of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Kennels provided that the kennels must be located inside and must be located a minimum of two hundred fifty feet (250’) from the lot line of lots zoned residential or shown as Residential on the LRMP map and one hundred fifty feet (150’) from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset, except for the purposes of owners picking-up and dropping-off pets and regular bathroom breaks until 10:00 p.m.”

- III. Amended Text: Section 9:03.C.14 of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Kennels with the conditions contained in Section 7:01.D.”

- IV. Amended Text: Section 9:04.C.10 of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Kennels with the conditions contained in Section 7:01.D.”

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of May, 2023.

Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Matt Kellogg



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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

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**Petition 23-19**

**Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc.**

**(Property Owner) and Roman Correa on Behalf of R&S**

**Landscaping and Nursery, Inc. (Tenant)**

**A-1 Special Use Permit for Landscaping Business**

**Variances Related to Parking, Driveway, and Loading Facilities**

**INTRODUCTION**

In October 2022, the Planning, Building and Zoning Department received a complaint regarding a landscaping business operating at 5022 Route 126 without a special use permit. In the intervening months, the property owner and business owner worked with an attorney and engineer to submit an application for a special use permit.

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They are also seeking variances to Section 4:05.B and Section 11:02.F.7 to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126; parking is not allowed within the front-yard setback. The Petitioners would like a variance to Section 11:02.F.4 to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2') instead of the twenty foot (20') depth requirement. Finally, they are seeking a variance to Section 4:09.A to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.

The Petitioners also wish to use the existing house and existing accessory structures for their business. Some of these structures pre-date the adoption of the Kendall County Zoning Ordinance. The Petitioners are requesting a variance to Section 7:01.G.2.a to allow the existing house to be no closer than seventy-three feet (73') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than twenty-one feet (21') west of the right-of-way line of Grove Road instead of the required one hundred feet (100'). The Petitioners are also requesting a variance to Section 7:01.G.2.b to allow accessory structures no closer than fifty-seven feet (57') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than fifty-three feet (53') west of the right of the right-of-way line of Grove Road instead of the required one hundred feet (100'). These requests are part of a separate Petition (Petition 23-20).

Finally, the Petitioners wish to have the opportunity to use the home on the property to house an employee of the landscaping and nursery business. Accordingly, they request a conditional use permit for that purpose, which is a separate Petition (Petition 23-21).

Prior to the Kendall County Regional Planning Commission meeting, the Petitioners submitted a revised site plan. The site plan removed a large amount of the CA-7 and replaced it with gravel. The signs at the entrance to property at Route 126 were moved out of the right-of-way. The revised site plan is included as Attachment 4A.

The application materials are included as Attachment 1. The stormwater information is included as Attachment 2. The existing conditions survey is included as Attachment 3. The original site plan is included Attachment 4. The landscaping plan is included as Attachment 5. Pictures of the property are included as Attachments 6-10.

**SITE INFORMATION**

**PETITIONERS:** Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant)

**ADDRESS:** 5022 Route 126, Yorkville

LOCATION: Southwest Corner of the Intersection of Route 126 and Grove Road



TOWNSHIP: Na-Au-Say

PARCEL #s: 06-18-200-011 and 06-18-200-013

LOT SIZE: 2.9 +/- Acres

EXISTING LAND USE: Agricultural/Farmstead

ZONING: A-1

LRMP:	Future Land Use	Commercial (County) Estate Residential (Yorkville)
	Roads	Route 126 is a State maintained Arterial. Grove Road is a Major Collector maintained by the County.
	Trails	Yorkville has a trail planned along Route 126 and Grove Road.
	Floodplain/ Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Special Use Permit for a Landscaping Business  
Variance to Allow Parking and Loading within the Front Yard Setback  
Variance to Park Stall Depth  
Variance to Driveway Width

APPLICABLE Section 7:01.D.30 – A-1 Special Uses

REGULATIONS:

Section 4:05.B and 11:02.F.7 – Obstructions in Yards

Section 11:02.F.4 – Parking Stall Requirements

Section 4:09.A. – Private Driveway Requirements

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	Agricultural	A-1	Commercial (County) Estate Residential (Yorkville)	A-1
South	Agricultural	A-1	Commercial (County) Agricultural (Yorkville)	A-1
East	Agricultural	A-1	Commercial (County) Agricultural (Oswego)	A-1
West	Agricultural	A-1	Commercial (County) Agricultural (Yorkville)	A-1, A-1 SU, and RPD-2

Grove Road is the boundary line between the United City of Yorkville's and the Village of Oswego's planning areas.

The A-1 special use permits to the west are for a golf course.

A cemetery is located near the subject property to the south.

Approximately six (6) houses and the Whitetail Ridge Subdivision are located within one point five (1.5) miles of the subject property.

**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

EcoCAT Report was submitted on February 22, 2023, and consultation was terminated, see Attachment 1, Page 28.

**NATURAL RESOURCES INVENTORY**

The NRI Application was submitted on February 15, 2023, see Attachment 1, Page 27. The LESA Score was 231 indicating a high level of protection. The NRI is included as Attachment 11.

**ACTION SUMMARY**

**NA-AU-SAY TOWNSHIP**

Petition information was sent to Na-Au-Say Township on March 27, 2023.

**UNITED CITY OF YORKVILLE**

Petition information was sent to the United City of Yorkville on March 27, 2023.



## **BRISTOL-KENDALL FIRE PROTECTION DISTRICT**

Petition information was sent to the Bristol Kendall Fire Protection District on March 27, 2023.

### **ZPAC**

ZPAC reviewed this proposal at their meeting on April 4, 2023. Discussion occurred regarding the septic system at the property; the property would remain a single-family home, but would have an office component. The Health Department requested the Petitioners to work with the Health Department, should the use become more intense. Discussion also occurred regarding traffic circulation and the potential widening of nearby roads. No additional right-of-way was foreseen. ZPAC recommended approval of the proposal with the addition of a condition stating that, pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan may be adjusted to reflect this access by a vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of the meeting are included as Attachment 12.

### **RPC**

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 26, 2023. The Petitioners were agreeable to the conditions. The current owners have owned the property for approximately five (5) years and the landscaping business has been operating at the property since October 2022. Discussion also occurred regarding the noise regulations, if a new house was constructed closer to the subject property. The Kendall County Regional Planning Commission recommended approval of the requested special use permit and variances with the conditions proposed by Staff with an amendment stating that only homes in existence prior to the issuance of the special use permit could file noise complaints by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are included as Attachment 15.

### **ZBA**

The Kendall County Zoning Board of Appeals held a public hearing on the proposal on May 1, 2023. The Petitioners' Attorney was the only person to testify at the public hearing. Discussion occurred regarding parking requirements and the possibility of additional right-of-way dedication for bike paths. The Kendall County Zoning Board of Appeals recommended approval of the requested special use permit and related variances with the conditions proposed by Staff with an amendment to add the phrase "or permitted" to the noise condition by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the hearing are included as Attachment 16.

## **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 variances, the above conditions have been met.

## **BUSINESS OPERATIONS**

As noted in the project narrative contained in Attachment 1 on pages 4-20, the Petitioners would like to operate R&S Landscaping and Nursery at the subject property. The existing home would be used as the office for the

business and would possibly be used as a dwelling in the future for an employee. The northern most barn would be used as a tool shop and meeting space.

No retail activities related to the business would occur at the subject property.

The business would be open from 7:00 a.m. until 7:00 p.m. everyday throughout the year. The business has a maximum of seventeen (17) employees, during the busy season. The business hauls vegetation and other landscaping items from the property to work sites. Employees either report to the subject property or report directly to job sites. Equipment is parked either at the subject property or the job site.

The site plan (Attachment 4A) shows seven (7) four foot (4') tall concrete block storage areas approximately five feet (5') from the western property line. These storage areas range from approximately one thousand seven ten (1,710) square feet in size to approximately five hundred ten (510) square feet in size. All of the storage areas are thirty feet (30') in depth. The storage areas will hold top soil, boulders, sand, mulch, gravel, landscape waste, and brush. No piles will be taller than six feet (6') in height. Areas for outdoor equipment storage are located east of an interior driveway. One (1) outdoor storage area for bricks is planned is also planned in this area.

In addition to the landscaping component, the Petitioners will have a nursery with two (2) membrane flower storage areas and areas for growing trees, bushes, and flowers. The nursery area will be located south of the gravel driveway.

#### **BUILDINGS AND BUILDING CODES**

One (1) one point five (1.5) story, approximately one thousand three hundred ninety-two (1,392) square foot house, is located on the property. There is one (1) approximately five hundred fifty (550) square foot detached garage, one (1) approximately one thousand seventy (1,070) square foot accessory building (labeled as machine tool shop, storage, breakroom and meeting room on the site plan), one approximately seven hundred (700) square foot chicken coop, and one (1) approximately three eight hundred sixty (3,680) square foot accessory building (labeled as equipment storage on the site plan). Two (2) silos are also located on the property.

Any structures related to the landscaping business would be required to obtain applicable building permits, including changes in occupancy.

#### **ENVIRONMENTAL HEALTH**

The property is served by a well and septic. Employees would use these facilities, if at the property. Since no retail sales would occur at the property, few, if any, guests of the business would be on the property to use restroom facilities.

The property has a propane tank, which will be protected by bollards.

No dedicated refuse area for non-landscape related waste was shown on the site plan. Garbage would be removed using a commercial hauler.

#### **STORMWATER**

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit, see Attachment 2. WBK Engineering submitted comments on the stormwater management permit application, see Attachment 14. The Petitioners submitted revised stormwater calculations based on the use of gravel. To date, WBK Engineering has not commented on the new calculations.

#### **ACCESS**

Per the site plan (Attachment 4A), the Petitioners' propose to make the driveway off of Grove Road as the main access point. This driveway is approximately seven feet (7') wide. The Petitioners propose to widen the driveway to approximately fifteen feet (15') in width. The driveway expands to twenty-four feet (24') in width west of the propane tank. The Petitioners are pursuing a variance related to this driveway.

The property also has access from Route 126.

The Illinois Department of Transportation submitted an email on March 31, 2023. The Petitioners agreed to keep IDOT informed of the activities at the property and IDOT said they would evaluate the existing access permit, if necessary, in the future. This email is included as Attachment 13.

#### **PARKING AND INTERNAL TRAFFIC CIRCULATION**

According to the site plan (Attachment 4A), the Petitioners propose nine (9) parking spaces south of the brick storage and equipment storage area along the southern driveway. One (1) handicapped accessible parking space is proposed north of the existing garage.

The southern driveway would be gravel and would be twenty-four feet (24') in width.

One (1) north-south twenty foot (20') wide driveway would be located between the storage areas and stockpiles and a second fifteen foot (15') wide east-west driveway would be located between the two (2) equipment storage and truck parking area. These drives would be gravel.

One (1) twenty-four foot (24') wide gravel driveway would run from the southern driveway to the handicapped parking space.

The driveway north of the handicapped parking space to Route 126 would be asphalt.

#### **LIGHTING**

The existing conditions survey (Attachment 3) and the site plan (Attachment 4) show five (5) lights attached to the middle portions of buildings, two (2) lights at building corners, and one (1) new eighteen foot (18') tall wall mounted light. These lights are considered necessary for security reasons. The sign at the northeast corner of the property would also be illuminated from 6:00 a.m. until 11:00 p.m. as allowed by the Zoning Ordinance.

#### **SIGNAGE**

According to the site plan, the Petitioners propose to install one (1) thirty-two (32) square foot wooden sign near the northeast corner of the property. The sign would be illuminated as detailed previously.

Two (2) proposed "Do Not Enter" signs are proposed at the driveway on Route 126. One (1) "No Left Turn" sign is proposed in the same area. These signs might removed or altered if right-in, right-out access is granted at this entrance.

#### **SECURITY**

Other than lighting, no other security information was provided.

#### **LANDSCAPING**

The site plan (Attachment 4A) and landscaping plan (Attachment 5) show twenty-six (26) black hill spruce trees and ten (10) emerald green arborvitae near the north property line. The spruce trees are approximately seven (7') feet in height and the arborvitae are approximately twelve (12') feet in height. There are twenty-eight (28) white pines and twenty-one (21) arborvitae at the southeast corner of the property. The white pines are approximately ten feet (10') in height and the arborvitae are approximately twelve (12') feet in height. Several other plantings are scattered throughout the site, including landscaping around the sign at the northeast corner of the property.

On the landscaping plan (Attachment 5), the Petitioners noted the existing row of trees located to the west of the subject property. The Petitioners are agreeable to planting trees on the subject property if the trees on the adjoining property are removed.

#### **NOISE CONTROL**

No information was provided regarding noise control.

#### **ODORS**

No information was provided regarding odor control.

## RELATION TO OTHER SPECIAL USES

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

## FINDINGS OF FACT-SPECIAL USE PERMIT

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

*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. Petitioners plan to preserve existing buildings and the existing sign on the north accessory building. Areas surrounding the property are zoned and used for agricultural purposes. Petitioners plan for drainage and will maintain the existing direction, rate and volume of stormwater flowing in the handful of directions noted in the elevations submitted within the application. Petitioners will reduce use of the Route 126 driveway from full access to emergency right-out only use. The main entrance is sufficiently south of Route 126 and there is ample stacking to make a safe left turn into the main driveway without obstructing left turns from Grove Road onto Route 126. Most of the variances requested relate to existing conditions. The location of the parking, loading and storage yard in the west half of the property relates to the circumstance that all existing buildings are centralized. The avoidance of paving for parking and loading and the loading space variation are the only new development needs for relief from the Zoning Ordinance.*

*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 makes 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 in a large A-1 Agricultural District. Growing of trees, shrubs and flowers is a form of agricultural use. Growing is one part of the use proposed in the application. The use will not impede farms on the four adjacent and opposing sides of the Property. The use is deemed legislatively compatible because it meets all of the requirements contained in the Zoning Ordinance for landscaping businesses, if permission is granted for outdoor storage of materials. The use at the subject property will meet several purposes for the A-1 district as outlined in Section 7:01.A of the Zoning Ordinance, including the preservation of fertile, tillable soils as a valuable natural resource by recharging soils and groundwater, by respecting grades and by engaging in a mix of soil planting and planting in potters, all the while re-using an existing residential home and outbuildings that have long existed. Reasonable restrictions, including hours of operation, maximum number of employees at the property, noise regulations, and lighting requirements are proposed that will protect the enjoyment and use of other properties in the vicinity.*

*Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Restrictions can be placed in the special use permit to address the number of people on the property. No retail customers will be on the property. As such, there are sufficient utilities on the property to handle the proposed uses. The intersection abutting the northeast corner of the Property is sufficiently designed with ample left turn stacking and a stop sign control for traffic crossing Route 126. The existing driveways are sufficiently connected to Grove Road (main driveway) and Route 126 (emergency limited access). Drainage on the property flows in three directions, with most stormwater eventually flowing south down a change in grade of roughly five feet (5'). Petitioners have restored a tile and respected drainage rights under the Illinois Drainage Code in the present placement of cement blocks to allow for the passage of stormwater in the one (1) area of the Property where it flows west and to avoid redirecting stormwater other than to the south. Otherwise, stormwater flows into the culverts along roadways. A stormwater management permit will be secured.*

*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. Petitioners provided an A-1 Agricultural District Table of Compliance addressing all elements of zoning compliance. Variations are necessary, but these variations are primarily related to preservation of existing buildings, structures, and improvements. New relief related to the loading and storage yard places this activity in an area where there was prior*

activity west of the smaller barn. The use area will benefit from a continuous screen of trees that have already been planted at a substantial height.

*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 use involves a commercial operation recognized as the use that will prevail at the property under the Land Resource Management Plan. The proposal is also consistent with a goal and objective found on page 10-11 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industry that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "... encourage additional agriculture and agribusiness."*

#### **FINDINGS OF FACT-VARIANCE FOR YARD OBSTRUCTIONS AND PARKING AREAS IN SETBACKS**

The Findings of Fact for the variance related to yard obstructions and parking areas in setbacks were as follows:

*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 topography and stormwater flow runs west or south. Substantially all of the property south of the driveway from Grove Road is a flow route for storm volume. In attempting to avoid placement of the loading and storage yard away from the intersection and away from Grove Road, the drainage concerns and the loss of benefits of filtration and ground water recharging played a significant role in determining not to locate this yard south of its proposed location. With respect to the location of the existing garage, it is situated behind the house where such a garage would ordinarily exist, but the house was constructed one hundred (100) or more years ago before the expansion of the abutting roadways and the adoption of zoning regulations pertaining to the setback issue. The interior drive has existed for decades and the most logical location for an accessible parking stall is adjacent to the two buildings where an accessible space can be of benefit. The design of the space leaves all but roughly four feet of the space outside of the setback. These circumstances drive a finding in favor of the variations.*

*The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Due to the varying topography throughout the County and the circumstance that the property is a corner lot that was improved before 1922, it cannot be said that the concern causing the difficulty and hardship generally prevails in the A-1 Agriculture District.*

*The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The only new element relates to the parking, loading and storage area. Since the 1920's, the area near Route 126 has been higher land. This is evident in aerial photographs of the topography of the area. Moreover, the use area to be occupied by the parking and loading area is similar to the use area that existed from at least the early 1980's until 2006. Petitioners do not propose the loading and storage area adjacent to the lot line, but plans for it at a distance of fifteen feet (15') from the right-of-way, but in the same area that has the historically higher elevation and the historical use. In plain terms, Petitioners are not the first to recognize this higher elevation and they did not create it any more than they created the grades, slopes and swales south of the barns that cause the area south of the driveway to be incapable of hosting the loading and storage area without presenting a visual obstruction, placing impermeable or less permeable surface over land that is saturated and helps to recharge groundwater while also filtering stormwater.*

*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. Petitioners propose that none of the outdoor use should be plainly visible to passersby due to the screening.*

*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. One (1) basis for the proposed location of the loading and storage yard is that it avoids placing the area in plain view. The yard will not create shadows or obstruct the flow of air. The yard itself does not contribute to traffic. In fact, it reduces traffic by avoiding excess trips Petitioners would make if they were required to store and load materials elsewhere. The conditions on the special use above also touch on changes to be*

made if the treeline west of the property no longer exists.

#### **FINDINGS OF FACT-VARIANCE FOR PARKING STALL DEPTH**

The Findings of Fact for the variance related to parking stall depth were as follows:

*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 topography of the Property and water concerns led to an effort to avoid as much impervious surface as possible. The request for an adjustment in the parking lot design to allow for the same twenty foot (20') parking space, but with a two foot (2') overhang, and an eighteen foot (18') space from tire to tail of a vehicle, is a di minimus request, but it avoids an extra several hundred feet of pervious surface in an area of storm flow, filtering and recharging.*

*The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. While applicable to several properties, this concern is not generally applicable to the A-1 district. The original parcel containing the property was a long, narrow farmstead that extended to the cemetery. Through various transactions, including estate and probate matters, the property was divided so that it became a roughly square lot with the southern one hundred eighty feet (180') being an area of significant surface and subgrade flow during rain events and wet seasons.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. Certainly, parking can be relocated. Nine (9) parking spaces for the use is also more than needed. Petitioners' preference for parking along the south side of the large barn may be personal. However, Petitioners could have placed these on the south side of the driveway and reduced the area of soil that would accept water for filtration and recharging purposes. In planning for this use and similar uses, there is a general design principal that consolidation of buildings, parking and loading is best for the use and for passersby as well as eventual neighbors.*

*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 variation has absolutely no impact on public welfare or on property and improvements in this vicinity.*

*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. Petitioners are providing more parking than is necessary for the use. However, the provision of more parking does not conclusively lead to substantial increases in congestion since we are dealing with parking for only a few vehicles above that which is necessary. Parking on the north line of the interior drive will consolidate activity and also allow vehicles to park in a line where they will not be as noticeable to traffic on either abutting street. The variation should impact property values in any manner.*

#### **FINDINGS OF FACT-VARIANCE FOR GROVE ROAD DRIVEWAY CONSTRUCTION**

The Findings of Fact for the variance related to the Grove Road driveway construction were as follows:

*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 driveway has been in existence for a number of years and could be utilized by other agricultural uses on the property. Having the primary access off of Grove Road instead of Route 126 ensures that employees of the proposed use will not cause increased traffic congestion on Route 126 because the business deliveries will utilize the Grove Road access.*

*The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties zoned A-1 that were in existence prior to Kendall County adopting zoning in 1940 could have similar issues. The exact number of properties with lawfully non-conforming driveways is unknown.*

*The alleged difficulty or hardship has not been created by any person presently having an interest in the property. Petitioners did not construct the subject driveway.*

*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 maintenance of the driveway as proposed will not harm public welfare. No retail is planned for the site. Therefore, no large increase in the amount of vehicles entering and exiting the property on Grove Road is anticipated.***

*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. **The variance will not cause congestion or endanger public safety because little additional traffic is anticipated at the property. There should be no risk of fire and property values will not be impacted if the variance is granted.***

## **RECOMMENDATION**

Staff recommends approval of the requested special use permit and variances subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 4A) and landscaping plan (Attachment 5).
2. Pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan (Attachment 4A) may be adjusted to reflect this access. **(Added at ZPAC)**
3. A variance to Section 4:05.B and Section 11:02.F.7 of Kendall County Zoning Ordinance shall be granted to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126. **(Clarified After ZPAC)**
4. A variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance shall be granted to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2').
5. A variance to Section 4:09.A of the Kendall County Zoning Ordinance shall be granted to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. 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.
10. 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 site plan (Attachment 4A). The maximum height of the piles of landscaping related material shall be six feet (6') in height.
11. No retail sale of landscaping materials may occur at the subject property.
12. A maximum of seventeen (17) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
13. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.

14. Any structures constructed, installed, or used 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.
15. Signage shall be limited to the signs shown on the site plan (Attachment 4A). Signage may be illuminated as outlined on the site plan. Signs within rights-of-way may be relocated to another location on the property if requested by the Illinois Department of Transportation without the need to amend this special use permit. Religious signs in existence on the property at the time of application submittal shall be exempt from permitting requirements.
16. Except for the lighting around the business sign, the lights shown on the site plan (Attachment 4A) shall be considered for security purposes.
17. Damaged or dead plantings described on the landscaping plan (Attachment 5) shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
18. Any vegetation described on the landscaping plan (Attachment 4A) that has not been installed by the approval date of this special use permit shall be installed within ninety (90) days of the approval of the special use permit. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation.
19. The owner of the subject property shall plant trees to fill in the gaps on the western property line as outlined in the landscaping plan (Attachment 4A). The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to plant the screening. The site plan (Attachment 5) may be adjusted without an amendment to the special use permit to reflect the addition of these trees.
20. Vegetation related to the operations of a nursery on the property shall be exempted from the planting and vegetation maintenance requirements of this special use permit.
21. No landscape waste generated off the property can be burned on the subject property.
22. 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.

Only those homes in existence **or permitted** prior to the issuance of the special use permit can file noise complaints. **(Added at RPC) (Amended at ZBA)**
23. 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.
24. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
25. 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.

26. 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.
27. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
28. This special use permit and variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

The draft ordinance is attached.

#### **ATTACHMENTS**

1. Application Materials (Including Petitioner's Findings of Fact, NRI Application, and EcoCat)
2. Stormwater Permit Application
3. Existing Conditions Survey
4. Site Plan
- 4A. Site Plan April 26, 2023
5. Landscaping Plan
6. Existing House Picture
7. Machine Tool Shop with Religious Sign Picture
8. Truck Parking and Brick Storage Area Picture
9. Equipment Storage Building Picture
10. Grove Road Entrance Picture
11. NRI Report
12. April 4, 2023, ZPAC Meeting Minutes (This Petition Only)
13. March 31, 2023, Email from IDOT
14. April 10, 2023, WBK Letter
15. April 26, 2023, Kendall County Regional Planning Commission Meeting Minutes (This Petition Only)
16. May 1, 2023, Kendall County Zoning Board of Appeals Hearing Minutes (This Petition Only)
17. Draft Ordinance



## DEPARTMENT OF PLANNING, BUILDING &amp; ZONING

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

## APPLICATION

PROJECT NAME RS LANDSCAPING/NURSERY FILE #                     

NAME OF APPLICANT (Including First, Middle Initial, and Last Name) R & S LANDSCAPING AND NURSERY, INC.		
CURRENT LANDOWNER/NAME(s) MCB52 INC., [REDACTED]		
SITE INFORMATION ACRES 2.06 (TBD)	SITE ADDRESS OR LOCATION 5022 IL ROUTE 126, YORKVILLE, 60560	ASSESSOR'S ID NUMBER (PIN) 06-18-200-011, 012
EXISTING LAND USE AG-STORAGE, CROP, RES	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP COMMERCIAL
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to <u>      </u> ) <input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input checked="" type="checkbox"/> A-1 CONDITIONAL USE for: <u>                    </u> <input checked="" type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT MARK W. DANIEL	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER #(Cell, etc.) [REDACTED]
<sup>1</sup> ENGINEER CONTACT JIUN-GUANG LIN	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. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT		DATE

FEE PAID:\$                       
CHECK #:                     

<sup>1</sup> Primary Contact will receive all correspondence from County<sup>2</sup> Engineering Contact will receive all correspondence from the County's Engineering Consultants

R&S LANDSCAPING AND NURSERY, INC.

Permanent Index No.: 06-18-200-011, 012

Common Address: 5022 IL. ROUTE 126, YORKVILLE, ILLINOIS 60560

**DISCLOSURE OF INTEREST AND AUTHORIZATION**

MCB52 INC. is an Illinois corporation with its principal office situated at 5025 BARICKMAN COURT, OSWEGO, ILLINOIS 60543.

MCB52 INC. is the owner of 5022 IL. ROUTE 126, YORKVILLE, ILLINOIS 60560.

MCB52 INC. authorizes R&S LANDSCAPING AND NURSERY, INC., ROMAN CORREA and DANIEL LAW OFFICE, P.C. (Mark W. Daniel, attorney for R&S LANDSCAPING AND NURSERY, INC.) to seek all forms of zoning and subdivision authorizations from the County of Kendall, State of Illinois, including but not limited to map and text amendments, special uses, conditional uses, site plan approval, planned development approval, agricultural approval and other forms of relief. This authorization is not to be treated as a power of attorney.

There are two owners who own in excess of five percent (5%) of the issued shares in MCB52 INC.:

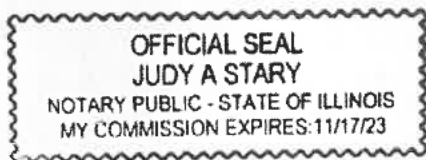
BRENT STARY, [REDACTED] and  
TRACY STARY, [REDACTED]

The person making this disclosure and authorized to execute this document is President, Tracy  
STARY, 5025 BARICKMAN COURT, OSWEGO, ILLINOIS 60543, as President  
of MCB52 INC. who can be reached at [REDACTED] (Phone).

SIGNED:

Name: Tracy O Stary  
Title: President

Subscribed & Sworn to Before  
Me this 13 day of December, 2022.



[REDACTED]  
NOTARY PUBLIC

R&S LANDSCAPING AND NURSERY, INC.  
Permanent Index No.: 06-18-200-011, 012  
Common Address: 5022 IL ROUTE 126, YORKVILLE, ILLINOIS 60560

### DISCLOSURE OF INTEREST AND AUTHORIZATION

MCB52 INC. is an Illinois corporation with its principal office situated at 5025 BARICKMAN COURT, OSWEGO, ILLINOIS 60543.

MCB52 INC. is the owner of 5022 IL ROUTE 126, YORKVILLE, ILLINOIS 60560.

MCB52 INC. authorizes R&S LANDSCAPING AND NURSERY, INC., ROMAN CORREA and DANIEL LAW OFFICE, P.C. (Mark W. Daniel, attorney for R&S LANDSCAPING AND NURSERY, INC.) to seek all forms of zoning and subdivision authorizations from the County of Kendall, State of Illinois, including but not limited to map and text amendments, special uses, conditional uses, site plan approval, planned development approval, agricultural approval and other forms of relief. This authorization is not to be treated as a power of attorney.

There are two owners who own in excess of five percent (5%) of the issued shares in MCB52 INC.:

BRENT STARY, [REDACTED] and  
TRACY STARY, [REDACTED]

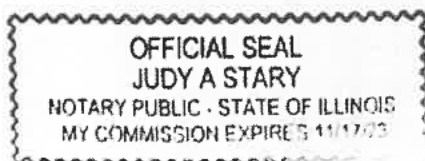
The person making this disclosure and authorized to execute this document is Brent  
STARY, 5025 BARICKMAN COURT, OSWEGO, ILLINOIS 60543, as owner Vice  
of MCB52 INC. who can be reached at [REDACTED] (Phone).

SIGNED:

Name: Brent O Stary  
Title: Vice

Subscribed & Sworn to Before  
Me this 13 day of December, 2022.

[REDACTED]  
NOTARY PUBLIC



**PROJECT NARRATIVE  
R & S LANDSCAPING & NURSERY, INC.  
5022 ILLINOIS ROUTE 126, YORKVILLE, IL (PINs 06-18-200-011, -013)  
FEBRUARY 21, 2023 (REVISED MARCH 21, 2023)**

R & S Landscaping and Nursery, Inc. ("Applicant") seeks for special uses (7:01(D)(30), 7:01(D)(30)(a)), a conditional use (7:01(E)(2)), variations (primarily arising from existing conditions) and site plan approval for a landscaping business and nursery with a residential component, outdoor storage and operations and several activities that are permitted uses in the A-1 Agriculture classification. Variations identified prior to intake are as follows:

1. Variation from Section 7:01(G)(2)(a) requiring a principal building setback of 100 feet to the right-of-way or 150 feet to the right-of-way centerline in order to permit the existing residential structure to remain 73'-83' south of Illinois Route 126 as measured from the northeasterly lot line (+/-143' south of the common law centerline) and 21' east of Grove Road measured from the east lot line (+/-54' east of the common law centerline);
2. Variation from Section 7:01(G)(2)(b) requiring an accessory structure setback of 100 feet to the right-of-way or 150 feet to the right-of-way centerline in order to permit the following existing accessory structures: (a) tool shop, meeting area and storage building (north barn) at a location 57 feet south of Illinois Route 126 (+/-104' to the common law centerline); (b) the above-ground propane tank at a location 53' west of Grove Road (+/-73' west of the common law centerline); and (c) the residential garage, chicken coop, and large equipment storage barn which are at least partly in the required setback from either Illinois Route 126 or Grove Road;
3. Variation from Section 4:05(B) and Section 11:02(F)(7) concerning yard obstructions in order to permit parking and loading as follows: (a) the existing residential garage +/-84 feet west of Grove Road, (b) an outdoor parking and loading yard 25 feet south of Illinois Route 126, and (c) a portion of the accessible parking spaces at a distance of between 69' and 96' south of Illinois Route 126, with the latter range intended to allow flexibility in design and location of the space during permitting in accord with the Illinois Accessibility Code;
4. Variation from Section 11:02(F)(4) which requires parking spaces with a depth of 20 feet in order to permit a depth of 18 feet with an overhang of 2 feet;
5. Variation from Sections 11:02(F)(2) and 11:06(D) in order to permit gravel drives outside the loading and storage yard and to permit permeable CA-7 stone in the loading and storage yard;
6. Variation from Section 11:06(G) under which the Zoning Administrator may require the provision of a loading space in order to waive the loading space requirement to allow the loading and storage yard (note that this is not required per staff interpretation); and
7. Variation from Section 4:09(A) which applies only to construction of new principal buildings to require compliance with driveway specifications in Section 10.00(H)(10) of the Subdivision Control Ordinance in order to allow the existing driveways with a small expansion to the Grove Road driveway.

There is no parking or loading category (Sections 11:04, 11:06(G)) for a similar land use. Applicant asks the County to approve the special uses and site plan with 12 parking spaces (one



February 21, 2023

Page 2

of which is accessible and two of which are in the residential garage) situated outside of the loading and storage yard and a loading and storage yard rather than a loading space.

### ***About the Applicant***

Applicant has operated in the Route 126 corridor for several years. It identified 5022 Illinois Route 126, Yorkville, Kendall County, Illinois (PINs 06-18-200-011, -013) (the "Property") as an appropriate location for its operations and is presently under a lease with an option to purchase. Applicant engages in landscape design, installation, repair and maintenance. It also operates a nursery. Applicant has been working through most of Winter to prepare a complete application, with surveying work having been planned and rescheduled a few times. In some respects, it is important to understand that Applicant currently occupies the Property, but it does so due to a misunderstanding prior to retaining counsel and apologizes for doing so. Lastly, Applicant has done some work on the Property that is reflected in the plans provided but it notes that it jumped the gun slightly as information concerning zoning requirements and screening and other matters was circulated back to him during the planning process.

### ***The Proposed Use***

Applicant proposes a landscaping business and nursery with dwelling use for the owner and/or employees that will meet the County's definition of "family" for dwelling purposes. Applicant intends to reside on the Property, but the dwelling may, in the future, be occupied solely by an employee. The office component of the business will be situated in the home (paperwork and computers). The northernmost accessory barn will contain a tool shop and meeting areas as well as computer access. Applicant does not intend to operate a retail business promoted to the public as being open for sales on site. Applicant hauls from the site to plant (trees and other flora) and install landscape items (stone, pavers, mulch and wood chips). Employees will either arrive at the site to retrieve work vehicles and equipment or drive directly to the job site. During any given month, some of the equipment will remain on the job site.

Applicant's nursery will be situated on the south 180 feet of the Property which will contain two membrane flower storage structures and areas for growing trees, bushes and flowers on each side of the flower storage area. The growing of trees and other flora will occur along the west lot line and not closer than 5 feet to the southernmost portion of the east lot line (including as extended north to the driveway). A swale and restored tile draws water from west to east along the south lot line, so plantings will not occur in the southernmost ten feet of the Property.

Applicant's main entrance will be situated at the existing driveway along Grove Road. Preliminary discussions indicated that the County would accept this driveway in its current form, but the County has suggested Applicant best consider landscape maintenance (in light of its business no doubt) and it now proposes to slightly widen the driveway. The driveway on Illinois Route 126 will be posted "do not enter" for inbound traffic and "no left turn" for exiting traffic.

This driveway will be for emergency use only. In planning to avoid use of the Illinois Route 126 driveway, Applicant will place its fixed freestanding sign in the northeast corner of the Property, outside of the 40-foot corner sight triangle. Applicant may also install directional signs near the Grove Road driveway. These efforts will avoid drawing people into the Illinois Route 126 drive.

Applicant plans to use six existing and two new accessory buildings. The residential garage will be for the dwelling. There are two silo structures that will be used for nominal storage. The chicken coop will remain. The two existing barns will remain, with the larger barn (it appears as two large barns connected by an interior door) serving as the primary area for indoor storage and servicing of equipment and vehicles, the latter of which will not include body work or major maintenance requiring special management or disposal efforts. Two new membrane structures will host the flower storage areas. Technically, the above-ground propane tank is a structure, but it is not a building.

Most loading and storage operations will necessarily occur outdoors in an area west of the barns which is screened by onsite and offsite landscaping and by concrete block enclosures. The enclosures are four feet tall, and the top of stockpiles inside the enclosures will not exceed a height of six feet. Vehicle parking and equipment storage will occur in the storage yard. Brick and stone storage on pallets will occur closer to the barns. There are occasions when supply chain issues lead to an expansion and contraction of the brick and stone storage area. This area would also contain pallets waiting to be hauled from the site following their use (the majority of these are disposed of at the work site or offsite).

Applicant provides for 12 parking space, two of which are for the residence. One of the ten remaining spaces is an accessible parking space currently depicted near the northwest corner of the residential garage. Applicant selected this location as the most appropriate since it has no public areas on site and the accessible parking space could benefit either the residence or the office meeting space in the northernmost barn. Applicant understands that final engineering and permitting may lead to a relocation of the accessible parking space so that it is closer to Illinois Route 126. As a result, it seeks a variation to allow this flexibility so that staff and Applicant can plan for the best compliance with the Illinois Accessibility Code during permitting.

### ***The Subject Property and Its Surroundings***

The 3.016-acre (131,359 SF) Property is situated in a large A-1 Agricultural District with a commercial LRMP designation. Most accessory structures are decades old, with the 1½ story home originally built before 1939 that is likely 100 years old (1922 Plat, Whitlock parcel) and, reportedly, one of the barns pre-dating the home. The Property has substantial frontage along both Illinois Route 126 and Grove Road. It has two active driveways with the north driveway being used primarily for the residential use. The structures arose before Kendall County regulated their location. In order to preserve open land for operations, the structures are aggregated in the northeast one third of the property. The structures include a home and six

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existing structures (if, by definition, one includes the above-ground propane tank south of the home). Gravel drives extend between (and, currently, around) the structures other than north and east of the home. The Property is served by well and septic, with the well near the northwest corner of the home and the septic tank/field to the northeast.

The northernmost barn is primarily for storage and shop work, but Applicant will use this area as an additional meeting space in addition to its current use. The artwork on the north elevation of the barn does not qualify as a sign. Applicant intends not to disturb this until such time as doing so is necessary due to the surface condition of the building or, perhaps, if the owner requests its removal.

The westerly barn appears to be two barns, but they are connected on their interior. This barn has long been a service and equipment storage location. It will continue as such. Like the smaller north barn, the doors to the west barn open to the interior of the Property and are generally no visible from abutting rights-of-way.

Loading into the barns has always occurred from the interior drive. Deliveries and some loading will occur in this area. Since the past objective was to maximize tillable area west and south, storage of equipment otherwise occurred only in the area immediately south and west of the large barn or in the field during active planting or harvest. The area west of the smaller barn and north of the larger barn was an active use area between the 1980's and roughly 2006, when stalls and turnout areas occupied the entire area west of the small barn to the north and west lot lines. The areas did not feature much landscape screening until 2022.

Lighting on the Property is inobtrusive and does not cast glare onto and across the lot lines except where needed for safety. Wall lighting will remain at an approximate height of 18 feet, but wall lights should not exceed the maximum height for pole lighting in any event.

All of the surrounding acreage is zoned A-1, with the closest A-1 special use being situated roughly 1,700 feet west on the north site of Illinois Route 126. The closest residential zoning districts are situated across Illinois Route 126 and one tract removed from it roughly 1,800 feet to the west and on the west side of Grove Road nearly 2,700 feet north-northeast of the Property. Most of the abutting and opposing land is, or has recently been, tilled for agricultural purposes.

Parcels within a 2.5 miles radius host primarily remote farm/agricultural uses. Most of the land is zoned A-1. Whitetail Ridge Golf Course, Zoned RPD-2-SU (ORD# 05-17), and surrounding residential homes Zoned RPD-2 (ORD# 05-14) is nearby but should face no impact from the landscape business and nursery. The homes are oriented to the interior of the golf course development and gain their character from the fairway environment (not Illinois Route 126). A street has been stubbed to the east from Whitetail Ridge to an undeveloped tilled area for



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future connection to a currently partially-constructed residential subdivision that has its main entrance on the northwest side of Grove Road, 3,700 feet north of the Property.

Reservation Woods Forest Preserve and Henneberry Woods Forest Preserve (Waish-keeshaw Reserve) are at the eastern end of a string of forest reserves and open spaces in the area. These are north of the the residential subdivisions addressed above and disconnected from Illinois Route 126/Schoolhouse Road. Forest preserves also tend not to suffer detriment from landscaping and nursery activities.

Illinois Route 126 is a busy road under Illinois Department of Transportation jurisdiction. Grove Road is under County Division of Transportation jurisdiction. Applicant does not intend to perform work in the IDOT right-of-way, so no permit should be required. Applicant will convert the existing driveway to an emergency driveway. The Grove Road driveway (roughly 230 feet south of the Route 126 centerline) has the capacity to serve the use in its existing condition, but Applicant intends to slightly widen and straighten the driveway entrance to avoid landscape deterioration near the entrance. Both Illinois Route 126 and Grove Road have dedicated left turn lanes. Illinois Route 126 has deceleration lanes for right turns in each direction. Grove Road traffic is required to stop at Illinois Route 126. Northbound Grove Road traffic benefits from plenty of left turn stacking that starts south of the Property.

The existing buildings are on the highest part of the Property. Topography drops from the buildings to the north and west, but the bulk of the drainage will flow south and eventually reach a swale and drain tile that runs along and parallel to the south lot line before daylighting in the culvert within the Grove Road right-of-way. Applicant proposes CA-7 stone for the loading and storage yard. The CA-7 will allow for direct infiltration of stormwater into the ground below (it is the same type of stone used for underground storm storage and conveyance). One of the fenced or walled enclosures (for mulch) needs to have an impervious gravel base, but the rest of the enclosures will have a permeable base.

### ***Standards for Special Uses***

Applicant asks the County to authorize a special use for a landscape business with a nursery and the accessory uses described above. Specifically, Applicant seeks special use authorization under Sections 7:01(D)(30) and 7:01(D)(30)(a). Within the special use approval, Applicant seeks County Board approval of parking as reflected in the drawing. (Applicant seeks similar relief for loading, but it does so as a variation due to the different language pertaining to loading zones.)

Due to its contractual arrangements with the owner, Applicant asks that the special uses (and other relief) be authorized for Applicant and that the County allow them to run with the land since the Applicant intends to purchase the Property after a brief period as a tenant. Applicant

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intends a long term investment in the Property and in Kendall County. Once the transition is complete, he intends to acquire the Property.

Section 13:08 recognizes that certain uses are legislatively acceptable in the various zoning districts, but that some of the uses carry unique planning elements or could pose a risk at some locations even though it is benign at other locations. For these special uses, the County considers the impact of use upon neighboring land and the public need for the particular use of this particular location. The County has determined that, even though most of the uses on site are permitted, the landscape business element requires a special use due to its “unique, special, or unusual impact upon the use or enjoyment of neighboring property.” Since the County has already deemed special uses to be appropriate in the district, the question posed is whether the proposed landscape business with its proposed operations and site and landscape planning carries the risk of harms that are of significant concern when compared to placement of the proposed use at other locations in the A-1 Agricultural zoning classification. Respectfully, the answer is that the use carries nothing so specifically detrimental at the Property when compared to the impacts the use would have on other parcels in the A-1 Agricultural zoning districts. Applicant respectfully submits that the Zoning Administrator, ZPAC, ZBA and PBZ Committee and the full County Board should accept findings favorable to approving the special uses and authorize them pursuant to final action by the County Board that takes into account the site plan and landscape plan, the terms of this narrative and hearing and meeting testimony.

Applicant submits the following in support of proposed finding of fact in favor, with the standard paraphrased in ***bold and italics***, and the discussion thereafter.

***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.*** Applicant plans to preserve existing buildings, even to the point of maintaining the speech on the north wall of the existing northerly barn along Illinois Route 126. Areas surrounding the Property are zoned and used for agricultural purposes. Applicant responsibly plans for drainage and maintains the existing direction, rate and volume of stormwater flowing in the handful of directions noted in the elevations submitted within the Plat of Survey. Applicant reduces use of the Illinois Route 126 driveway from full access to emergency right-out only use. The main entrance is sufficiently south of Route 126 and there is ample stacking to make a safe left turn into the main driveway without obstructing left turns from Grove Road onto Illinois Route 126. The level of zoning compliance is often a firm indicator of a good project that will not cause detriment or endangerment. Most of the variations requested relate to existing conditions. Even the location of the parking, loading and storage yard in the west half of the Property relates to the circumstance that all existing buildings are centralized. The avoidance of paving for parking and loading and the loading space variation are the only new development needs for relief from the Zoning Ordinance.

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***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 makes 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 Property is in a large A-1 Agricultural District. The County recognizes that its residents “are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry.” Growing of trees, shrubs and flowers is a form of agricultural use. Growing is one part of the use proposed in the application. The use will not impede farms on the four adjacent and opposing sides of the Property. The use is deemed legislatively compatible. At this location, the use does not obstruct agricultural or non-agricultural use of nearby land or nearby rights-of-way. The use at the Property will meet several purposes for the A-1 district, including: (a) non-agricultural use without excessive paving will preserve fertile, tillable soils as a valuable natural resource by recharging soils and groundwater through the large CA-7 field, by respecting grades and by engaging in a mix of soil planting and planting in pots, all the while re-using an existing residential home and outbuildings that have long existed.

Applicant has nine (9) employees in 2022. Applicant intends between seven and nine employees in 2023 and until the market picks up. It is possible that, during the peak of residential building in the area, there would have been an additional five employees at that time. Between December and March, there will be 1-2 employees. The mostly seasonal jobs will contribute to maintenance of a sound economic base that agricultural pursuits provide the county and region—one goal of planning in the A-1 Agriculture District. The south 180 or so feet will be primarily open and, on the downslope of the property, serve an important drainage, groundwater recharge and filtration purposes by minimizing hard surfaces where most stormwater drains. The project contemplates maintenance of only one dwelling and it will not change the character of the use as a nursery and landscape operation. The proposed use will be situated away from other uses that could lead to conflicts and incompatibilities which arise when agriculture and urban uses co-exist in close proximity.

Hours of operation will typically open between 7:00 AM and 7:30 AM, but this site is not planned to be open to the public. The end of the workday depends on project completion or the stage of work on a project, but it will typically vary between 3:00 PM and 7:00 PM.

***Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.*** The project benefits from adequate utilities. The intersection abutting the northeast corner of the Property is sufficiently designed with ample left turn stacking and a stop sign control for traffic crossing Illinois Route 126. There are no sidewalks anywhere nearby. The existing driveways are sufficiently connected to Grove

Road (main driveway) and Illinois Route 126 (emergency limited access). Drainage on the Property flows in three directions, with most stormwater eventually flowing south down a change in grade of roughly five feet. Applicant has restored a tile and respected drainage rights under the Illinois Drainage Code in the present placement of cement blocks to allow for the passage of stormwater in the one area of the Property where it flows west and to avoid redirecting stormwater other than to the south. Otherwise, stormwater flows into the culverts along roadways. Applicant remains below 32,000 square feet of impervious surface. If, during site work, the Applicant notices a tile, it will address it as required, but Applicant is unaware of other tiles at this time. Aerial photographic review and the current topographical survey, as well as consideration of prior related ownership of land to the south along the west side of Grove Road, do not indicate areas from which tile drainage would be planned within the Property or on adjacent farm properties. Notably, in seeking to preserve driveways, Applicant intends to do so until such time as the driveways need to be replaced. Relief that allows continuation of driveways is not intended to avoid Subdivision Control compliance once the driveways need replacement.

***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.*** Applicant provides an A-1 Agricultural District Table of Compliance addressing all elements of zoning compliance. Variations are necessary, but these variations are primarily related to preservation of existing buildings, structures and improvements. New relief related to the loading and storage yard places this activity in an area where there was prior activity west of the smaller barn. The use area will benefit from a continuous screen of trees that have already been planted as a substantial height.

***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 use involves a commercial operation recognized as the use that will prevail at the Property under the LRMP. As noted above, the use meets the objectives of the A-1 Agricultural District. Reduction of use of the north driveway to a restricted emergency use is consistent with IDOT policies and with County transportation planning. The plan is consistent with the County's stormwater management planning and contemplates long-existing improved areas rather than focusing only on net new impervious surface. There is no municipality with extraterritorial jurisdiction.

***Comments on conditions.*** Under Section 13:08(K), the ZBA may recommend and the County Board may provide such conditions or restrictions reasonably necessary to meet the standards listed in Section 13:08(J). The use approval and the variations will be conditioned on the site plan and landscaping plan. As noted above, Applicant can construct the driveways to current Subdivision Control standards once the driveways require replacement. Applicant has screened much of the Property using year-round green trees that were mature and tall when planted. Applicant provides for a partial screen on the west property line. The east line of the adjoining

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farm to the west has a line of trees that offers screening. If these trees are removed, Applicant would be willing to move the cement blocks east in order to allow for a landscape screen that Applicant would plant. Applicant is also willing to install a second freestanding sign indicating it has its entrance on Grove Road if either IDOT or the County Division of Transportation believes it is necessary (it should not be in light of the proposed signage and the circumstance that Applicant is not open to public retail activities on the Property). Applicant is also willing to accept a condition that retail activities on the Property that promote on-site sales would require an amendment to the special use. Lastly, although not ordinarily necessary, at the termination of use under the special use permit, Applicant can be required to remove or relocate certain improvements such as the cement blocks and the membrane structures in the south-central portion of the Property. Applicant would at least store the membranes inside and relocate the cement blocks to an area along the west wall of the large barn south of its westerly extension. These items have value and, in the ordinary course, they would be sold if and when business wound up.

### ***Standards for Conditional Use***

Applicant's sole owner will reside in the house on the Property. The conditional use to allow agricultural labor housing is an issue for the future that Applicant will address with staff. It raises the issue now since the continuation of the use of the home may raise questions about who will live there. Applicant and its owner will abide by the dwelling and related family regulations of the County. In the future, it is possible that circumstances change and the agricultural labor housing becomes relevant. Applicant's busier periods are seasonal and it is possible that with aging, Applicant prefers to allow someone else that is engaged in growing reside on the Property.

### ***Standards for Variations***

Variations are permissible in circumstances of particular hardship and practical difficulty or as otherwise intended by the County as it plans land uses and bulk requirements throughout the County. Below are the circumstances that support favorable findings concerning each of the variations noted on Page One of this narrative. Applicant will further develop these issues in meetings and at hearing. Relevant discussion not addressed above where there is an overlap between some of the special use standards and the Section 13:04 variation standards appears after the variation standard presented in ***bold and italics***.

Variation from Section 7:01(G)(2)(a) requiring a principal building setback of 100 feet to the right-of-way or 150 feet to the right-of-way centerline in order to permit the existing residential structure to remain 73'-83' south of Illinois Route 126 as measured from the northeasterly lot line (+/-143' south of the common law centerline) and 21' east of Grove Road measured from the east lot line (+/-54' east of the common law centerline)

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***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 dominant physical surroundings of the Property are Illinois Route 126 and Grove Road, neither of which existed in their current form when the Property hosted a home as close to these rights-of-way as it existed at least as early as the 1920's. The County's 1939 aerial imagery clearly shows the home at the present location. All accessory buildings and use areas were created based on the location of the home in the northeast corner of the Property, with tillable land surrounding them for the past 100 years.

***The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*** While this standard is one that is often recited in standards relating to variations, it must be remembered that the modern transportation and development trends in Kendall County couple with the timing of construction on the Property in the early 1920's. Following the construction, the abutting roads became substantially larger than the township roads that existed at the time of construction. While there are other properties in the A-1 Agriculture District that face the same issue of longstanding buildings rendered nonconforming, it cannot be generally said that the improvements in the setback area generally predate County zoning or amendments thereto.

***That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** Neither the current owner nor the Applicant had any role in the difficulty or hardship in this instance as it developed as early as the 1920's and with areawide changes in roadways and highways since then.

***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 County has already determined that the improvements in the setback are not materially detrimental to the public welfare or the neighborhood because the County protects these buildings as nonconforming structures and uses. Applicant could continue the use of the buildings as nonconforming structures.

***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.*** The buildings are existing and well distanced from neighboring land. The buildings are adequately distanced from both Grove Road and Illinois Route 126 and the State and County have safely constructed, enlarged and maintained public rights of way without problems caused by the buildings for which the variations are requested. Applicant's Property is not open to the general public, so the variations will not substantially increase traffic or cause congestion. Traffic entering and leaving the site will be less than the traffic using area roadways for the residential subdivision on Grove Road about 3,000 feet to the north of the Property's

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driveway. Applicant's screening and use planning maintains an appropriate visual environment at the intersection and along the lot lines.

Variation from Section 7:01(G)(2)(b) requiring an accessory structure setback of 100 feet to the right-of-way or 150 feet to the right-of-way centerline in order to permit the following existing accessory structures: (a) tool shop, meeting area and storage building (north barn) at a location 57 feet south of Illinois Route 126 (+/-104' to the common law centerline); (b) the above-ground propane tank at a location 53' west of Grove Road (+/-73' west of the common law centerline); and (c) the residential garage, chicken coop, and large equipment storage barn which are at least partly in the required setback from either Illinois Route 126 or Grove Road

***Please note that this variation request relies on the same standards and circumstances set forth immediately above, except that they pertain to accessory structures.*** The accessory structures have existed for decades. The largest portion of the accessory structures is either outside the setback or behind another principal or accessory structure.

Variation from Section 4:05(B) and Section 11:02(F)(7) concerning yard obstructions in order to permit parking and loading as follows: (a) the existing residential garage +/-84 feet west of Grove Road, (b) an outdoor parking and loading yard 25 feet south of Illinois Route 126, and (c) a portion of the accessible parking spaces at a distance of between 69' and 96' south of Illinois Route 126, with the latter range intended to allow flexibility in design and location of the space during permitting in accord with the Illinois Accessibility Code

***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 topography and stormwater flow runs west and west then south or south. Substantially all of the Property south of the driveway from Grove Road is a flow route for storm volume. In attempting to avoid placement of the loading and storage yard away from the intersection and away from Grove Road, the drainage concerns and the loss of benefits of filtration and ground water recharging played a significant role in determining not to locate this yard south of its proposed location. With respect to the location of the existing garage, it is situated behind the house where such a garage would ordinarily exist, but the house was constructed 100 or more years ago before the expansion of the abutting roadways and the adoption of zoning regulations pertaining to the setback issue. The interior drive has existed for decades and the most logical location for an accessible parking stall is adjacent to the two buildings where an accessible space can be of benefit. The design of the space leaves all but roughly four feet of the space outside of the setback. These circumstances drive a finding in favor of the variations.



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***The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*** Due to the varying topography throughout the County and the circumstance that the Property is a corner lot that was improved before 1922, it cannot be said that the concern causing the difficulty and hardship generally prevails in the A-1 Agriculture District.

***The alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** The only new element relates to the parking, loading and storage area. While the election to have such an area could be viewed as self-inflicted, it simply is not. Since the 1920's, the area near Illinois Route 126 has been higher land. This is evident in aerial photographs in the topography of the area. Moreover, the use area to be occupied by the parking and loading area is similar to the use area that existed from at least the early 1980's until 2006. Applicant does not propose the loading and storage area adjacent to the lot line, but plans for it at a distance of 15 feet from the right-of-way, but in the same area that has the historically higher elevation and the historical use. In plain terms, Applicant is not the first to recognize this higher elevation and it did not create it any more than he would have created the grades, slopes and swales south of the barns that cause the area south of the driveway to be incapable of hosting the loading and storage area without presenting a visual obstruction, placing impermeable or less permeable surface over land that is saturated and helps to recharge groundwater while also filtering stormwater.

***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.*** Applicant proposes that none of the outdoor use should be plainly visible to passers by due to the screening on site and offsite. The use of CA-7 stone for the yard allows for infiltration of more water than not. To the extent that Applicant observes tiles or other drainage improvements during construction, it will handle those in accordance with the Illinois Drainage Code and local ordinance.

***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.*** One basis for the proposed location of the loading and storage yard is that it avoids placing the area in plain view. The yard will not create shadows or obstruct the flow of air. The yard itself does not contribute to traffic. In fact, it reduces traffic by avoiding excess trips Applicant would make if it were required to store and load materials elsewhere. The conditions on the special use above also touch on changes to be made if the treeline west of the Property no longer exists. The land to the south and southeast should remain substantially unaffected because the nursery and growing activities (both permitted uses) occur in the south 180 feet of the Property.



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Variation from Section 11:02(F)(4) which requires parking spaces with a depth of 20 feet in order to permit a depth of 18 feet with an overhang of 2 feet

***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 topography of the Property and water concerns led to an effort to avoid as much impervious surface as possible. The request for an adjustment in the parking lot design to allow for the same 20-foot parking space, but with a two-foot overhang, and an 18-foot space from tire to tail of a vehicle, is a di minimus request, but it avoids an extra several hundred feet of pervious surface in an area of storm flow, filtering and recharging.

***The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*** While applicable to several properties, this concern is not generally applicable to the A-1 district. The original parcel containing the Property was a long, narrow farmstead that extended to the cemetery. Through various transactions, including estate and probate matters, the Property was divided so that it became a roughly square lot with the southern 180 feet being an area of significant surface and subgrade flow during rain events and wet seasons.

***That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** Certainly, parking can be relocated. Nine parking spaces for the use is also more than needed. Applicant's preference for parking along the south side of the large barn may be personal. However, Applicant could have placed these on the south side of the driveway and reduced the area of soil that would accept water for filtration and recharging purposes. In planning for this use and similar uses, there is a general design principal that consolidation of buildings, parking and loading is best for the use and for passers by as well as eventual neighbors.

***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 parking variation to allow an 18-foot space with a 2-foot overhang area has absolutely no impact on public welfare or on property and improvements in this vicinity.

***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.*** Applicant is providing more parking than is necessary for its use. However, the provision of more parking does not conclusively lead to substantial increases in congestion since we are dealing with parking for only a few vehicles above that which is necessary. Parking on the north line of the interior drive will consolidate activity and also allow vehicles to park in a line where they will not be as noticeable to traffic on either abutting street.

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Indeed, the variation is literally to allow a two foot variation in space size to allow an overhang for the very same number of vehicles.

Variation from Sections 11:02(F)(2) and 11:06(D) in order to permit gravel drives outside the loading and storage yard and to permit permeable CA-7 stone in the loading and storage yard

***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.*** Since 1922, the Property has had gravel drives and loading areas except where the driveway entrances are. Notably, one of the significant concerns in stormwater planning for the project was that Applicant was required to stay under 32,000 square feet in hard surfaces because an outflow from a detention was difficult, if not impossible to plan for strictly within the lot lines. With agricultural land west and south of the Property, creating a detention pond could also affect these owners (farmers statewide are known for challenging new detention ponds that reduce the water that flows to their farms). The County allows the use of surfacing if it allows more water to pass through than it allows to pass across and over. CA-7 stone is used for storage and loading yards. It also allows for water to pass through. CA-7 at this location is practical and beneficial not only to Applicant but also to neighbors and the broader purpose of stormwater management. If Applicant were not allowed to use CA-7 in the loading and parking area, it would be forced to pursue a difficult plan for detention with no or limited outflow and detriment to neighbors and those who manage the culverts into which the stormwater must eventually pass. Applicant cannot be faced with the proposition of creating a point source or an overflow route that alters drainage to the west or the south.

***The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*** Most of the acreage in the area is tillable agricultural land. In fact most of the A-1 land is tillable. It cannot be generally said that people generally will want CA-7 for use in a loading and storage area that is only infrequently used for parking.

***The alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** As noted above, the conditions of the Property and difficulties tied to management of stormwater that would ultimately affect neighbors is not something Applicant played a role in creating.

***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 CA-7 stone is not the type that carries with a vehicle for a distance of 200-250 feet and into the right-of-way. The view to the CA-7 stone is screened. The use of the loading and storage area is not so frequent that dust will be cast upon surrounding lots. The use

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of CA-7 actually gains encouragement in the County's regulations, but this instance arises because there will be occasions when an employee parks in an area where a truck was once parked in the loading and storage area.

***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.*** Using stone as a surface will not affect light, air or street congestion. None of the materials stored are fire hazards. The use of stone does not affect the safety of first responders if there is an issue in the storage yard.

Variation from Section 11:06(G) under which the Zoning Administrator may require the provision of a loading space in order to waive the loading space requirement to allow the loading and storage yard

***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.*** As noted above, the pre-1922 development of the home and subsequent development of the accessory buildings left sufficient area in front of (east of) the large barn that was an active loading area previously. Prior aerial photographs depict this. Applicant could place the loading area in the same location but with a loading and storage yard proposed, the loading would occur behind this large barn.

***The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*** Please refer to the responses to this standard above. 99% of agricultural uses do not require a loading area. In general, the County cannot regulate loading on a farm that is five acres or larger. Regardless, the need for a waiver of a distinct loading area when there is a proposed loading and storage yard is not a condition that prevails in the A-1 District. As a landscape business and nursery, Applicant was challenged to find the most proximate land use in the parking classifications. None of them are similar. Applicant generally should have enough parking to support two employees arriving to take one vehicle out and leave one car in the vehicle space while having another vehicle available. On the majority of projects, only one or two people need to park at the Property. Others simply drive their own car to the project site, often carpooling because local officials prefer that Applicant avoids using all street spaces when performing work.

***The alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** Applicant believes that no parking space is required. However, the closest similar use which is still not remotely similar, imposes a loading zone on processing-type uses over 5,000 square feet in area. No one stays on site. Applicant believes staff should view the use as less than 5,000 square feet or adjust to practically recognize that the loading and storage yard can be viewed as satisfying the need for loading. Applicant notes that this is a precautionary

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variation inasmuch as it has ample loading space in the loading and storage yard and it has done nothing to create any hardship arising due to the possible requirement of a distinct loading area beyond what is provided for in the yard.

***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 elimination of a distinct loading area outside of the loading and storage yard serves the public interest by avoiding excessive and unnecessary loading that imposes visual obstructions and forces the construction of additional hard surface.

***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.*** As noted immediately above, the waiver of the distinct loading zone to recognize the loading and storage yard avoids unnecessary obstructions to light and air, decreases congestion in the driveways that take vehicles off the streets. In the absence of a distinct loading zone, loading will occur in the loading yard, further from the drive aisles and streets. The loading yard itself is screened and supported by the above discussion of the variation to allow part of the loading and storage yard in the setback.

Variation from Section 4:09(A) which applies only to construction of new principal buildings to require compliance with driveway specifications in Section 10.00(H)(10) of the Subdivision Control Ordinance in order to allow the existing driveways with a small expansion to the Grove Road driveway

Applicant includes this variation only to flag it for staff review. A variation from Section 4:09(A) and Subdivision Control Section 10.00(H)(10) should not be required since there is no new construction.

### ***Site Plan Approval***

Please see the zoning compliance table. Site plan review applies to the membrane structures as new non-residential or non-agricultural structures in the A-1 Agriculture District. The term structures, as defined in the ordinance, is limiting (walls and roofs). However, Applicant submits the site plan for the Property on all matters and respectfully notes that it meets the guidelines and standards by confining active use areas to the north as has been the case since at least as early as 1929 (and the 1980's with respect to the loading and storage yard), but placing the nursery area to the south, using fewer and basic signs, adding to landscaping and providing for meaningful parking even if it is not necessary to the use.

As noted above at some length, the plan is responsive to site conditions onsite and across the lot lines. The plan preserves natural features in the south 180 feet of the Property and

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provides substantial screening in the north portion affected by existing structures and the loading and storage area. Road size and configuration on both Illinois Route 126 and Grove Road is adequate for the trucks and trailers that may be utilized in the business. The parking lot does not require curbs or islands. Site plan review specifically contemplates relief when drainage may impact planning. Applicant has sufficiently mitigated effects of use. It has addressed ground water and aquifer recharge, minimization of cut and fill, and impervious cover above. The membrane structure for the flower greenhouses is common in agricultural area and not offensive to surrounding uses. Applicant has taken sufficient efforts to screen in setbacks along streets, to minimize driveway interaction and to buffer by reason of its placement of the nursery. The two driveways are sufficient for first responder access. Preserving the north driveway as limited emergency access promotes site safety and the safety of first responders.

Applicant moved too quickly on this one and understands that it will need to remove some limited work performed and to obtain permits to reconstruct areas. Applicant intends to perform site work to prepare the nursery area as soon weather allows (this will include scraping of some of the surface and preparation for the nursery. Also, as soon as weather allows, Applicant will install the CA-7 loading and storage area. The construction of the driveway improvement at Grove Road would likely occur later in the process once all of the interior work is accomplished. Subject to supply, Applicant would expect to have work concluded by July 2023—with the exception of the freestanding sign which is last on the agenda.

### ***Conclusion***

Applicant appreciates the patience of staff and public officials during the planning process prior to application. In some respects, miscommunication led to work in advance, and some of that blame lies with the attorney who was unaware that some of his statements of what should be done or planned led to actual action. This was explained to staff on one occasion. Obviously, some of this has to do with Applicant's goal of immediately accomplished what is right and should be done. However, I was not fully aware (due to distance and schedule) that Applicant was acting on comments made during the planning side of this. As indicated to staff, I will be happy to explain further to County officials if the issue arises.

Thank you for your attention to this application and its contents. I look forward to appearing before folks in Kendall County soon.

Yours very truly,

DANIEL LAW OFFICE, P.C.

Mark W. Daniel

LEGAL DESCRIPTION:

THAT PART OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN WHICH THE WEST LINE OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN INTERSECTS WITH THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 126, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE SOUTH 01 DEGREE 16 MINUTES 05 SECONDS EAST, ALONG SAID WEST LINE, 370.97 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 47 SECONDS EAST 344.16 FEET TO THE WEST LINE OF GROVE ROAD, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE NORTH 01 DEGREE 03 MINUTES 25 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 120.22 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 02 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 13.58 FEET (13.86 FEET RECORD); THENCE NORTH 00 DEGREES 45 MINUTES 28 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 225.61 FEET (228.20 FEET RECORD); THENCE NORTH 69 DEGREES 15 MINUTES 57 SECONDS WEST 69.02 (RECORD AND MEASURED) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 126; THENCE SOUTH 89 DEGREES 29 MINUTES 47 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 296.20 FEET (RECORD AND MEASURED) TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS. COMMONLY KNOWN AS 5022 IL ROUTE 126, YORKVILLE, ILLINOIS.



# WARRANTY DEED

AFTER RECORDING MAIL TO:

*Chris Ungeat*



NAME & ADDRESS OF TAXPAYERS:

MCB52 Inc.



201600014127

DEBBIE  
GILLETTE  
KENDALL COUNTY, IL

RECORDED: 9/12/2016 12:08 PM  
WD: 49.00 RHPFS FEE: 10.00  
PAGES: 3

RECORDER'S STAMP

The Grantors, Brent A. Stary and Tracy A. Stary, Husband and Wife, of the [REDACTED] [REDACTED] for and in consideration of TEN AND 00/100THS (\$10.00) DOLLARS and other good and valuable consideration in hand paid, CONVEY AND WARRANT to the Grantee, MCB52 Inc., An Illinois Corporation, of [REDACTED] to have and to hold the following described real estate situated in the County of Kendall, in the State of Illinois, to wit:

THAT PART OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN WHICH THE WEST LINE OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN INTERSECTS WITH THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 126, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE SOUTH 01 DEGREE 16 MINUTES 05 SECONDS EAST, ALONG SAID WEST LINE, 370.97 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 47 SECONDS EAST 344.16 FEET TO THE WEST LINE OF GROVE ROAD, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE NORTH 01 DEGREE 03 MINUTES 25 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 120.22 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 02 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 13.58 FEET (13.86' RECORD); THENCE NORTH 00 DEGREES 45 MINUTES 28 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 225.61 FEET (228.20' RECORD); THENCE NORTH 69 DEGREES 15 MINUTES 57 SECONDS WEST 69.02 (RECORD & MEASURED) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 126; THENCE SOUTH 89 DEGREES 29 MINUTES 47 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 296.20 FEET (RECORD & MEASURED) TO THE POINT OF BEGINNING; CONTAINING 3.000 ACRES, IN KENDALL COUNTY, ILLINOIS.

SUBJECT TO: (a) General real estate taxes not due and payable at time of closing; (b) Special taxes and assessments confirmed after contract date; (c) Building, building line and use or occupancy restrictions, conditions and covenants of record; (d) Zoning laws and ordinances which conform to the present usage of the premises; (e) Public and utility easements which serve the property; (f) Public roads and highways, if any; and (g) Drainage ditches, feeders lateral and drain tile, pipe or other conduit.

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Index Number:

Property Address:

CWU

06

16-18-200-011 & Part of 16-18-200-012  
5022 Rte. 126, Yorkville, IL 60560

CWU

06

DATED this 9<sup>th</sup> day of September, 2016.

[REDACTED]  
Brent A. Stary

(SEAL)

[REDACTED]  
Tracy A. Stary

(SEAL)

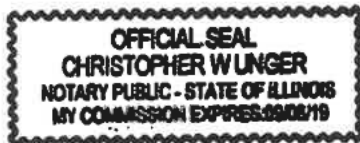
STATE OF ILLINOIS

COUNTY OF KENDALL

)  
) ss  
)

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

Given under my hand and official seal this 9<sup>th</sup> day of September, 2016.



[REDACTED]  
Notary Public

COUNTY - ILLINOIS TRANSFER STAMPS

EXEMPT UNDER PROVISIONS OF PARAGRAPH "E"  
SECTION 4, REAL ESTATE TRANSFER ACT

DATE: 9/9/16

[REDACTED]  
Buyer, Seller or Representative

NAME AND ADDRESS OF PREPARER:

Christopher V. Unger, Esq. Lorenzini & Associates, Ltd. 23808 W. Andrew Road, Unit 3 Plainfield, IL 60585





**Debbie Gillette**  
**Kendall County Clerk & Recorder**

**PLAT ACT AFFIDAVIT OF METES AND BOUNDS**

**STATE OF ILLINOIS**

)

) SS

**COUNTY OF KENDALL**

)

Christopher W. Unger, being duly sworn on oath, And further states that: (please check the appropriate box)

- 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)

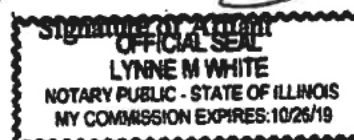
1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
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).

AFFILIANT 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 12 day of September, 2016.

Signature of Notary Public



# KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant MCB52 INC.  
 Address [REDACTED]  
 City [REDACTED] State [REDACTED] Zip [REDACTED]
2. Nature of Benefit Sought AUTHORIZATION TO SEEK ZONING
3. Nature of Applicant: (Please check one)  
☐ Natural Person (a)  
☒ Corporation (b)  
☐ Land Trust/Trustee (c)  
☐ Trust/Trustee (d)  
☐ Partnership (e)  
☐ Joint Venture (f)
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant.

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
BRENT STARY	[REDACTED]	50%
TRACY STARY	[REDACTED]	50%

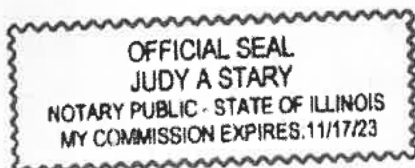
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
- \_\_\_\_\_

## VERIFICATION

I, Judy A. Stary, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 13 day of DECEMBER, A.D. 2022

(seal)



[REDACTED]  
 Notary Public

# KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

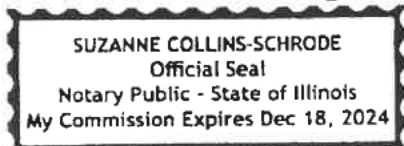
1. Applicant R & S LANDSCAPING & NURSERY, INC.  
 Address [REDACTED]  
 City [REDACTED] State [REDACTED]
2. Nature of Benefit Sought AUTHORIZATION TO SEEK ZONING
3. Nature of Applicant: (Please check one)  
☐ Natural Person (a)  
☒ Corporation (b)  
☐ Land Trust/Trustee (c)  
☐ Trust/Trustee (d)  
☐ Partnership (e)  
☐ Joint Venture (f)
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:
5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:  

NAME	ADDRESS	INTEREST
ROMAN CORREA	[REDACTED]	100%
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:  
MARK DANIEL, [REDACTED]

I, ROMAN CORREA MARK DANIEL, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 21<sup>st</sup> day of FEBRUARY, A.D. 2023

(seal)



[Signature]  
Notary Public



Kendall County Soil & Water  
Conservation District

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

[www.kendallswcd.org](http://www.kendallswcd.org)

### NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: R+S Landscaping & Nursery

Contact Person: Román Correa

Address: [REDACTED]

City, State, Zip: [REDACTED]

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 Na-Au-Say Township 26 N, Range 8 E, Section(s) 18

Parcel Index Number(s) 06-18-200-011 & 013

Project or Subdivision Name \_\_\_\_\_ Number of Acres 2.22

Current Use of Site Residential

Proposed Use Landscape Business

Proposed Number of Lots 1

Proposed Number of Structures 8

Proposed Water Supply Well

Proposed type of Wastewater Treatment Septic Field

Proposed type of Storm Water Management A perforated Drain Tile installed at -1st Section

#### Type of Request

☐ Change in Zoning from \_\_\_\_\_ to \_\_\_\_\_

☐ 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

end of Property to collect runoff  
& discharge it to Grove Rd.  
Right of Way.

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

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

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

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

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

Fee for first five acres and under \$ 375.00

\_\_\_\_\_ Additional Acres at \$18.00 each \$ \_\_\_\_\_

**Total NRI Fee** \$ 375.00

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

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

[Signature]  
Petitioner or Authorized Agent

02/15/23  
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:** Ridgeline Consultants, LLC  
**Contact:** Jiun-Guang Lin  
**Address:** [REDACTED]

**IDNR Project Number:** 2310530  
**Date:** 02/22/2023  
**Alternate Number:** 2022-0733

**Project:** 5022 II Route 126, Yorkville, IL  
**Address:** 5022 II Route 126, Yorkville

**Description:** Improve the property to fit for Landscape Business operation. Kendall County require a Special Use Permitting process.

### Natural Resource Review Results

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

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

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

#### Location

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

**County:** Kendall

**Township, Range, Section:**  
 36N, 8E, 18



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

**Government Jurisdiction**  
 Kendall County  
 Matt Asselmeier  
 111 W. Fox Street  
 Yorkville, Illinois 60560 -1498

#### Disclaimer

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

IDNR Project Number: 2310530

### **Terms of Use**

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

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

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

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

### **Security**

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

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

### **Privacy**

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

**KENDALL COUNTY AI ZONING COMPLIANCE TABLE**  
**5022 ILLINOIS ROUTE 126, YORKVILLE, IL (PINs 06-18-200-011, -013)**  
**(FEBRUARY 21, 2023)**

<b>SUBJECT</b>	<b>SECTION</b>	<b>ALLOWED/REQUIRED</b>	<b>PROPOSED</b>	<b>NOTES</b>
Corner Clearance	4:04(E)	40-foot triangle	>40 feet	
Accessory Setback	4:05(B)	5'	5'	
Permitted Acc. Uses	7:01(F)	Consistent, incidental, same ownership	Complies	
Lot Area	7:01(G)(1)	No minimum	3,016 ac./131,359 SF	
Lot Width	7:01(G)(1)	200 feet	372.35 feet	Grove Road, east, as front
<b>Setbacks</b>				All structures existing
Principal Bldg. (N)	7:01(G)(2)(a)	100 to ROW, 150 to CL, 50' to property line	73'-83' to ROW +/-143' to common law CL 313' to west lot line	IL Route 126, Variation
Principal Bldg. (E)	7:01(G)(2)(a)	100 to ROW, 150 to CL, 50' to property line	21' to ROW +/-54' to common law CL 228' to south lot line	Grove Road, Variation
Accessory Structure (N)	7:01(G)(2)(b)	100 to ROW, 150 to CL, 10' to property line	57.17' to ROW +/-104' to common law CL	Tool shop/mtg rm, Variation
Accessory Structure (E)	7:01(G)(2)(b)	100 to ROW, 150 to CL, 10' to property line	53' to ROW +/-73' to common law CL	Propane tank, Variation
Accessory Structures (S)	7:01(G)(2)(b)	100 to ROW, 150 to CL, 10' to property line	51' to property line	Flower storage
Accessory Structures (W)	7:01(G)(2)(b)	100 to ROW, 150 to CL, 10' to property line	103' to property line	Equip. storage barn
Accessory Structures (General)	7:01(G)(2)(b)	100 to ROW, 150 to CL, 10' to property line	Res. Garage, chicken coop, Equipment storage barn	Exist in setback but generally further set back, Variation
<b>Yard Obstructions</b>				
Res. Garage	4:05(B)	Side, rear	Proposed 84' (E)	Variation
Farm, garden crops	4:05(B)	Allowed to lot line	5' (E), 10' (S), lot line (W)	
Parking and loading	4:05(B)	Permitted rear only	Proposed at 25' (N)	Variation

<b>SUBJECT</b>	<b>SECTION</b>	<b>ALLOWED/REQUIRED</b>	<b>PROPOSED</b>	<b>NOTES</b>
Accessory bldg. loc.	4:05(C)	10' from lot line	51' (S), 103' (W)	Corrals not building or struct.
No. Principal Bldgs.	4:10	1 principal residential	1 principal residential	8 "buildings" are accessory
Side yard	None	See 7.01(G)		
Accessory structure height	4:05(E)	No limit		No height changes proposed
<i>Access to Streets</i>				Existing condition/limit north
Design	4:09(A)	Designed to Sub Standards	Continue existing	Variation, 10.00(H)(10)
Indiv. Drive Approval	4:09(B)	Zoning Administrator		Township, Kendall DOT
<i>Fences</i>	4:14(A)(1)	Exempt from 4:14	Concrete block enclosure	Otherwise maintain existing
<i>Non-Conformities</i>				
Structures	5:09(A)	Continuation allowed	Variations to allow	Needed for proper operation
Signs	5:13	Continuation OK, but not a sign (no draw to bus.)	Continuation of existing, subject to owner and surface condition	Staff confirm "Jesus Says" on north structure is not a sign
<i>Use Analysis</i>				
Farm Residence	7:01(B)(3)	Allowed, no char. change	Character will not change	One family by definition
Accessory Uses	7:01(C)(1)	Permitted		
Range of accessory uses, buildings or structures permitted	7:01(F)	All incidental and common, structures not inconsistent with SUP	All accessory comply	No new buildings or structures as defined, other than flower storage
Crop and tree farming	7:01(C)(2)	Permitted		
Dwelling, fam. watch	7:01(C)(4)	Permitted		
Farm animals (chickens)	7:01(C)(6)	Permitted		
Greenhouses/nurseries	7:01(C)(11)	Permitted		
Roadside Stand	7:01(C)(16)	Permitted		
Signs	7:01(C)(18)	Permitted, see 12:00		
Landscape business	7:01(D)(30)	Special	Proposed landscape business with nursery, tree farming, residence	Residence for owner or for watchman or growing employee



SUBJECT	SECTION	ALLOWED/REQUIRED	PROPOSED	NOTES
Storage	7:01(D)(30)(a)	Indoor unless SUP covers	Requesting screened outdoor storage of materials and equipment	
Location on highway	7:01(D)(30)(b)	Required	Located on 126/Grove	Access to Grove per LMRP, emerg. access to 126 only
No burn L.S waste	7:01(D)(30)(c)	No burning off-site LSW	Will comply	
Ag Labor Housing	7:01(E)(2)	Conditional use	Zoning Admin. approves	Future use
Ag purpose	7:01(E)(2)(b)	Connects to agric. use		
ALH Health Dept.	7:01(E)(2)(b)	Comply with Health Dept.	Upon such occupancy	Review with staff (future)
Dwellers for growing	7:01(E)(2)(c)	Resident must grow	Resident would grow	
Setbacks	7:01(E)(2)(d)	Must meet setbacks	Will meet approved setbacks	
<b>Parking/Loading</b>				
Surfacing	11:02(F)(2)	Permanent hard or other environmentally friendly, w/ striping if over 4 req'd	Proposed asphalt with more remote gravel spaces, <4 but striping provided	
Accessible surface	11:02(F)(2)	Perm. hard surf, striped	Perm. hard surf, striped	Note no public building access, typ. pickup only
Accessible number	11:02(F)(6)	1	1	
Parking space dimensions	11:02(F)(4)	9'; 20'; 24'	9'; 18'+2' OH; 24'	Variation needed
Parking location	11:02(F)(7)	Not in front yard, 5' otherwise	Accessible parking 95' (N)	4' extends into front, subj. to approval of pr str variation
Screening	11:02(F)(8)	Not applicable due to surroundings (no A1 SUP)	No parking area has over 20 spaces, screening provided	Review south and west parking
Circulation controls	11:02(F)(9)	Encouraged	Provided to reduce use of 126 driveway to emerg only	
Landscape islands	11:02(F)(10)	Encouraged	Not enough parking to justify	See Landscape Plan
Landscaping sight triangle	11:02(F)(11)	40-foot triangle at NE corner of property	No plantings	Freestanding sign in NE yard will be landscaped but outside of the triangle

SUBJECT	SECTION	ALLOWED/REQUIRED	PROPOSED	NOTES
Prohibited lights	11:02(F)(12)(b)	Sag lenses and wall packs not allowed	New lighting will comply	Will rotate others out as they fall out of service
Lighting at lot line	11:02(F)(12)(d)	5 FC at lot lines or street	Will comply	Photometric not required (a)
Lighting height	11:02(F)(12)(e)	Not applicable	Wall height below 20 feet	Verify with staff
Open maintenance	11:02(F)(13)	Allowed as part of SUP	Requested provided in area west of large barn or directly east of barn	Request is for light maintenance (washing, fluids, topping, wiper or other nominal maintenance)
Residential parking	11:04	2 per dwelling	2	
Nursery/L.S parking	11:04	Nothing remotely similar	10 parking, plus vehicles parked to replace removed trucks/equipment	Aligns with "One (1) parking space shall be provided for each employee plus one (1) parking space for each vehicle used in the conduct of the enterprise" but the use is all off site.
RV	11:05(A)(1)(c)	Unlimited, only for owner or tenant and unoccupied	1	Only for owner or tenant and unoccupied
Loading location	11:06(A)	Not within 35 feet of intersection of 2 street	>220 feet	
Loading size	11:06(B)	12'x30'x14'	All exceed	Area west of large barn, definition conflicts (35')
Loading pad	11:06(D)	Concrete pad required	CA-7	Variation
Loading required	11:06(G)	None	Loading yard	<5000 SF processing fac
<i>Signs</i>				
Location	12:06(A)	Not in triangle, 10' from ROW; not in ROW; on premises	Will comply	
Number/Type	12:08	1 per frontage, freestanding	1 freestanding NE yard	Possible 2nd if preferred by Kendall DOT, fixed, note wall sign on barn not a sign

# STORMWATER MANAGEMENT PERMIT

PERMIT APPLICATION # \_\_\_\_\_

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

Property: Name NICB52 Inc  
 Owner: Address [REDACTED]  
 Phone [REDACTED]  
 Agent: Name John Jones 470 of Redwood  
 Address [REDACTED]  
 Phone 14  
 Site: Address or Location 5022 IL RT 126, Yorkville, IL  
 Tax Parcel # 06-18-200-011 2-013  
 Zoning/Land Use/Acres A-1 / Large Business Operation

## Proposed Development:

Special Use Permit Application for the ex. Landscape Area. Special Use Permit Ex. General parameters proposed to be reduced in order to stay under the thresholds of Site Runoff. See Regulations under 2031

Attachments: Plat ☒ Construction Plans \_\_\_\_\_  
 Soils \_\_\_\_\_ Landscaping \_\_\_\_\_  
 Grading \_\_\_\_\_ Phasing \_\_\_\_\_  
 Other Topography Survey 3-20-10

Fees: \$ X Processing Fee (\$50.00)  
 \$ X Engineering Review Deposit (\$1,200.00 or 2% of estimated cost of the proposed improvements, whichever is greater.)  
 TOTAL \$ 1,250 One check is acceptable made out to the Kendall County Treasurer

Staff will contact Applicant regarding schedule and reviews.

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

Owner's Signature (Including Middle Initial) \_\_\_\_\_ Date \_\_\_\_\_  
 Agent's Signature (Including Middle Initial) [REDACTED] Date 2/15/23

Kendall County Planning, Building, & Zoning Department  
 111 West Fox Street, Room 203  
 Yorkville, Illinois 60560  
 Phone: (630) 553-4139, Fax (630) 553-4179  
[www.kendallcountyil.gov](http://www.kendallcountyil.gov)

## **5022 IL RT. 126, YORKVILLE, IL**

### **STORMWATER NARRATIVES**

By Jiun-Guang Lin, PE of Ridgeline Consultants, LLC on 02/20/2023

The subject development takes place on two parcels (PIN's 06-18-200-011 & -013) with a total of 3.02 acre in area. The un-incorporated property was in residential use under A-1 zoning. The applicant, R+S Landscape and Nursery, rented the property and turned it to a Landscape Business operation. According to the applicant, the business is not open to the public and only employees will work on the premises. It is our understanding that the applicant was demanded by the County to go through a Special Use zoning process.

Based on our research into FEMA Flood Insurance Rate Map number 17093C0130H dated of 01/08/2014, there is a no regulatory floodplain and floodway existing on site or immediate offsite. As shown on National Wetlands Inventory Map, there is no "Wetlands/Lakes/Ponds" within the property or immediate offsite.

Upon research into USDA NRCS Soil Map, the predominant soils type onsite are 443B (Barrington Silt Loam, 2 to 4 percent slopes) and 152A (Drummer Silty Clay Loam, 0 to 2 percent slope).

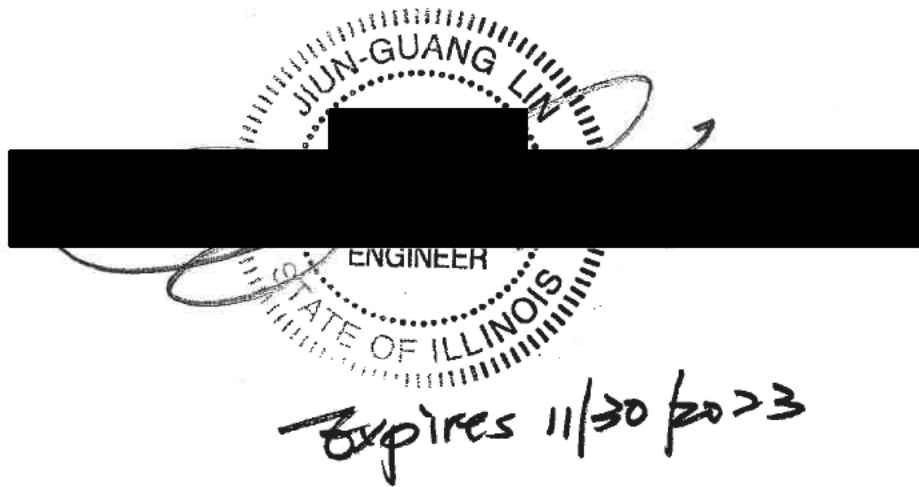
The property was altered by the Applicant since moving in in Oct 2022 not knowing permit was required. Notably, A significant portion of the property was paved with granular material. In addition, the landscaping material storages by concrete blocks were set up along the west property line while two greenhouses were constructed within the southern half of the property as shown on Boundary & Topographic Survey.

In order to meet County Ordinance without triggering Site Runoff Storage requirements, a substantial gravel area is proposed to be removed and turned back into greenspace. As such, the total impervious area onsite, regardless when it was created, as well as the Development Area are kept under 32,000sf and 45,000sf respectively as documented on Site Plan. Please note that the driveway and Equipment Storage/Truck Parking as well as Brick Storage in the west yard is proposed to be covered with 2"-3" CA-7 uniformed graded granular material to allow for surface runoff infiltration. Therefore, these areas are treated as pervious area but as a part of the "Development Area".

The property generally slopes from the north to the south and this topography will be maintained. A 4" HDPE perforated pipe wrapped with gravel was installed to run under a swale 10' north of the southern property line to intercept the surface runoff from the north and convey it easterly before bubbling up out of a pop-up emitter within Grove Rd. It is my opinion that this system of a swale and a French Drain combined serves effectively to mitigate the drainage situation so that less runoff reaches to the south neighboring property than the pre-existing condition.

According to the applicant, County Engineer Fran Klass met him onsite and had no issue with the existing driveway entrance off Grove Rd less than 24' wide. However, the gravel portion of the existing driveway entrance was proposed to be paved with Asphalt.

It is our belief that the proposed project meets the requirements of Kendall County Stormwater Ordinance.





# National Flood Hazard Layer FIRMette

88°21'35"W 41°36'35"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

88°20'58"W 41°36'8"N

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, V, AE, AH, VE, AR
- With BFE or Depth Zone AE, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X)
- Future Conditions 1% Annual Chance Flood Hazard (Zone X)
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee (Zone D)

**OTHER AREAS**

- NO SCREEN
- Area of Minimal Flood Hazard (Zone X)
- Effective LOMRs
- Area of Undetermined Flood Hazard (Zone X)

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Flood Elevation
- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/20/2023 at 3:48 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





U.S. Fish and Wildlife Service

## National Wetlands Inventory

## Wetlands



February 20, 2023

### Wetlands

- |   |                                |   |                                   |   |          |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland       |  | Lake     |
|  | Estuarine and Marine Wetland   |  | Freshwater Forested/Shrub Wetland |  | Other    |
|   |                                |  | Freshwater Pond                   |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

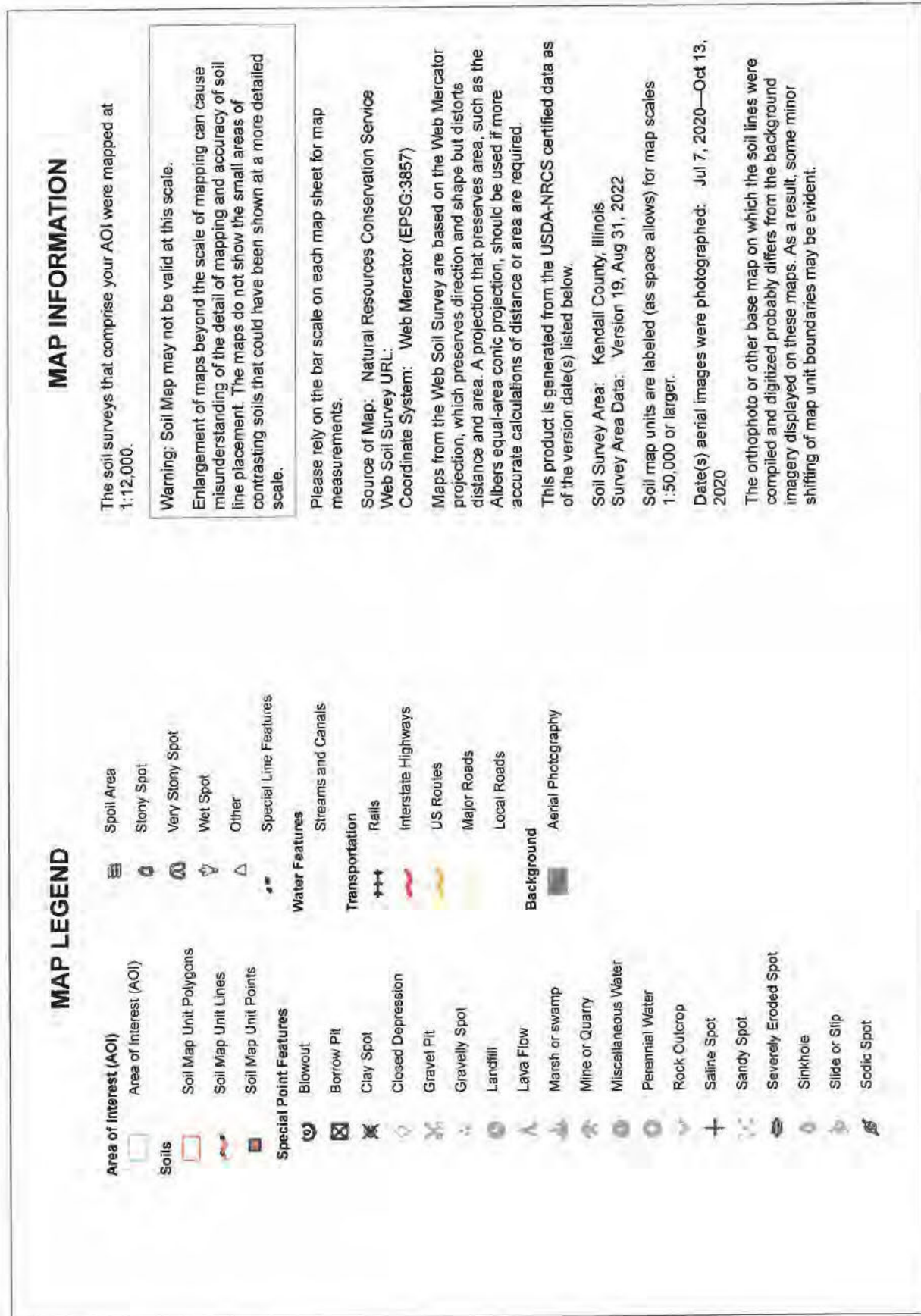
U.S. Fish and Wildlife Service, National Standards and Support Team,  
wetlands\_team@fws.gov

National Wetlands Inventory (NWI)  
This page was produced by the NWI mapper









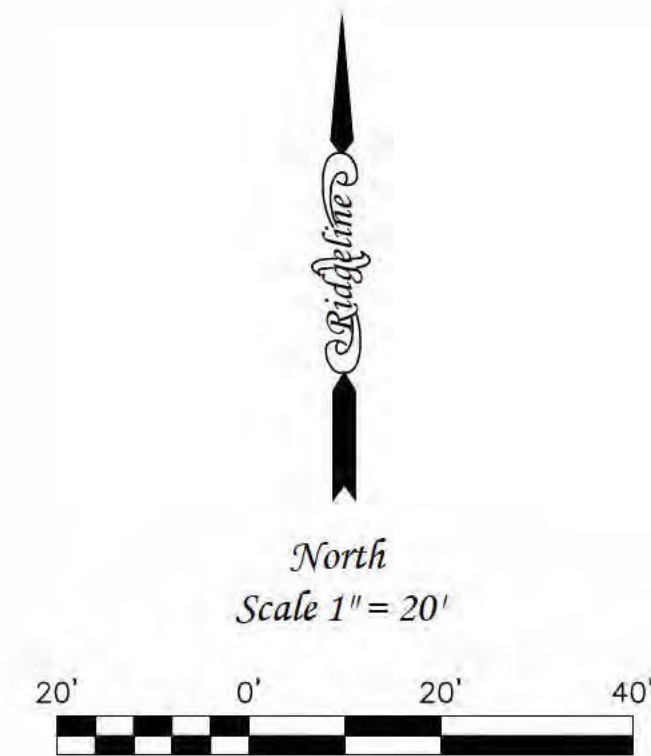
## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
152A	Drummer silty clay loam, 0 to 2 percent slopes	0.5	16.9%
443B	Barrington silt loam, 2 to 4 percent slopes	2.6	83.1%
Totals for Area of Interest		3.2	100.0%



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# SITE PLAN

**LEGAL DESCRIPTION:**

THAT PART OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN WHICH THE WEST LINE OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN INTERSECTS WITH THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 126, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE SOUTH 01 DEGREE 16 MINUTES 05 SECONDS EAST, ALONG SAID WEST LINE, 370.97 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 47 SECONDS EAST 344.16 FEET TO THE WEST LINE OF GROVE ROAD, AS LAID OUT AND TRAVELED PER DOCUMENT (NO. 201600000859, RECORDED JANUARY 19, 2016)\*; THENCE NORTH 01 DEGREE 03 MINUTES 25 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 120.22 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 02 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 13.58 FEET (13.86 FEET RECORD); THENCE NORTH 00 DEGREES 45 MINUTES 28 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 225.61 FEET (228.20 FEET RECORD); THENCE NORTH 69 DEGREES 15 MINUTES 57 SECONDS WEST 69.02 (RECORD AND MEASURED) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 126; THENCE SOUTH 89 DEGREES 29 MINUTES 47 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 296.20 FEET (RECORD AND MEASURED) TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS 5022 IL ROUTE 126 (PARCEL 1), YORKVILLE, ILLINOIS.

<b><u>SITE AREA TABLE</u></b>	
LOT = 131,359 SF	
<b><u>EXISTING CONDITIONS**:</u></b>	
BUILDINGS	8,032 SF
GRAVEL DRIVEWAY	3,837 SF
ASPHALT DRIVEWAY	2,261 SF
CONC. PAVEMENT	705 SF
EXISTING IMPERVIOUS	14,835 SF
<b><u>PROPOSED CONDITIONS**:</u></b>	
BUILDINGS	10,663 SF
GRAVEL AREAS	12,991 SF
ASPHALT DRIVEWAY	2,127 SF
CONC. PAVEMENT	734 SF
BLOCK STORAGE WALLS	887 SF
PROPOSED IMPERVIOUS	27,402 SF
PROPOSED IMPERVIOUS = 27,402 SF < 32,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS	

\* EXISTING CONDITIONS CALCULATIONS  
BASED ON KENDALL COUNTY GIS AERIAL  
IMAGERY WHICH SHOWS THE SUBJECT SITE  
PRIOR TO GRAVEL BEING INSTALLED OVER  
A LARGE PORTION.

**\*\* PROPOSED IMPERVIOUS DOES NOT  
INCLUDE 15,519 SF OF UNIFORM GRADED  
2"-3" CA-7.**

**SITE DATA:**  
TOTAL ACRES = 3.02 AC

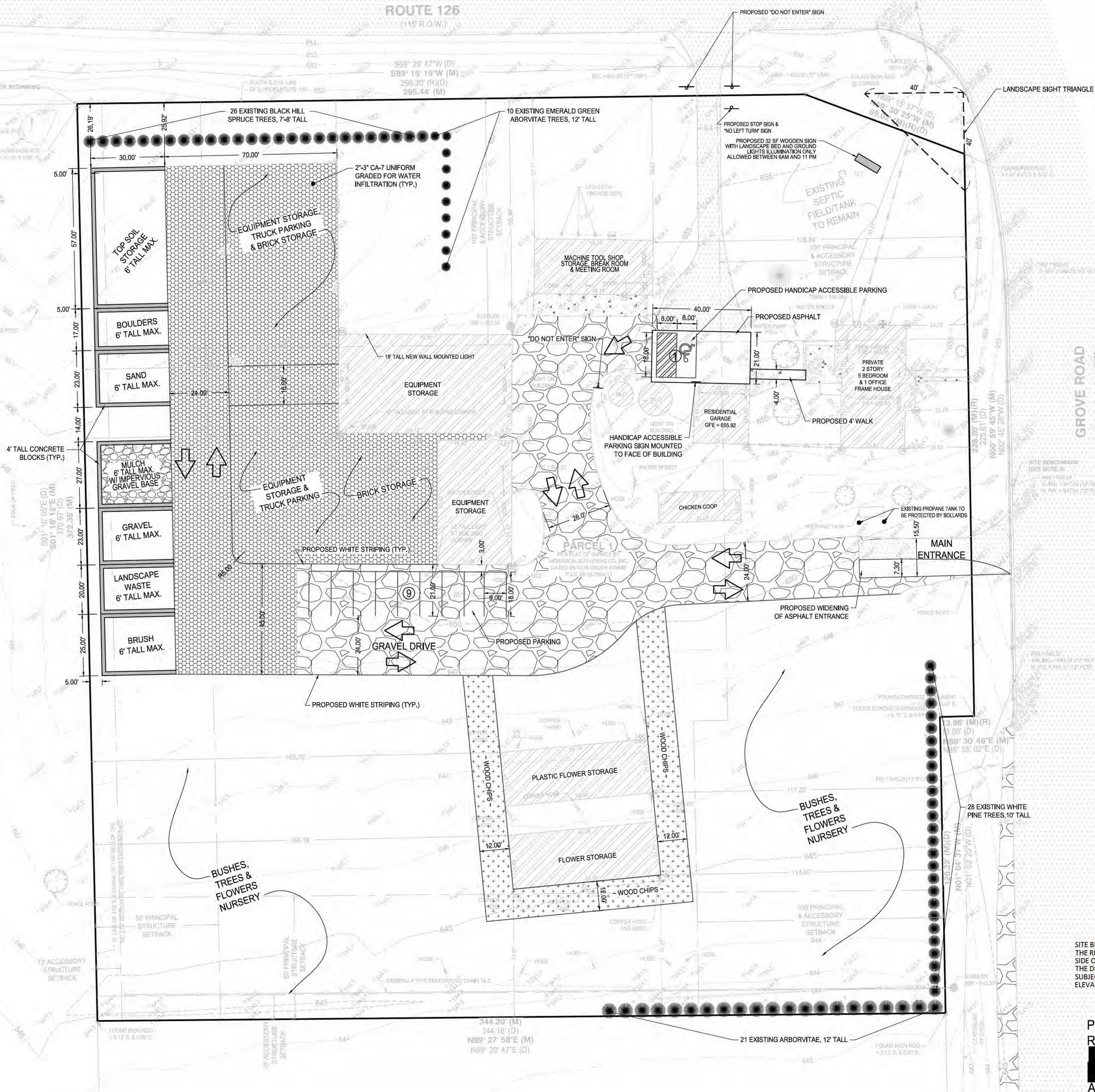
NUMBER OF PROPOSED PARKING STALLS: 10 (INCLUDING 1 HANDICAP ACCESSIBLE PARKING SPACE)

NUMBER OF REQUIRED PARKING STALLS: NOT APPLICABLE AS SITE IS A PRIVATE BUSINESS NOT OPEN TO RETAIL CUSTOMERS. SPACES PROVIDED FOR EMPLOYEE PARKING.

NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS: 1

NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS REQUIRED : 1

<b>DEVELOPMENT AREA:</b>	
1. NEW GRAVEL PARKING & DRIVEWAYS	9,154 SF
2. CA-7 STORAGE, PARKING & DRIVEWAYS	15,519 SF
3. NEW FLOWER & PLASTIC FLOWER STORAGE	2,631 SF
4. NEW MISCELLANEOUS STORAGE ALONG WEST PROPERTY LINE (CONCRETE BLOCKS ONLY)	887 SF
5. NEW CONCRETE WALKWAY	90 SF
6. NEW ASPHALT DRIVE AREA & HANDICAP ACCESSIBLE PARKING AREA	1,159 SF
	<b>TOTAL = 29,440 SF</b>
TOTAL OF 29,440 SF < 45,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS	



**SITE BENCHMARK:** CUT CROSS ON THE NORTHEAST CORNER OF THE RIM OF A SQUARE CATCH BASIN LOCATED ON THE WEST SIDE OF GROVE ROAD APPROXIMATELY 11.5 FEET NORTH OF THE DRIVEWAY APRON (CONNECTED TO GROVE ROAD) OF THE SUBJECT PROPERTY. SEE DRAWING FOR EXACT LOCATION. ELEVATION = 650.64 (NAVD 88)

PLANS PREPARED FOR:  
R & S LANDSCAPING & NURSERY

ATTN: ROMAN CORREA

REVISION	DATE	DISC		BOOK:	DWG SIZE D
1	02/09/2023	GENERAL DESIGN REVISIONS (REV)		DRAWN: REV	CHECKED: JUL
1	02/08/2023	PER COMMENTS RECEIVED 02/22/2023 (REV)		REFERENCE:	
				DATE: 02/07/2023	
				PROJECT NO.	2022-0733

**Ridgeline Consultants LLC**  
Illinois Professional Design Firm No. 184-004766  
1661 Aucutt Road, Montgomery, IL 60538  
PH: 630.801.7927 FAX: 630.701.1385  
Jianfeng Hua P.L.S. 4071 Expiration Date 11/30/2024  
George H. Skulavik P.L.S. 2580 Expiration Date 11/30/2024  
Stacy L. Stewart P.L.S. 3415 Expiration Date 11/30/2024

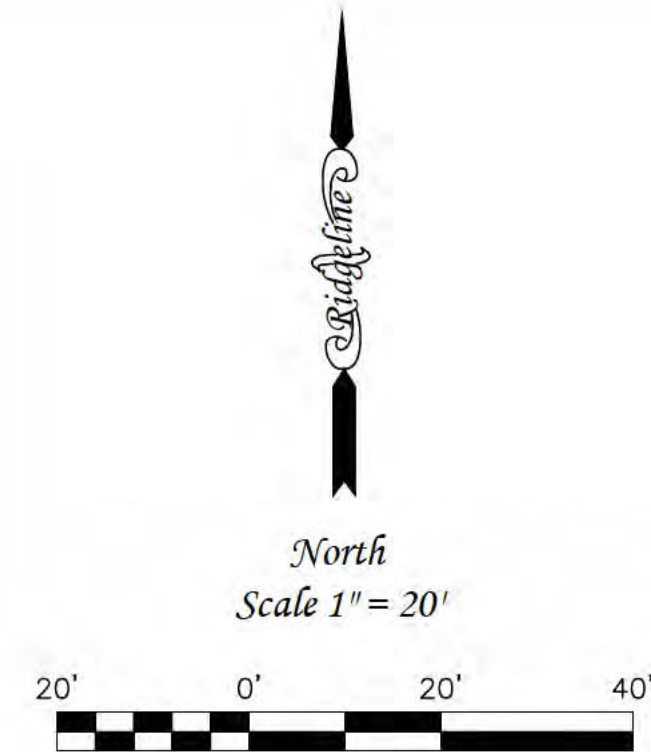


PREPARED FOR: **R & S LANDSCAPING & NURSERY**

PROPERTY ADDRESS: **5022 IL ROUTE 126  
YORKVILLE, ILLINOIS**

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# SITE PLAN

## LEGAL DESCRIPTION:

THAT PART OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN WHICH THE WEST LINE OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN INTERSECTS WITH THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 126, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 20160000859, RECORDED JANUARY 19, 2016; THENCE SOUTH 01 DEGREE 16 MINUTES 05 SECONDS EAST, ALONG SAID WEST LINE, 370.97 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 47 SECONDS EAST 344.16 FEET TO THE WEST LINE OF GROVE ROAD, AS LAID OUT AND TRAVELED PER DOCUMENT (NO. 20160000859, RECORDED JANUARY 19, 2016)\*; THENCE NORTH 01 DEGREE 03 MINUTES 25 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 120.22 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 02 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 13.58 FEET (13.86 FEET RECORD); THENCE NORTH 00 DEGREES 45 MINUTES 28 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 225.61 FEET (228.20 FEET RECORD); THENCE NORTH 69 DEGREES 15 MINUTES 57 SECONDS WEST 69.02 (RECORD AND MEASURED) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 126; THENCE SOUTH 89 DEGREES 29 MINUTES 47 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 296.20 FEET (RECORD AND MEASURED) TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS 5022 IL ROUTE 126 (PARCEL 1), YORKVILLE, ILLINOIS.

## SITE AREA TABLE

LOT = 131,359 SF

### EXISTING CONDITIONS\*:

BUILDINGS	8,032 SF
GRAVEL DRIVEWAY	3,837 SF
ASPHALT DRIVEWAY	2,261 SF
CONC. PAVEMENT	705 SF
EXISTING IMPERVIOUS	14,835 SF

### PROPOSED CONDITIONS\*\*:

BUILDINGS	8,032 SF
GRAVEL AREAS	19,317 SF
ASPHALT DRIVEWAY	2,967 SF
CONC. PAVEMENT	785 SF
BLOCK STORAGE WALLS	887 SF
PROPOSED IMPERVIOUS	31,988 SF

PROPOSED IMPERVIOUS = 31,988 SF < 32,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS

\* EXISTING CONDITIONS CALCULATIONS BASED ON KENDALL COUNTY GIS AERIAL IMAGERY WHICH SHOWS THE SUBJECT SITE PRIOR TO GRAVEL BEING INSTALLED OVER A LARGE PORTION.

## SITE DATA:

TOTAL ACRES = 3.02 AC

NUMBER OF PROPOSED PARKING STALLS: 10 (INCLUDING 1 HANDICAP ACCESSIBLE PARKING SPACE)

NUMBER OF REQUIRED PARKING STALLS: NOT APPLICABLE AS SITE IS A PRIVATE BUSINESS NOT OPEN TO RETAIL CUSTOMERS. SPACES PROVIDED FOR EMPLOYEE PARKING.

NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS: 1

NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS REQUIRED : 1

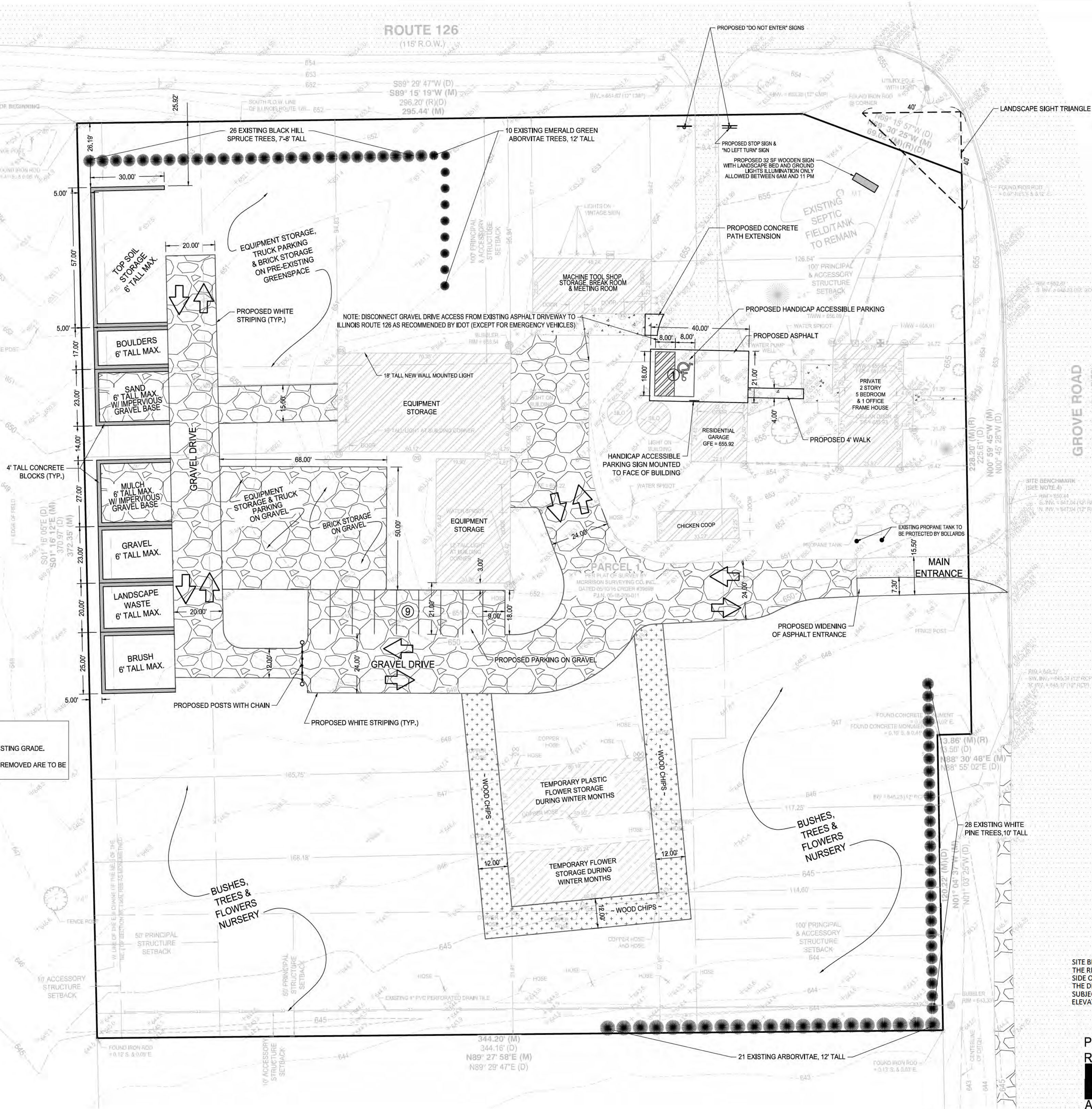
## DEVELOPMENT AREA:

1. NEW GRAVEL PARKING & DRIVEWAYS	19,317 SF
2. NEW FLOWER & PLASTIC FLOWER STORAGE	2,631 SF
4. NEW MISCELLANEOUS STORAGES ALONG WEST PROPERTY LINE (CONCRETE BLOCKS ONLY)	887 SF
5. NEW CONCRETE WALKWAY & PATH EXTENSION	142 SF
6. NEW ASPHALT DRIVE AREA & HANDICAP ACCESSIBLE PARKING AREA	1,159 SF
TOTAL	24,136 SF

TOTAL OF 24,136 SF < 45,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS

## GRADING NOTES:

- EXISTING GRAVEL TO REMAIN AT EXISTING GRADE.
- AREAS WHERE EXISTING GRAVEL IS REMOVED ARE TO BE GRADED TO PRE-EXISTING GRADE.



SITE BENCHMARK: CUT CROSS ON THE NORTHEAST CORNER OF THE RIM OF A SQUARE CATCH BASIN LOCATED ON THE WEST SIDE OF GROVE ROAD APPROXIMATELY 11.5 FEET NORTH OF THE DRIVEWAY APRON (CONNECTED TO GROVE ROAD) OF THE SUBJECT PROPERTY. SEE DRAWING FOR EXACT LOCATION. ELEVATION = 650.64 (NAVD 88)

PLANS PREPARED FOR:  
R & S LANDSCAPING & NURSERY

ATTN: ROMAN CORREA

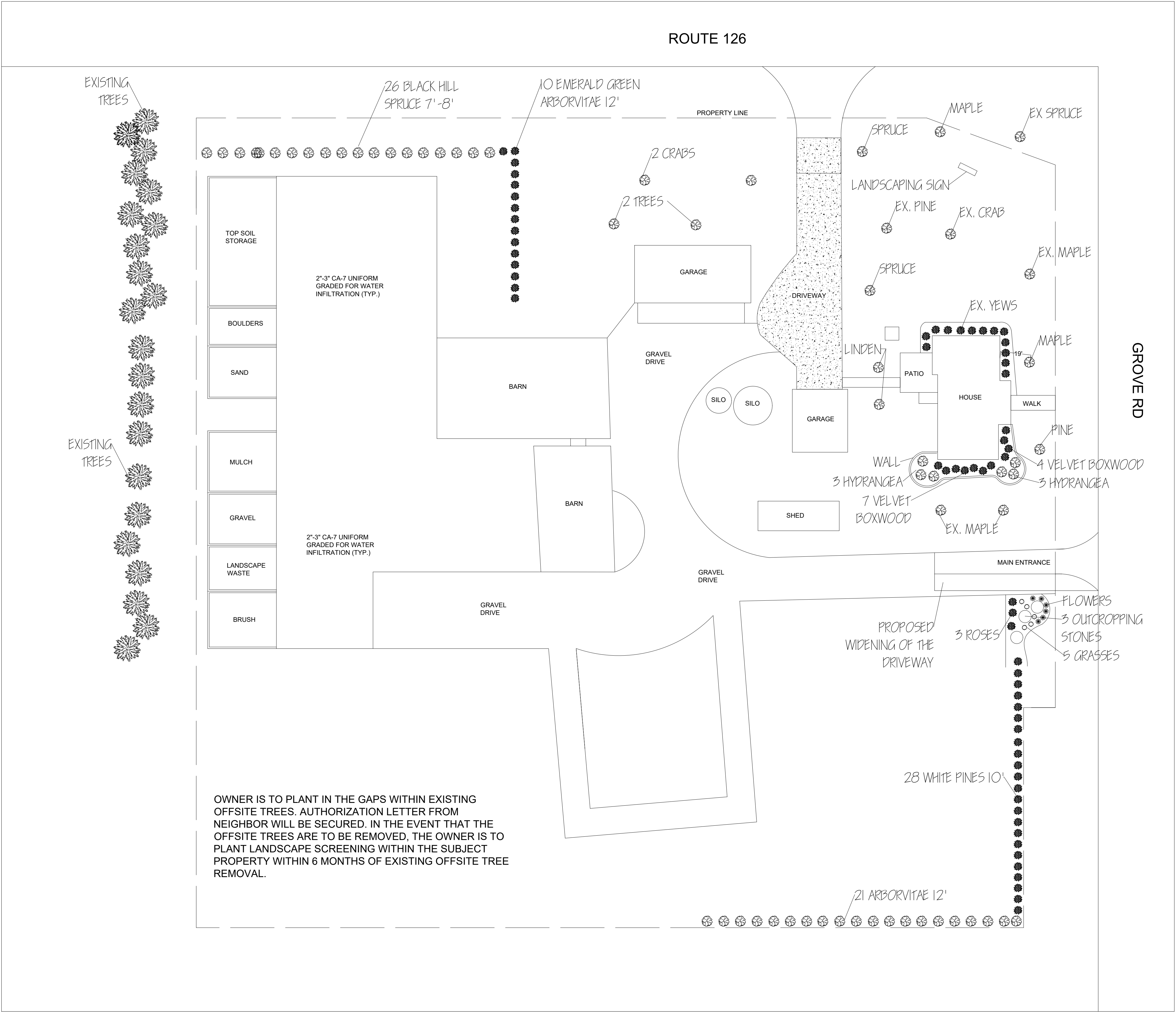
Ridgeline Consultants LLC



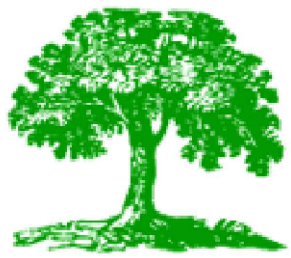
R & S LANDSCAPING & NURSERY

SHEET 1 OF 1





SCALE: 1/32" = 1'0"



R & S LANDSCAPING  
& NURSERY

ADDRESS:  
5022 IL ROUTE 126  
YORKVILLE, IL

DATE: 1/10/23  
REV: 3/20/23

PROJECT NAME:

R & S LANDSCAPING & NURSERY





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SUS SAYS  
JUST BE BORN AGAIN

03/22/2023 08:37





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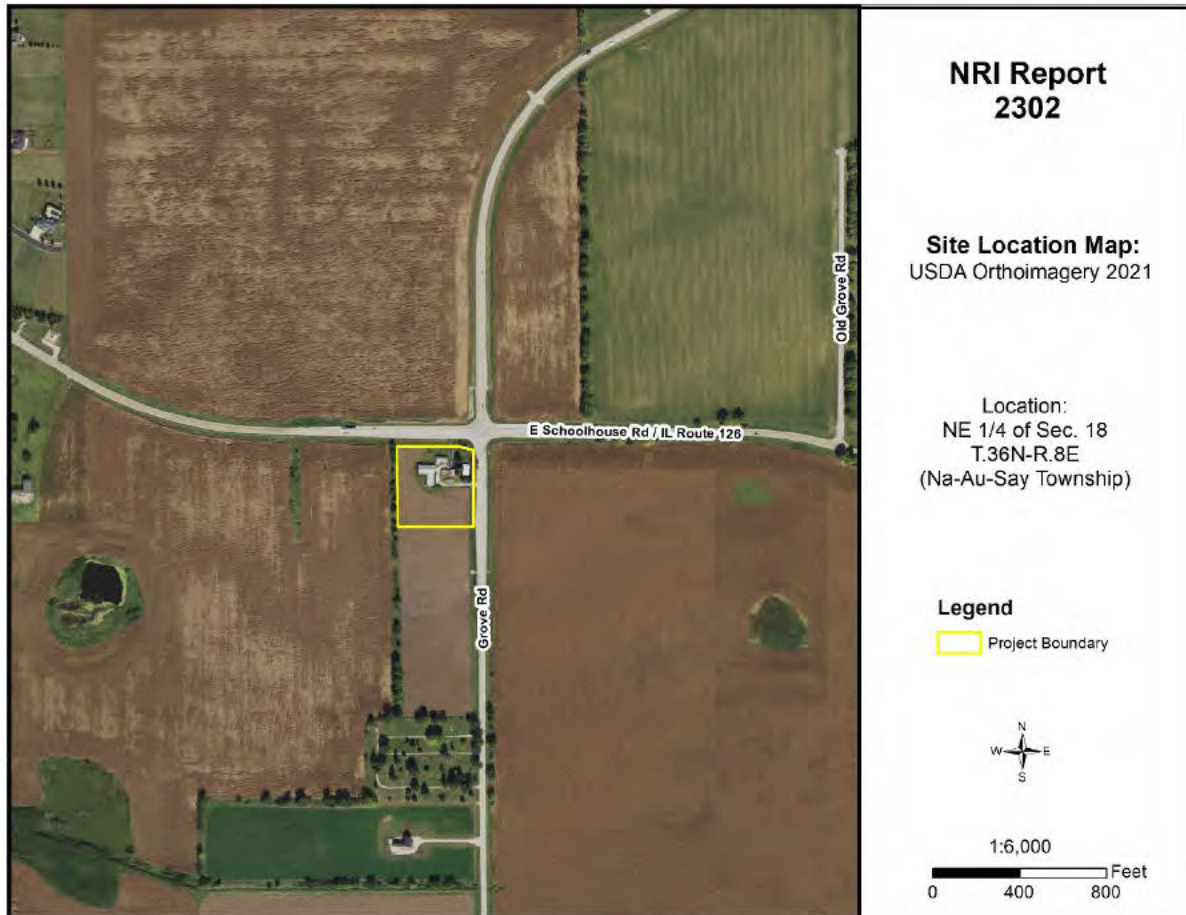


Attachment 10 Grove Road Entrance

03/22/2023 08:39



# NATURAL RESOURCE INFORMATION (NRI) REPORT: #2302



Mar.  
2023

Petitioner: R&S Landscaping & Nursery  
Contact: Roman Correa

Prepared By:



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

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

Natural Resource Information Report Number	2302
Date District Board Reviews Application	March 2023
Applicant's Name	R&S Landscaping & Nursery
Size of Parcel	(+/-) 3.00 acres
Current Zoning & Use	A-1 Agricultural; Rural Residence
Proposed Zoning & Use	A-1 Agricultural Special Use; Landscaping Business
Parcel Index Number(s)	06-18-200-011 & 06-18-200-013
Contact Person	Roman Correa

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*

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## ***PURPOSE AND INTENT***

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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](mailto:Alyse.Olson@il.nacdnet.net)**

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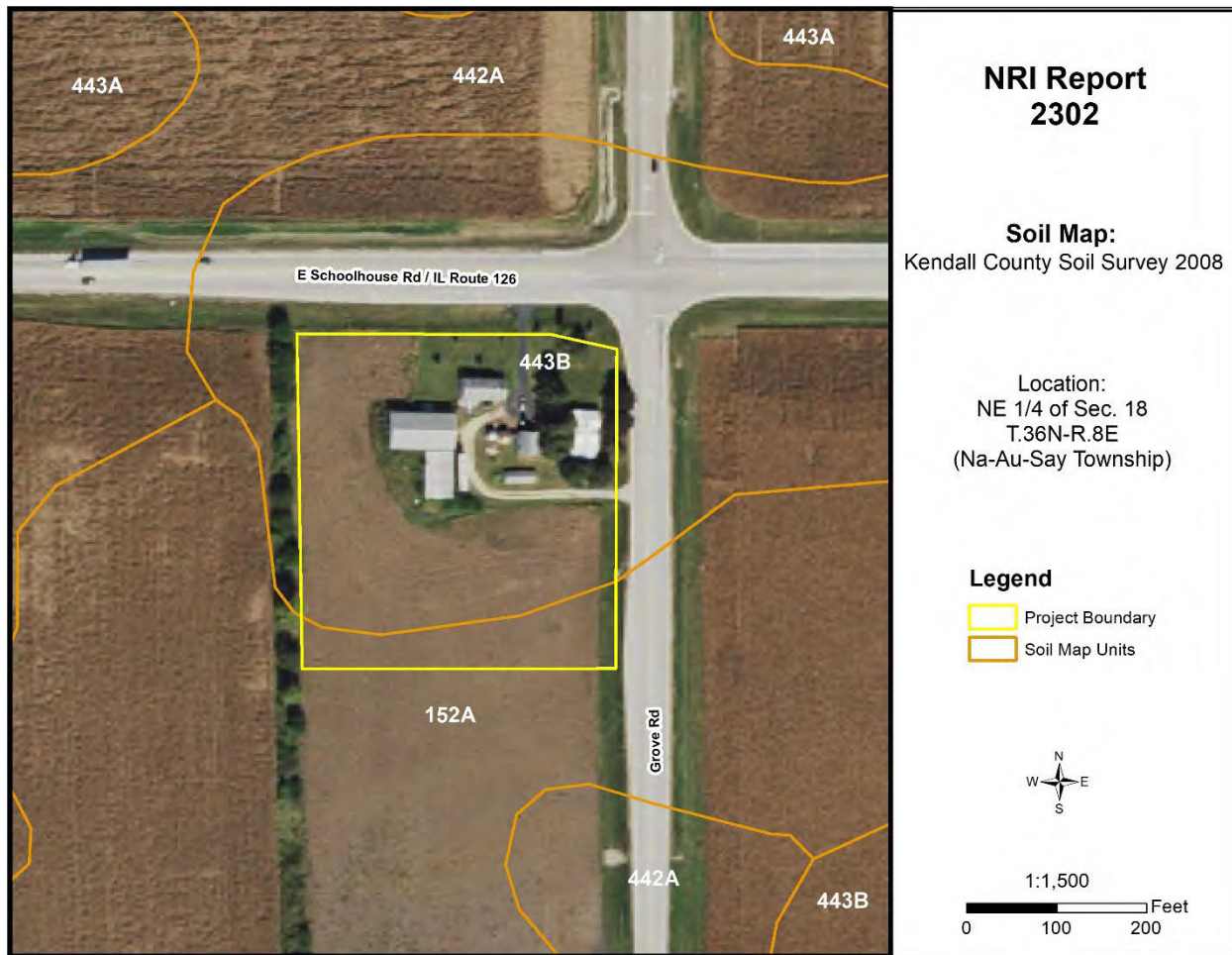


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## ***EXECUTIVE SUMMARY***

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Natural Resource Information Report Number	#2302
Petitioner	R&S Landscaping & Nursery
Contact Person	Roman Correa
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	NE ¼ of Section 18, Township 36 North, Range 8 East (Na-Au-Say Township) of the 3 <sup>rd</sup> Principal Meridian
Project or Subdivision Name	R&S Landscaping & Nursery
Existing Zoning & Land Use	A-1 Agricultural; Rural Residence
Proposed Zoning & Land Use	A-1 Agricultural Special Use; Landscaping Business
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	Perforated drain tile
Size of Site	(+/-) 3.00 acres
Land Evaluation Site Assessment Score	231 (Land Evaluation: 89; Site Assessment: 142)

**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
152A	Drummer silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained
443B	Barrington silt loam, 2-4% slopes	Moderately Well Drained	C	Non-Hydric with Hydric Inclusions Likely	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.

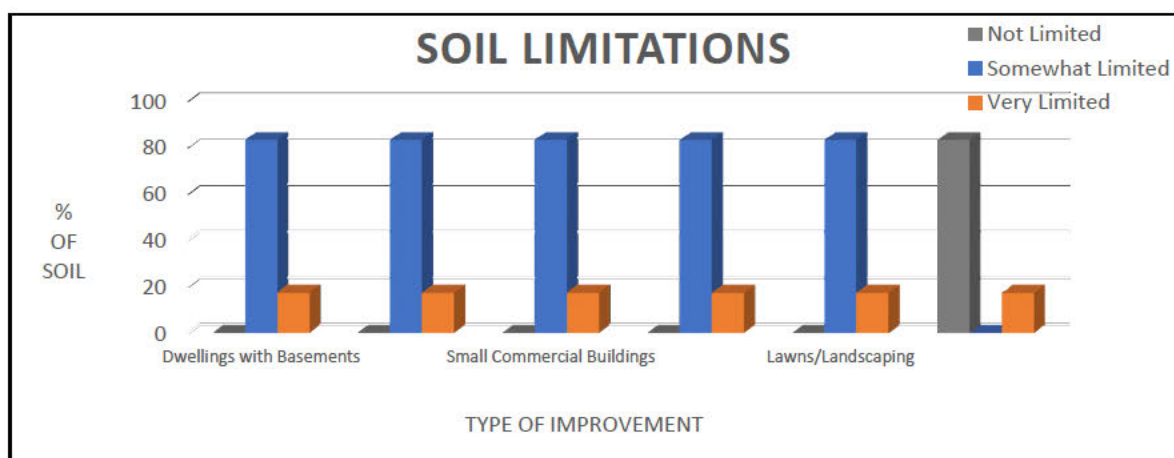
**Hydric Soils** – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions 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 hydric soil (152A Drummer silty clay loam) and one is classified as non-hydric soil with hydric inclusions likely (443B Barrington 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, one is designated as prime farmland (443B Barrington silt loam) and one is designated as prime farmland if drained (152A Drummer silty clay loam). Both are considered designations of prime farmland.

**Soil Limitations** – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings, small commercial buildings, solar arrays, shallow excavations, lawns/landscaping, local roads and streets, etc. 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	Onsite Sewage Disposal
152A	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited
443B	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Not Limited

**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 89, indicating that the soils are 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 142.

The LESA Score for this site is 231 out of a possible 300, which indicates a high 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)/waters 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. 17093C0130H (effective date January 8, 2014) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the site 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.

#### **STORMWATER POLLUTION**

A National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

**LAND USE FINDINGS:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for Petitioner R&S Landscaping & Nursery. The petitioner is requesting a Special Use Permit and variances on two parcels (Parcel Index Numbers 06-18-200-011 and 06-18-200-013) for a proposed landscaping business within Na-Au-Say Township of Kendall County located in the northeast ¼ of Section 18, Township 36N, and Range 8E of the 3<sup>rd</sup> Principal Meridian. The proposed variances relate to outdoor parking and loading setbacks, size of handicap parking spaces, and width of an existing driveway. 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 soils should be preserved whenever feasible due to their highly productive qualities for growing agriculturally important grain and fiber crops. Of the soils found onsite, 100% are designated 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 89 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 231 out of a possible 300, which indicates a high 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, 17% are considered very limited for dwellings with and without basements, small commercial buildings, shallow excavations, and lawns/landscaping. The remaining soils are considered somewhat limited for these types of developments/uses. Additionally, 17% of the soils appear to be unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Lower Fox River watershed and the Morgan Creek sub watershed. This development should include a soil erosion and sediment control plan to be implemented during construction. It is critical to have vegetative cover during construction and after to protect the soil from erosion. 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

 04/10/2023  
Date



## PARCEL LOCATION

### Location Map for Natural Resources Information Report #2302

Northeast  $\frac{1}{4}$  of Section 18, Township 36 North, Range 8 East (Na-Au-Say Township) on approximately 3.00 acres. This site is located at the southwest corner of Illinois Route 126 and Grove Road in Yorkville, Illinois.

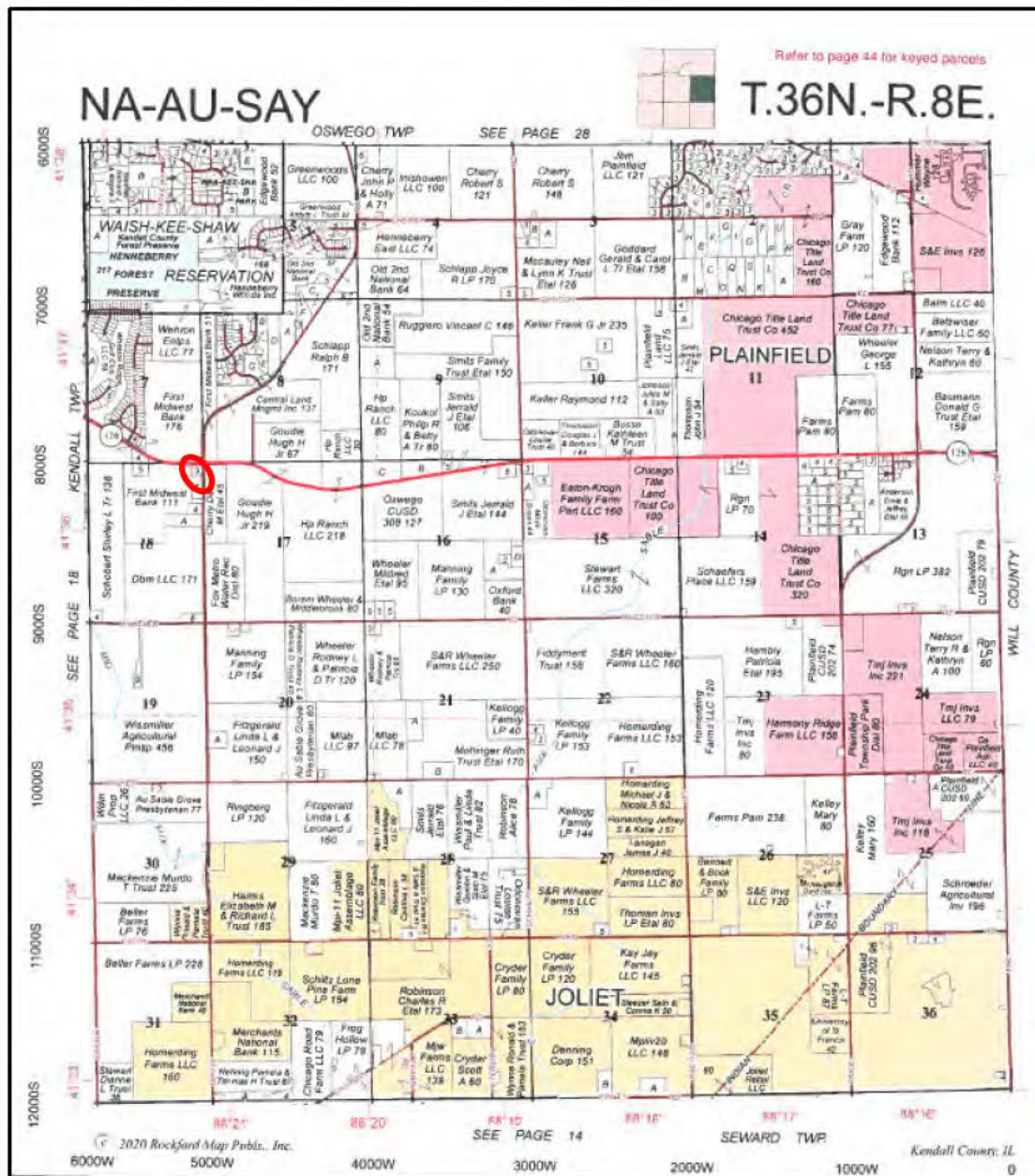
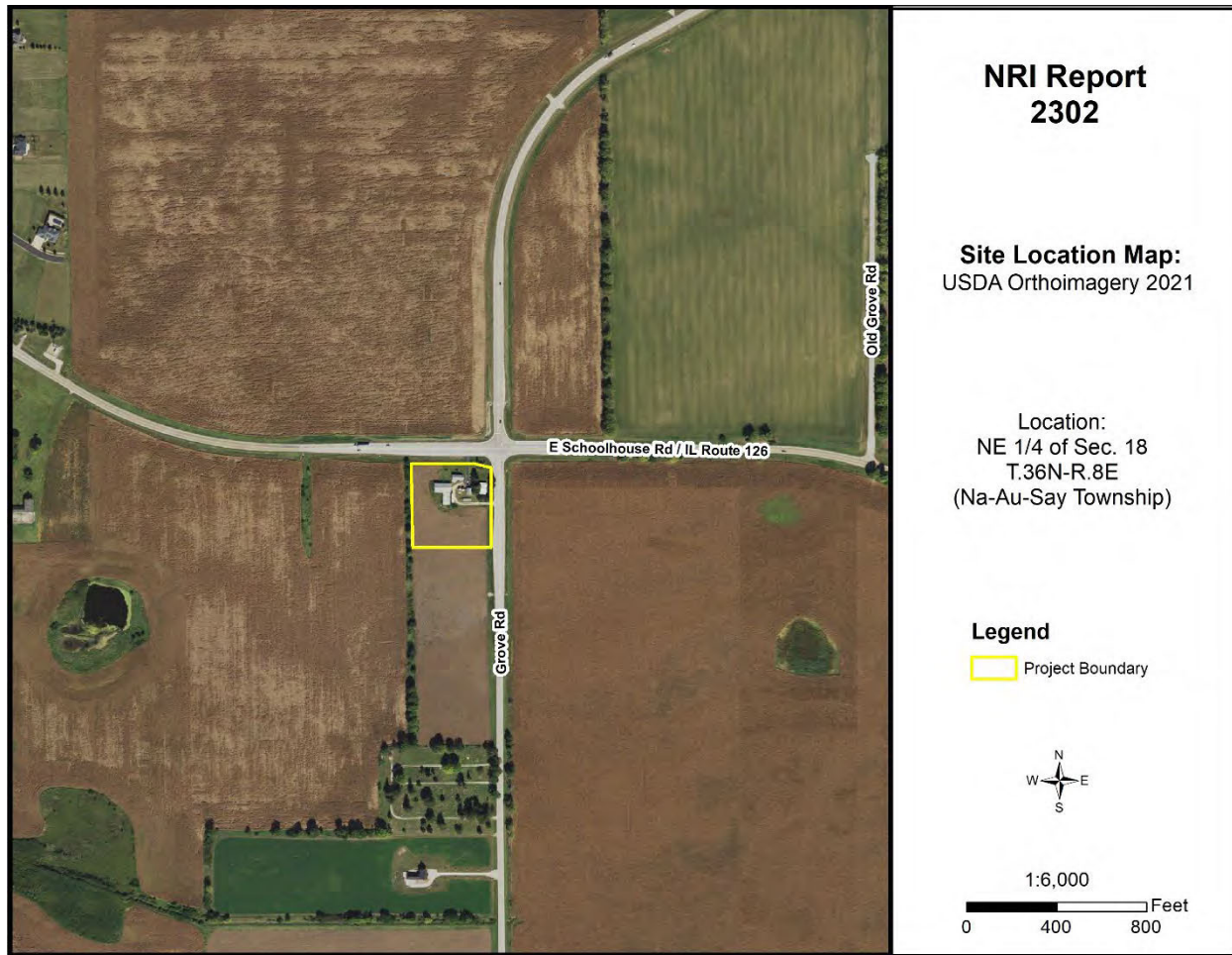


Figure 3: 2021 Plat Map



**Figure 4:** 2021 Aerial Map with NRI Project Boundary

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## **ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION**

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



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## ***ECOLOGICALLY SENSITIVE AREAS***

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### **WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?<sup>1</sup>**

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

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

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

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

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

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

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

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

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

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

#### **BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL**

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

**Office maps indicate that ecologically sensitive area(s) are located on or near the parcel in question (PIQ). Rob Roy Creek, a tributary to the Fox River, flows near the eastern boundary of the parcel.**

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<sup>1</sup>Taken 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.

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## ***SOILS INFORMATION***

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### **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.



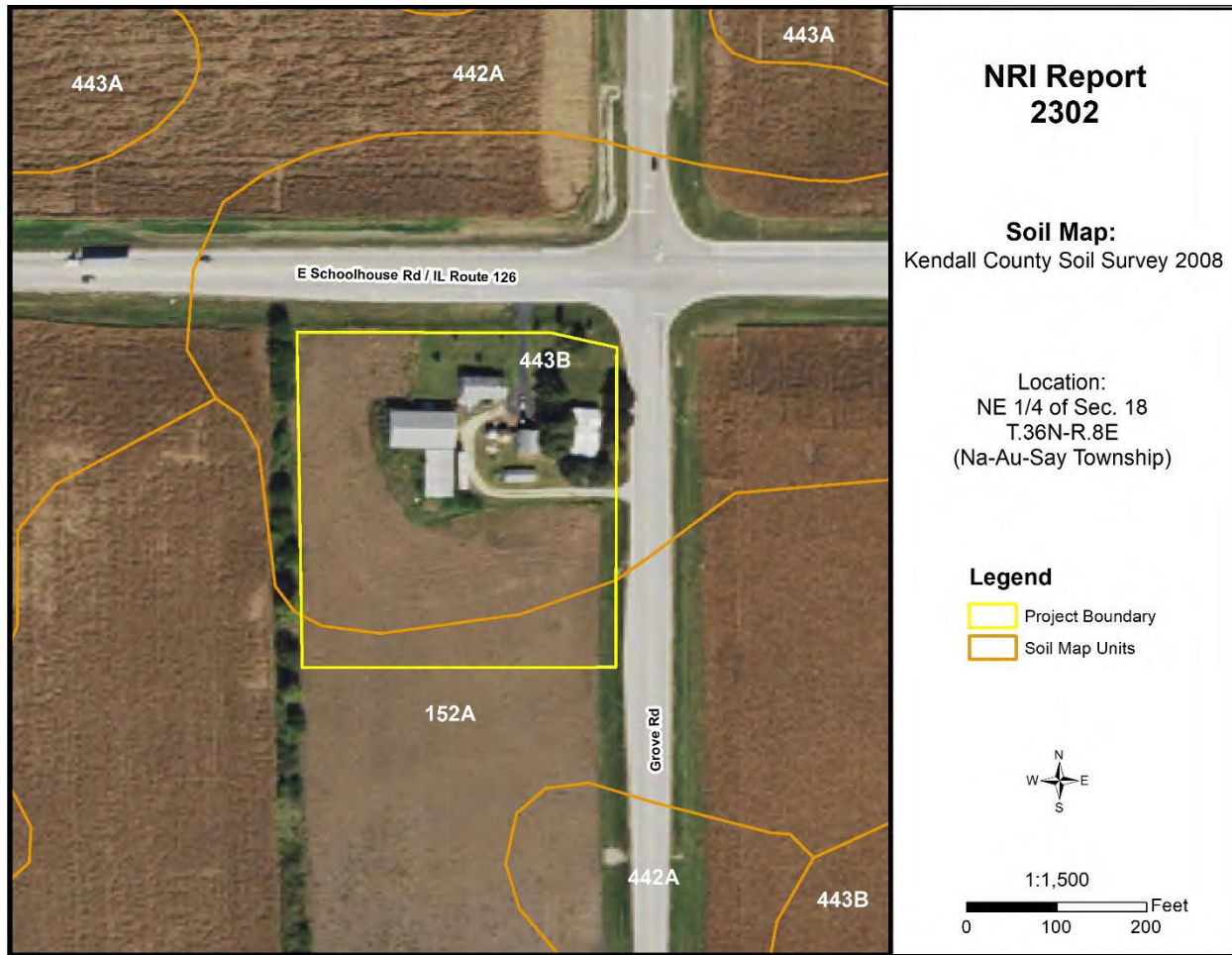


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
152A	Drummer silty clay loam, 0-2% slopes	0.5	17.2%
443B	Barrington silt loam, 2-4% slopes	2.5	82.8%

Source: National Cooperative Soil Survey – USDA-NRCS

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## ***SOILS INTERPRETATIONS EXPLANATION***

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### **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.

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## ***BUILDING LIMITATIONS***

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

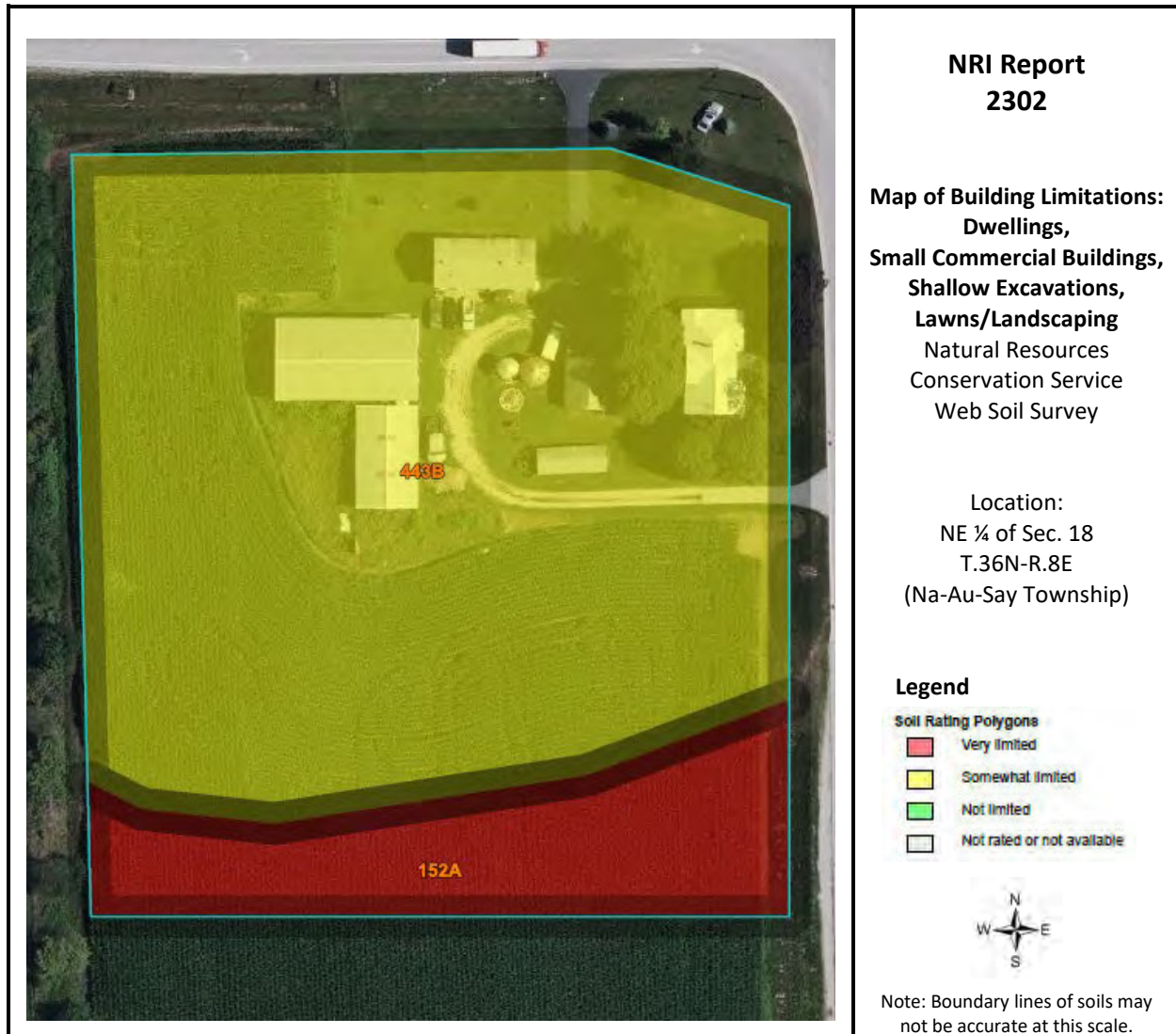
**Shallow Excavations** – Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches, or other purposes. Ratings are based on soil properties that influence the ease of digging and the resistance to sloughing.

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

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

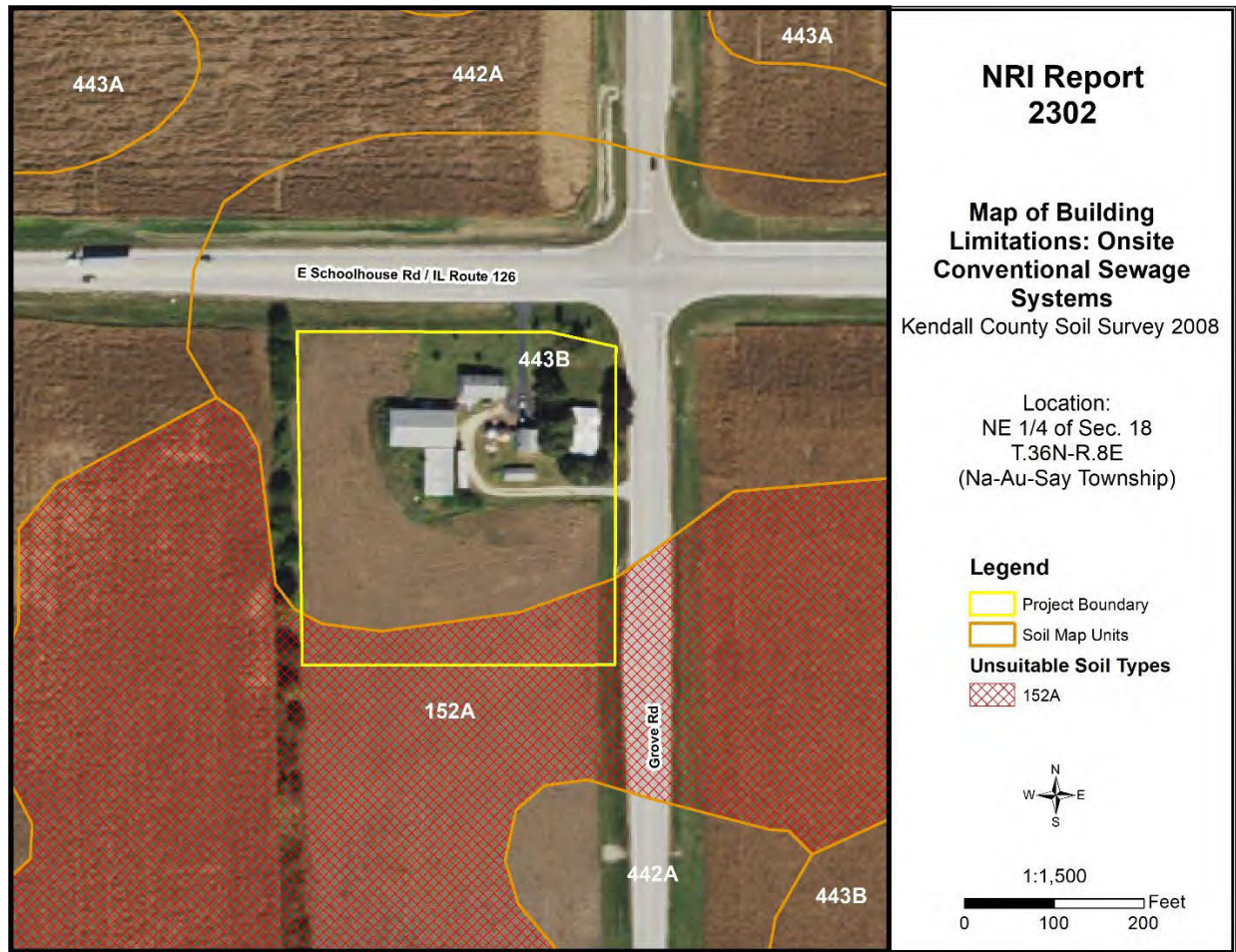
**Table 4:** Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Onsite Sewage Disposal	Acres	%
152A	<b>Very Limited:</b> Ponding Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Ponding Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Ponding Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Ponding Depth to saturated zone Dusty Unstable excavation walls Too clayey	<b>Very Limited:</b> Ponding Depth to saturated zone Dusty	<b>Unsuitable/ Very Limited:</b> Wet	0.5	17.2%
443B	<b>Somewhat Limited:</b> Depth to saturated zone Shrink-swell	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone Dusty Unstable excavation walls	<b>Somewhat Limited:</b> Dusty	<b>Suitable/ Not Limited</b>	2.5	82.8%
<b>% Very Limited</b>	<b>17.2%</b>	<b>17.2%</b>	<b>17.2%</b>	<b>17.2%</b>	<b>17.2%</b>	<b>17.2%</b>		



**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 – Onsite Conventional Sewage System



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## **SOIL WATER FEATURES**

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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
152A	B/D	Negligible	<u>January - May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June - December</u> Upper Limit: -- Lower Limit: --	<u>January - May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June - December</u> Surface Water Depth: -- Duration: -- Frequency: --	<u>January - December</u> Duration: -- Frequency: None
443B	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: --	<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/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. Soil erosion and sedimentation control plans, including maintenance responsibilities, should be clearly communicated to all contractors working on the site.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby. Additionally, a National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

**Table 6:** Soil Erosion Potential

<b>Soil Type</b>	<b>Slope</b>	<b>Rating</b>	<b>Acreage</b>	<b>Percent of Parcel</b>
152A	0-2%	Slight	0.5	17.2%
443B	2-4%	Slight	2.5	82.8%

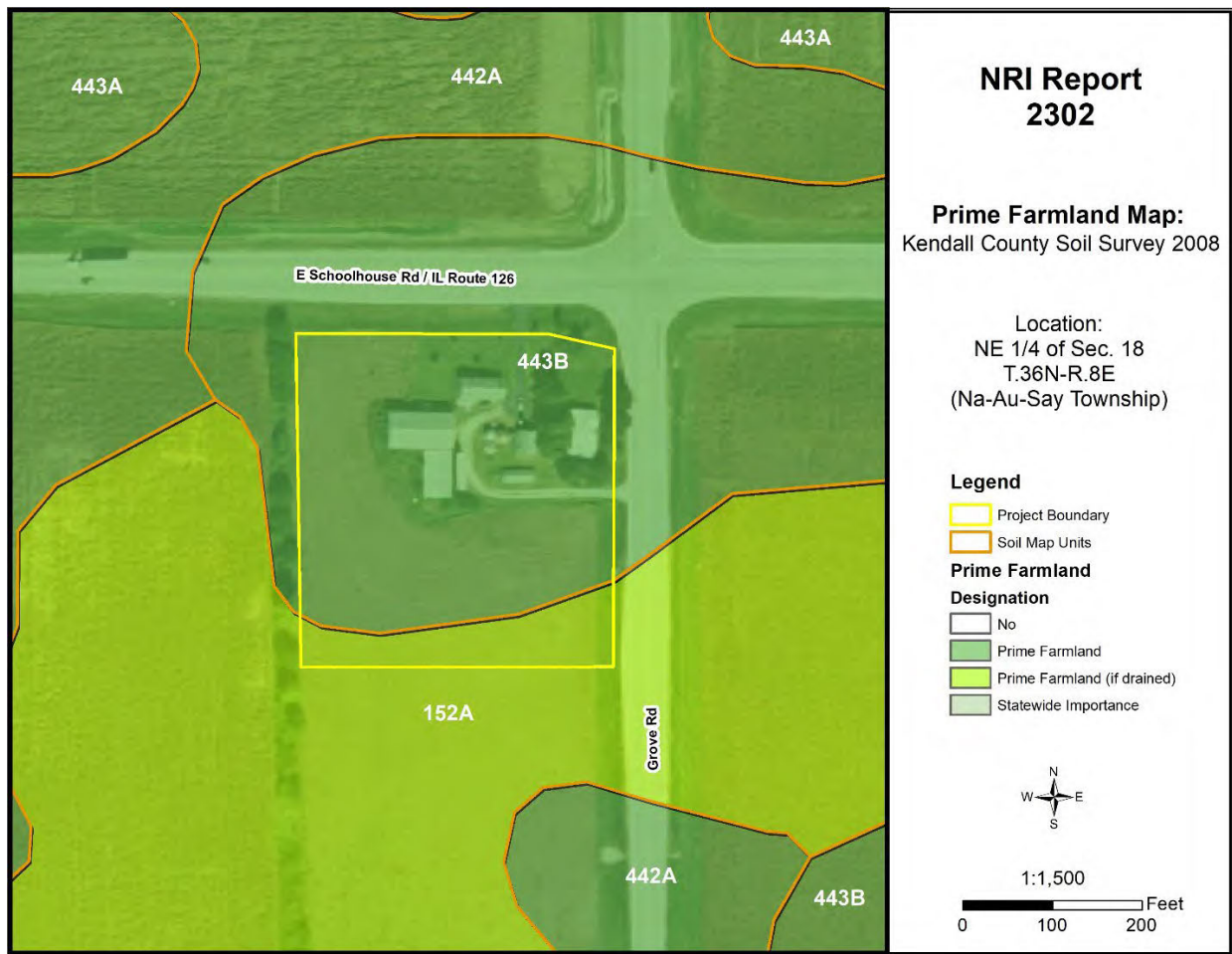
## ***PRIME FARMLAND SOILS***

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 soil 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
152A	Prime Farmland if Drained	0.5	17.2%
443B	Prime Farmland	2.5	82.8%
<b>% Prime Farmland</b>	<b>100%</b>		



**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)
152A	1	100	0.5	50.0
443B	3	87	2.5	217.5
<b>Totals</b>			<b>3.0</b>	<b>267.5</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) 267.5 / 3.0 = 89.2	
<b>LE Score</b>			<b>LE = 89</b>	

The Land Evaluation score for this site is 89 out of 100, indicating that the soils are well suited for agricultural uses considering the Land Evaluation score is above 80.

**Table 8B:** Site Assessment Computation

<b>A.</b>	<b>Agricultural Land Uses</b>	<b>Points</b>
	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)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	15
	4. Size of site. (30-15-10-0)	0
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	20
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	10
	<b>Site Assessment Score:</b>	<b>142</b>

The Site Assessment score for this site is 142. The Land Evaluation value (89) is added to the Site Assessment value (142) to obtain a LESA Score of 231. The table below shows the level of protection for the proposed project site based on the LESA Score.

**Table 9:** LESA Score Summary

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

**Land Evaluation Value: 89 + Site Assessment Value: 142 = LESA Score: 231**

**The LESA Score for this site is 231 which indicates a high 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.



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## ***LAND USE PLANS***

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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.

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## ***DRAINAGE, RUNOFF, AND FLOOD INFORMATION***

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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.

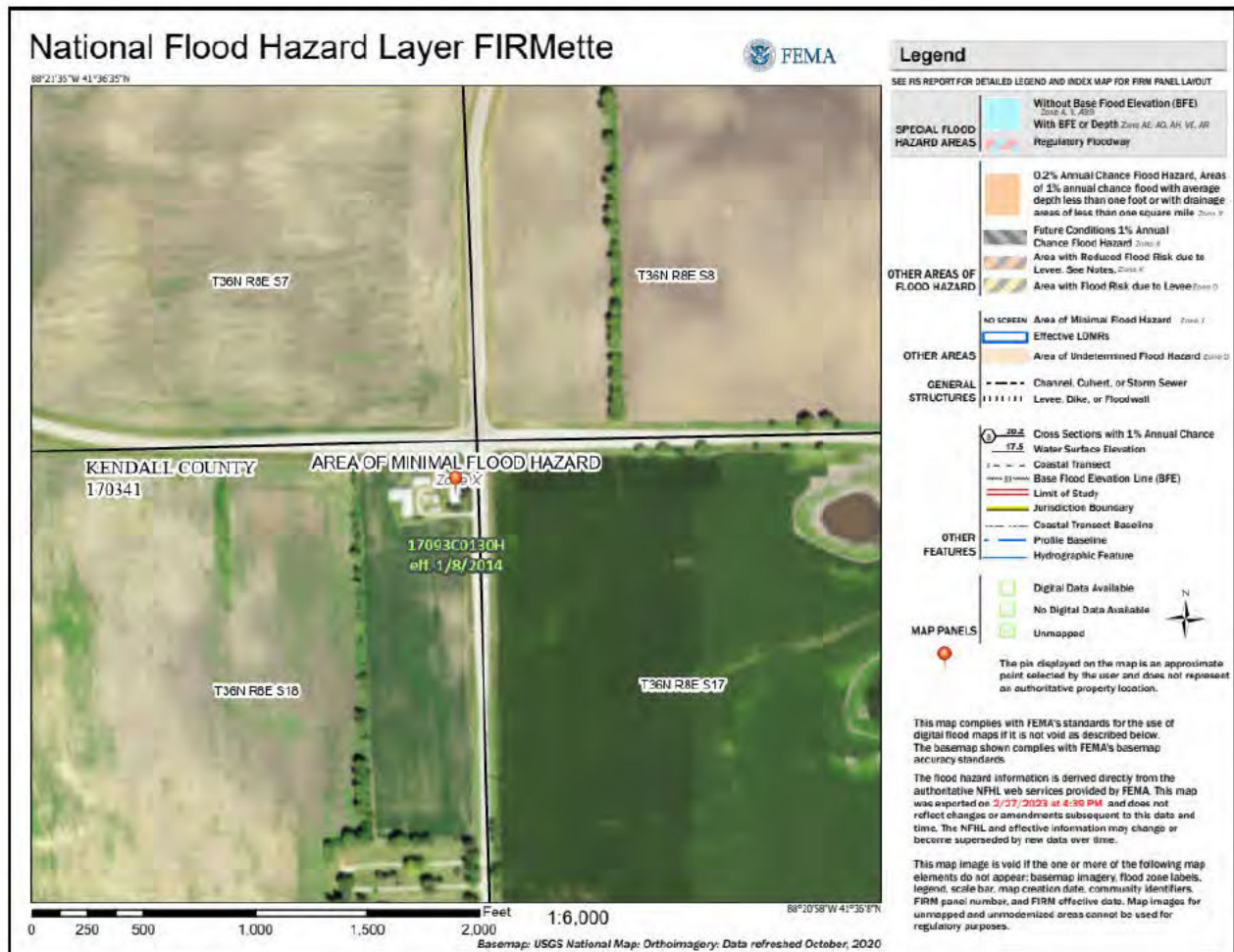
It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative 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 IDNR-OWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county, and local regulations will need to be reflected in the site plans.

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

This parcel is located on minimal topography (slopes 0 to 4%) and an elevation range of approximately 644'-656' above sea level. According to the FEMA Floodplain Map (Figure 8), the parcel in question is located outside of the 100-year floodplain. It is mapped as Zone X, an area of minimal flood hazard.



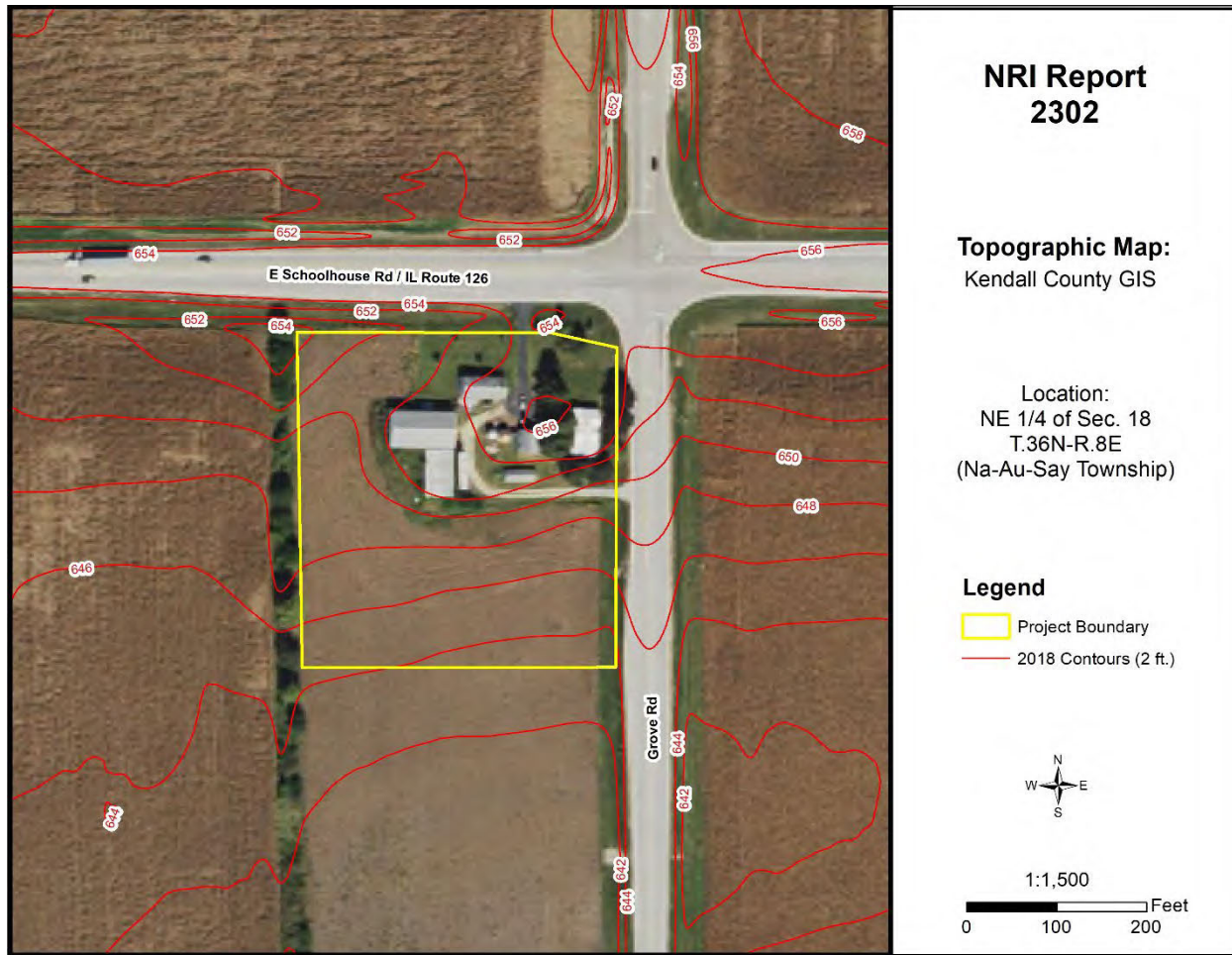


Figure 9: Topographic Map



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## ***WATERSHED PLANS***

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### **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

<b>This parcel is located within the Lower Fox River watershed and the Morgan Creek sub watershed.</b>
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## WETLAND INFORMATION

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### 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 National Wetlands Inventory, which is the most comprehensive inventory to date. The National 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 National 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."*



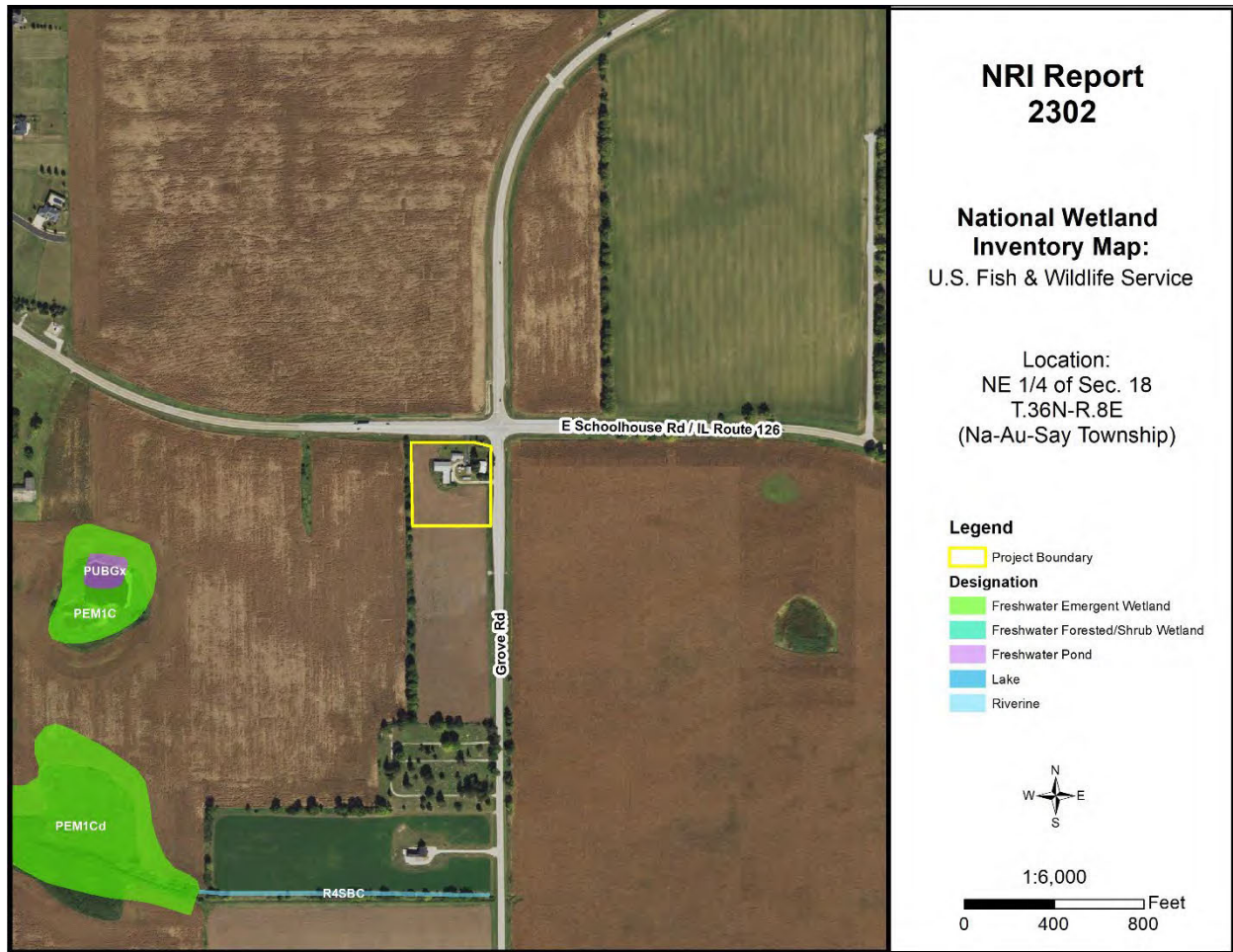


Figure 10: Wetland Map – USFWS National Wetlands Inventory

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

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## **HYDRIC SOILS**

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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

<b>Soil Types</b>	<b>Drainage Class</b>	<b>Hydric Designation</b>	<b>Hydric Inclusions Likely</b>	<b>Acreage</b>	<b>Percent</b>
152A	Poorly Drained	Hydric	No	0.5	17.2%
443B	Moderately Well Drained	Non-Hydric	Yes	2.5	82.8%

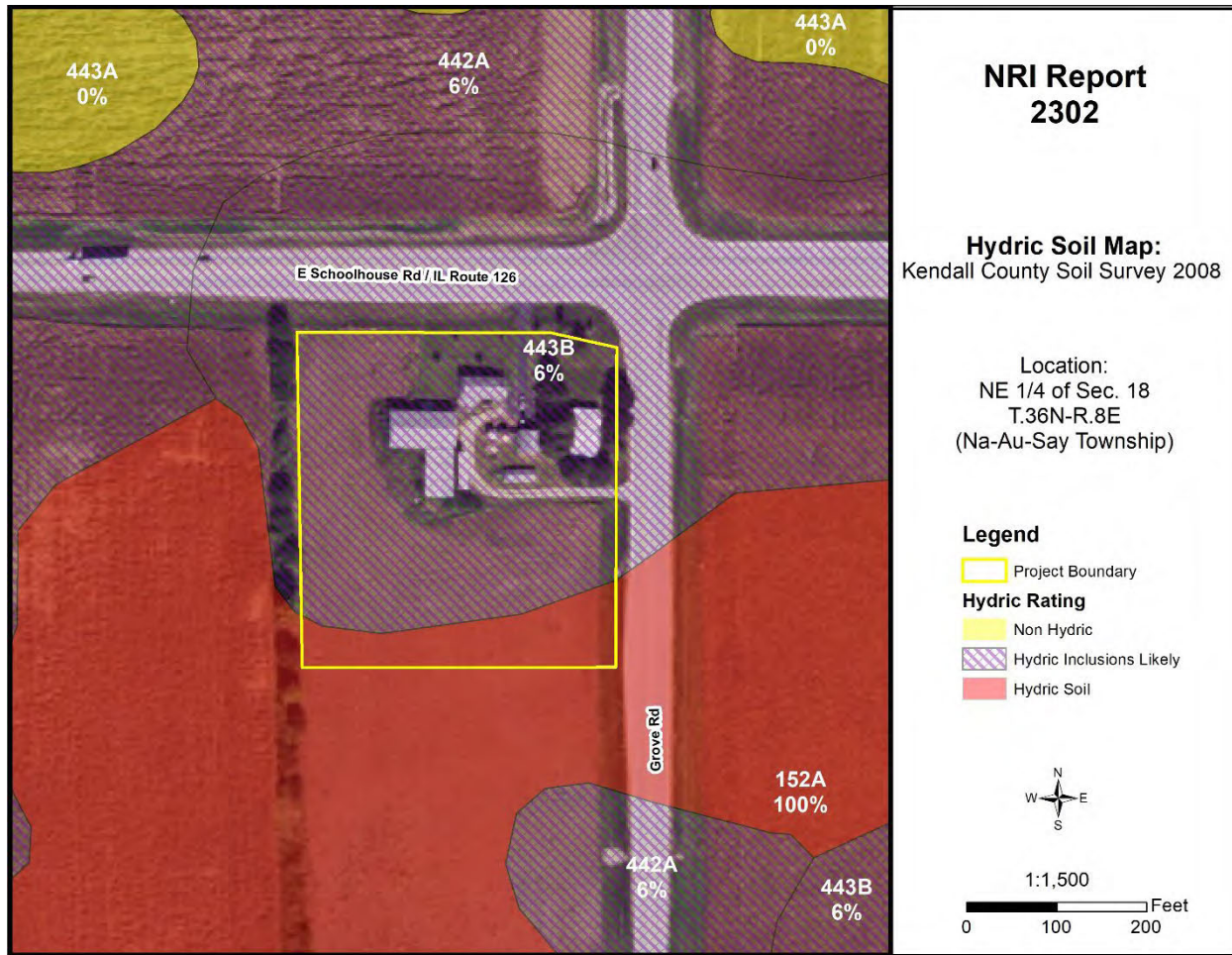


Figure 11: Hydric Soil Map

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## ***WETLAND AND FLOODPLAIN REGULATIONS***

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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.

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## **GLOSSARY**

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**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 pink or 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).

**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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## ***REFERENCES***

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

FIRM – 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. 21<sup>st</sup> 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.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
April 4, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS Department  
David Guritz – Forest Preserve  
Fran Klaas – Highway Department  
Alyse Olson – Soil and Water Conservation District  
Aaron Rybski – Health Department  
Seth Wormley – PBZ Committee Chair

Absent:

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

Audience:

Darrin Hane, Mark Daniel, Judy Bush, Don Ebert, Sydney Ebert, and Laura Campos

**PETITIONS**

**Petition 23-19 Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant)**

Mr. Asselmeier summarized the request.

In October 2022, the Planning, Building and Zoning Department received a complaint regarding a landscaping business operating at 5022 Route 126 without a special use permit. In the intervening months, the property owner and business owner worked with an attorney and engineer to submit an application for a special use permit.

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They are also seeking variances to Section 4:05.B and Section 11:02.F.7 to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126; parking is not allowed within the front-yard setback. The Petitioners would like a variance to Section 11:02.F.4 to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2') instead of the twenty foot (20') depth requirement. Finally, they are seeking a variance to Section 4:09.A to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.

The Petitioners also wish to use the existing house and existing accessory structures for their business. Some of these structures pre-date the adoption of the Kendall County Zoning Ordinance. The Petitioners are requesting a variance to Section 7:01.G.2.a to allow the existing house to be no closer than seventy-three feet (73') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than twenty-one feet (21') west of the right-of-way line of Grove Road instead of the required one hundred feet (100'). The Petitioners are also requesting a variance to Section 7:01.G.2.b to allow accessory structures no closer than fifty-seven feet (57') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than fifty-three feet (53') west of the right of the right-of-way line of Grove Road instead of the required one hundred feet (100'). These requests are part of a separate Petition (Petition 23-20).

Finally, the Petitioners wish to have the opportunity to use the home on the property to house an employee of the landscaping and nursery business. Accordingly, they request a conditional use permit for that purpose, which is a separate Petition (Petition 23-21).

The application materials, stormwater information, existing conditions survey, site plan, landscaping plan, and pictures of the property were provided.

The property is approximately two point nine (2.9) acres in size.

The County's plan called for the property to be Commercial. Yorkville's plan calls for the property to be Estate Residential.

Route 126 is a State maintained Arterial. Grove Road is a Major Collector maintained by the County.

Yorkville has a trail planned along Route 126 and Grove Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural.

The adjacent properties are zoned A-1.

The County's plan calls for the area to be Commercial. Yorkville's Plan calls for the area to be Estate Residential and Agricultural. Oswego's Plan calls for the area to be Agricultural.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, and RPD-2.

Grove Road is the boundary line between the United City of Yorkville's and the Village of Oswego's planning areas.

The A-1 special use permits to the west are for a golf course.

A cemetery is located near the subject property to the south.

Approximately six (6) houses and the Whitetail Ridge Subdivision are located within one point five (1.5) miles of the subject property.

EcoCAT Report was submitted on February 22, 2023, and consultation was terminated.

The NRI Application was submitted on February 15, 2023, see Attachment 1, Page 27.

Petition information was sent to Na-Au-Say Township on March 27, 2023.

Petition information was sent to the United City of Yorkville on March 27, 2023.

Petition information was sent to the Bristol Kendall Fire Protection District on March 27, 2023.

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 variances, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate R&S Landscaping and Nursery at the subject property. The existing home would be used as the office for the business and would possibly be used as a dwelling in the future for an employee. The northern most barn would be used as a tool shop and meeting space.

No retail activities related to the business would occur at the subject property.

The business would be open from 7:00 a.m. until 7:00 p.m. everyday throughout the year. The business has a maximum of seventeen (17) employees, during the busy season. The business hauls vegetation and other landscaping items from

the property to work sites. Employees either report to the subject property or report directly to job sites. Equipment is parked either at the subject property or the job site.

The site plan (Attachment 4) shows seven (7) four foot (4') tall concrete block storage areas approximately five feet (5') from the western property line. These storage areas range from approximately one thousand seven hundred (1,710) square feet in size to approximately five hundred ten (510) square feet in size. All of the storage areas are thirty feet (30') in depth. The storage areas will hold top soil, boulders, sand, mulch, gravel, landscape waste, and brush. No piles will be taller than six feet (6') in height. Areas for outdoor equipment storage are located east of an interior driveway. One (1) outdoor storage area for bricks is planned is also planned in this area.

In addition to the landscaping component, the Petitioners will have a nursery with two (2) membrane flower storage areas and areas for growing trees, bushes, and flowers. The nursery area will be located south of the gravel driveway.

One (1) one point five (1.5) story, approximately one thousand three hundred ninety-two (1,392) square foot house, is located on the property. There is one (1) approximately five hundred fifty (550) square foot detached garage, one (1) approximately one thousand seventy (1,070) square foot accessory building (labeled as machine tool shop, storage, breakroom and meeting room on the site plan), one approximately seven hundred (700) square foot chicken coop, and one (1) approximately three thousand eight hundred sixty (3,860) square foot accessory building (labeled as equipment storage on the site plan). Two (2) silos are also located on the property.

Any structures related to the landscaping business would be required to obtain applicable building permits, including changes in occupancy.

The property is served by a well and septic. No information was provided regarding whether or not employees would use these facilities.

The property has a propane tank, which will be protected by bollards.

No information was provided regarding a refuse area.

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit.

Per the site plan, the Petitioners' propose to make the driveway off of Grove Road as the main access point. This driveway is approximately seven feet (7') wide. The Petitioners propose to widen the driveway to approximately fifteen feet (15') in width. The driveway expands to twenty-four feet (24') in width west of the propane tank. The Petitioners are pursuing a variance related to this driveway.

The property also has access from Route 126. This driveway will be used as an exit only.

According to the site plan, the Petitioners propose nine (9) parking spaces south of the brick storage and equipment storage area along the southern driveway. One (1) handicapped accessible parking space is proposed north of the existing garage.

The southern driveway would be gravel and would be twenty-four feet (24') in width.

One (1) north-south twenty-four foot (24') wide driveway would be located between the storage areas and stockpiles and a second sixteen foot (16') wide east-west driveway would be located between the two (2) equipment storage and truck parking area. These drives would be CA-7.

One (1) twenty-six foot (26') wide gravel driveway would run from the southern driveway to the handicapped parking space.

The driveway north of the handicapped parking space to Route 126 would be asphalt.

The existing conditions survey and the site plan show five (5) lights attached to the middle portions of buildings, two (2) lights at building corners, and one (1) new eighteen foot (18') tall wall mounted light. These lights are considered necessary for security reasons. The sign at the northeast corner of the property would also be illuminated from 6:00 a.m. until 11:00 p.m. as allowed by the Zoning Ordinance.

According to the site plan, the Petitioners propose to install one (1) thirty-two (32) square foot wooden sign near the northeast corner of the property. The sign would be illuminated as detailed previously.

Two (2) proposed "Do Not Enter" signs are proposed at the driveway on Route 126. One (1) "No Left Turn" sign is proposed in the same area.

Other than lighting, no other security information was provided.

The site plan and landscaping plan show twenty-six (26) black hill spruce trees and ten (10) emerald green arborvitae near the north property line. The spruce trees are approximately seven (7') feet in height and the arborvitae are approximately twelve (12') feet in height. There are twenty-eight (28) white pines and twenty-one (21) arborvitae at the southeast corner of the property. The white pines are approximately ten feet (10') in height and the arborvitae are approximately twelve (12') feet in height. Several other plantings are scattered throughout the site, including landscaping around the sign at the northeast corner of the property.

On the landscaping plan the Petitioners noted the existing row of trees located to the west of the subject property. The Petitioners are agreeable to planting trees on the subject property if the trees on the adjoining property are removed.

No information was provided regarding noise control.

No information was provided regarding odor control.

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

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

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. Petitioners plan to preserve existing buildings and existing sign on the north accessory building. Areas surrounding the property are zoned and used for agricultural purposes. Petitioners plan for drainage and will maintain the existing direction, rate and volume of stormwater flowing in the handful of directions noted in the elevations submitted within the application. Petitioners will reduce use of the Route 126 driveway from full access to emergency right-out only use. The main entrance is sufficiently south of Route 126 and there is ample stacking to make a safe left turn into the main driveway without obstructing left turns from Grove Road onto Route 126. Most of the variances requested relate to existing conditions. The location of the parking, loading and storage yard in the west half of the property relates to the circumstance that all existing buildings are centralized. The avoidance of paving for parking and loading and the loading space variation are the only new development needs for relief from the Zoning Ordinance.

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 makes 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 in a large A-1 Agricultural District. Growing of trees, shrubs and flowers is a form of agricultural use. Growing is one part of the use proposed in the application. The use will not impede farms on the four adjacent and opposing sides of the Property. The use is deemed legislatively compatible because it meets all of the requirements contained in the Zoning Ordinance for landscaping businesses, if permission is granted for outdoor storage of materials. The use at the subject property will meet several purposes for the A-1 district as outlined in Section 7:01.A of the Zoning Ordinance, including the preservation of fertile, tillable soils as a valuable natural resource by recharging soils and groundwater through the large CA-7 field, by respecting grades and by engaging in a mix of soil planting and planting in potters, all the while re-using an existing residential home and outbuildings that have long existed. Reasonable restrictions, including hours of operation, maximum number of employees at the property, noise regulations, and lighting requirements are proposed that will protect the enjoyment and use of other properties in the vicinity.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Restrictions can be placed in the special use permit to address the number of people on the property. No retail customers will be on the property. As such, there are sufficient utilities on the property to handle the proposed uses. The intersection abutting the northeast corner of the Property is sufficiently designed with ample left turn stacking



and a stop sign control for traffic crossing Route 126. The existing driveways are sufficiently connected to Grove Road (main driveway) and Route 126 (emergency limited access). Drainage on the property flows in three directions, with most stormwater eventually flowing south down a change in grade of roughly five feet (5'). Petitioners have restored a tile and respected drainage rights under the Illinois Drainage Code in the present placement of cement blocks to allow for the passage of stormwater in the one (1) area of the Property where it flows west and to avoid redirecting stormwater other than to the south. Otherwise, stormwater flows into the culverts along roadways. A stormwater management permit will be secured.

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. Petitioners provided an A-1 Agricultural District Table of Compliance addressing all elements of zoning compliance. Variations are necessary, but these variations are primarily related to preservation of existing buildings, structures, and improvements. New relief related to the loading and storage yard places this activity in an area where there was prior activity west of the smaller barn. The use area will benefit from a continuous screen of trees that have already been planted at a substantial height.

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 use involves a commercial operation recognized as the use that will prevail at the property under the Land Resource Management Plan. The proposal is also consistent with a goal and objective found on page 10-11 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industry that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "... encourage additional agriculture and agribusiness."

The proposed Findings of Fact for the variance to allow yard obstructions and parking areas in the setbacks were as follows:

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 topography and stormwater flow runs west or south. Substantially all of the property south of the driveway from Grove Road is a flow route for storm volume. In attempting to avoid placement of the loading and storage yard away from the intersection and away from Grove Road, the drainage concerns and the loss of benefits of filtration and ground water recharging played a significant role in determining not to locate this yard south of its proposed location. With respect to the location of the existing garage, it is situated behind the house where such a garage would ordinarily exist, but the house was constructed one hundred (100) or more years ago before the expansion of the abutting roadways and the adoption of zoning regulations pertaining to the setback issue. The interior drive has existed for decades and the most logical location for an accessible parking stall is adjacent to the two buildings where an accessible space can be of benefit. The design of the space leaves all but roughly four feet of the space outside of the setback. These circumstances drive a finding in favor of the variations.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Due to the varying topography throughout the County and the circumstance that the property is a corner lot that was improved before 1922, it cannot be said that the concern causing the difficulty and hardship generally prevails in the A-1 Agriculture District.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The only new element relates to the parking, loading and storage area. Since the 1920's, the area near Route 126 has been higher land. This is evident in aerial photographs of the topography of the area. Moreover, the use area to be occupied by the parking and loading area is similar to the use area that existed from at least the early 1980's until 2006. Petitioners do not propose the loading and storage area adjacent to the lot line, but plans for it at a distance of fifteen feet (15') from the right-of-way, but in the same area that has the historically higher elevation and the historical use. In plain terms, Petitioners are not the first to recognize this higher elevation and they did not create it any more than they created the grades, slopes and swales south of the barns that cause the area south of the driveway to be incapable of hosting the loading and storage area without presenting a visual obstruction, placing impermeable or less permeable surface over land that is saturated and helps to recharge groundwater while also filtering stormwater.

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. Petitioners propose that none of the outdoor use should be plainly visible to passersby due to the screening. The use of CA-7 stone for the yard allows for infiltration of more water.

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. One (1) basis for the proposed location of the loading and storage yard is that it avoids placing the area in plain view. The yard will not create shadows or obstruct the flow of air. The yard itself does not contribute to traffic. In fact, it reduces traffic by avoiding excess trips Petitioners would make if they were required to store and load materials elsewhere. The conditions on the special use above also touch on changes to be made if the treeline west of the property no longer exists.

The proposed Findings of Fact for the variance for parking stall depth were as follows:

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 topography of the Property and water concerns led to an effort to avoid as much impervious surface as possible. The request for an adjustment in the parking lot design to allow for the same twenty foot (20') parking space, but with a two foot (2') overhang, and an eighteen foot (18') space from tire to tail of a vehicle, is a di minimus request, but it avoids an extra several hundred feet of pervious surface in an area of storm flow, filtering and recharging.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. While applicable to several properties, this concern is not generally applicable to the A-1 district. The original parcel containing the property was a long, narrow farmstead that extended to the cemetery. Through various transactions, including estate and probate matters, the property was divided so that it became a roughly square lot with the southern one hundred eighty feet (180') being an area of significant surface and subgrade flow during rain events and wet seasons.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. Certainly, parking can be relocated. Nine (9) parking spaces for the use is also more than needed. Petitioners' preference for parking along the south side of the large barn may be personal. However, Petitioners could have placed these on the south side of the driveway and reduced the area of soil that would accept water for filtration and recharging purposes. In planning for this use and similar uses, there is a general design principal that consolidation of buildings, parking and loading is best for the use and for passersby as well as eventual neighbors.

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 variation has absolutely no impact on public welfare or on property and improvements in this vicinity.

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. Petitioners are providing more parking than is necessary for the use. However, the provision of more parking does not conclusively lead to substantial increases in congestion since we are dealing with parking for only a few vehicles above that which is necessary. Parking on the north line of the interior drive will consolidate activity and also allow vehicles to park in a line where they will not be as noticeable to traffic on either abutting street. The variation should impact property values in any manner.

The proposed Findings of Fact for the variance to the Grove Road driveway construction were as follows:

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 driveway has been in existence for a number of years and could be utilized by other agricultural uses on the property. Having the primary access off of Grove Road instead of Route 126 ensures that employees of the proposed use will not cause increase traffic congestion on Route 126 because the business deliveries will utilize the Grove Road access.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties zoned A-1 that were in existence prior to Kendall County adopting zoning in 1940 could have similar issues. The exact number of properties with lawfully non-conforming driveways is unknown.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. Petitioners did not construct the subject driveway.

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 maintenance of the driveway as proposed will not harm public welfare. No retail is planned for the site. Therefore, no large increase in the amount of vehicles entering and exiting the property on Grove Road is anticipated.

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. The variance will not cause congestion or endanger public safety because little additional traffic is anticipated at the property. There should be no risk of fire and property values will not be impacted if the variance is granted.

Pending comments from ZPAC, Staff recommended approval of the requested special use permit and variances subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan and landscaping plan.
2. A variance to Section 4:05.B and Section 11:02.F.7 of Kendall County Zoning Ordinance shall be granted to allow outdoor parking and loading with twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126.
3. A variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance shall be granted to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2').
4. A variance to Section 4:09.A of the Kendall County Zoning Ordinance shall be granted to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.
5. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
6. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
7. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
8. 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.
9. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be six feet (6') in height.
10. No retail sale of landscaping materials may occur at the subject property.
11. A maximum of seventeen (17) 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.
12. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
13. Any structures constructed, installed, or used 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.
14. Signage shall be limited to the signs shown on the site plan. Signage may be illuminated as outlined on the site plan. Signs within rights-of-way may be relocated to another location on the property if requested by the Illinois Department of Transportation without the need to amend this special use permit. Religious signs in existence on the property at the time of application submittal shall be exempt from permitting requirements.
15. Except for the lighting around the business sign, the lights shown on the site plan shall be considered for security purposes.
16. Damaged or dead plantings described on the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.

17. Any vegetation described on the landscaping plan that has not been installed by the approval date of this special use permit shall be installed within ninety (90) days of the approval of the special use permit. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation.
18. The owner of the subject property shall plant trees to fill in the gaps on the western property line as outlined in the landscaping plan. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to plant the screening. The site plan may be adjusted without an amendment to the special use permit to reflect the addition of these trees.
19. Vegetation related to the operations of a nursery on the property shall be exempted from the planting and vegetation maintenance requirements of this special use permit.
20. No landscape waste generated off the property can be burned on the subject property.
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. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
24. 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.
25. 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.
26. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
27. This special use permit and variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Mr. Rybski expressed concerns about the lack of information about the septic system due to the age of the system. He said if a change of use at the site occurred, the septic system would need to be analyzed. He also discussed the non-community well requirements; these requirements would not apply given the proposed number of employees. Mark Daniel, Attorney for the Petitioners, said the house would remain a single-family use with an office.

Mr. Klaas asked if a pipe culvert was in existence under the Grove Road access. He was not opposed to widening the access. There was no pipe culvert.

Mr. Klaas suggested giving the Petitioners the option to use the access off of Route 126 as a right-in, right out, if approved by the Illinois Department of Transportation, because of concerns about seeing the signs. Mr. Daniel said that IDOT favored seeing the historic use of the driveway continue. Mr. Daniel was not opposed to adding a note allowing right-in, right-out.

He noted the location of certain signs in the right-of-way and that the Petitioners would not object to relocating those signs, if requested.

Chairman Wormley asked if an additional setback was necessary due to potential widening of Route 126. Mr. Klaas said that Route 126 will remain a two (2) lane road. A traffic signal is proposed for the intersection. No additional right-of-way is needed for the foreseeable future.

Mr. Guritz made a motion, seconded by Mr. Klaas, to recommend approval of the proposal with the conditions proposed by Staff with an added condition allowing the option of a right-in, right-out access off of Route 126, pending approval by the Illinois Department of Transportation and related adjustments to the site plan with regards to signage.

The votes were follows:

Ayes (7): Asselmeier, Briganti, Guritz, Klaas, Olson, Rybski, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (3): Chismark, Holdiman, and Langston

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on April 26, 2023.

#### **PUBLIC COMMENT**

Judy Bush, Oswego Township Trustee and resident of Boulder Hill strongly opposed chickens. She questioned how the County will enforce the regulations. She questioned enforcement of existing regulations. She served on the advisory committee that discussed concerns about Boulder Hill. She sends violations to Brian Holdiman weekly. She expressed concerns that chickens will cause her dog to try to get at chickens in neighboring properties.

Don Ebert, resident of Boulder Hill, has chickens. They take care of their chickens and they have the chickens for eggs. He said chickens do not need one (1) acre of land. He discussed his chicken coop. He would like the opportunity to feed himself. He considers Boulder Hill country. He discussed the animals that he saw in the neighborhood.

Chairman Wormley asked how Mr. Ebert felt about enforcement and if Mr. Ebert felt the proposal was fair. Mr. Ebert felt that six (6) was a good number; Mr. Ebert has nine (9) chickens. Mr. Ebert did not see why the proposal had to be strict. He discussed the maintenance and care of his chickens. Chairman Wormley explained the need for the proposed regulations. Mr. Ebert thought that chickens were legal in Boulder Hill when he moved to the area.

Mr. Klaas asked about the regulations of hens in other communities. Discussion occurred regarding homeowners' association rules. Mr. Asselmeier provided the comparison of chicken regulations.

Discussion occurred regarding the situation that would arise if the proposal failed.

Sydney Ebert said that their neighbors' dogs did not negatively interact with chickens. She favored having a maximum of twelve (12) chickens.

Laura Campos asked about enforcement of the rules. Mr. Asselmeier explained how homeowners' associations enforce rules and how Kendall County enforces rules. The proposal did not require a permit. Ms. Campos asked if the number of allowed chickens could increase. Mr. Asselmeier responded that, as the proposal moves through the process, various boards could recommend changes to the proposal, including changing the number of allowed chickens. Mr. Asselmeier encouraged Ms. Campos to attend all of the meetings regarding the proposal. Ms. Campos discussed the productivity and life spans of hens.

#### **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 10:03 a.m., adjourned.

Respectfully Submitted,

ZPAC Meeting Minutes 04.04.23

Matthew H. Asselmeier, AICP, CFM  
Senior Planner

Enc.





**KENDALL COUNTY  
ZONING & PLATTING ADVISORY COMMITTEE  
APRIL 4, 2023**

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)
Judy Bush		
Sydney Don Ebert		

**Matt Asselmeier**

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**From:** Short, Michael A <Michael.Short@illinois.gov>  
**Sent:** Friday, March 31, 2023 1:26 PM  
**To:** Matt Asselmeier  
**Cc:** Scott Koeppe; Seth Wormley; Fran Klaas  
**Subject:** RE: [External]RE: 5022 Route 126

Mr. Asselmeier,

Mark Daniel called me and we spoke about this today. Our requirement is for the property owner to inform us when the proposed land use changes. We then evaluate the permitted access to determine if a new permit or revised access is necessary. Mr. Daniel committed to keeping IDOT informed of the project as it moves forward and will work directly with us regarding the existing access to IL 126.

Thanks,  
Mike

**Michael Short**

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



April 10, 2023

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

Subject: R&S Landscaping and Nursery (WBK Project 19-102.BB)

Dear Mr. Asselmeier:

We have received and reviewed the following information for the subject project:

- Site Plan prepared by Ridgeline Consultants dated February 1, 2023, revised February 9, 2023 and received March 24, 2023.
- Existing Conditions prepared by Ridgeline Consultants dated January 9, 2023 and received March 24, 2023.
- Landscaping Plan prepared by Ridgeline Consultants dated January 10, 2023, revised March 20, 2023 and received March 24, 2023.
- Stormwater Permit prepared by Ridgeline Consultants dated February 15, 2023 and received March 24, 2023.


The following comments require resolution and are offered for the petitioners consideration.

1. Please discuss and compare the existing and proposed site discharge rates.
  - a. Include the methodology i.e. rational method, source for rainfall data (Bulletin 75), and discuss assumptions for any variables used.
2. Depict proposed grades on the site plan. If the grades match existing indicate that condition.
3. According to Kendall Co GIS the total area of the two parcels is less than the 3.03 ac mentioned in narrative. Please provide a plat that depicts the acreage of the two parcels.
4. Clarify the location and thickness of the CA-7 used for materials and equipment storage. While we recognize this materials is open graded it is not typically used for permanent materials storage and is susceptible to blind over in time. Unless details can be provided that assure runoff is captured and managed the area cannot be considered as pervious.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole

responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications. If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,



Greg Chismark PE  
WBK Engineering, LLC

Attachment 15, 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 26, 2023 - 7:00 p.m.**

Chairman Bill Ashton called the meeting to order at 7:04 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman (arrived at 7:05 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: Mark Daniel, Brent Stary, Roman Correa, and Jiun-Guang Lin

**PETITIONS**

**Petition 23-19 Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant)**

Mr. Asselmeier summarized the request.

Member Hamman arrived at this time (7:05 p.m.).

He noted that the Petitioners submitted a revised site plan, which was presented. The site plan removed a large amount of the CA-7 and replaced it with gravel. The signs at the entrance to property at Route 126 were moved out of the right-of-way.

In October 2022, the Planning, Building and Zoning Department received a complaint regarding a landscaping business operating at 5022 Route 126 without a special use permit. In the intervening months, the property owner and business owner worked with an attorney and engineer to submit an application for a special use permit.

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They are also seeking variances to Section 4:05.B and Section 11:02.F.7 to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126; parking is not allowed within the front-yard setback. The Petitioners would like a variance to Section 11:02.F.4 to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2') instead of the twenty foot (20') depth requirement. Finally, they are seeking a variance to Section 4:09.A to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.

The Petitioners also wish to use the existing house and existing accessory structures for their business. Some of these structures pre-date the adoption of the Kendall County Zoning Ordinance. The Petitioners are requesting a variance to Section 7:01.G.2.a to allow the existing house to be no closer than seventy-three feet (73') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than twenty-one feet (21') west of the right-of-way line of Grove Road instead of the required one hundred feet (100'). The

Petitioners are also requesting a variance to Section 7:01.G.2.b to allow accessory structures no closer than fifty-seven feet (57') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than fifty-three feet (53') west of the right of the right-of-way line of Grove Road instead of the required one hundred feet (100'). These requests are part of a separate Petition (Petition 23-20).

Finally, the Petitioners wish to have the opportunity to use the home on the property to house an employee of the landscaping and nursery business. Accordingly, they request a conditional use permit for that purpose, which is a separate Petition (Petition 23-21).

The application materials, stormwater information, existing conditions survey, site plan, landscaping plan, and pictures of the property were provided.

The property is approximately two point nine (2.9) acres in size.

The County's plan called for the property to be Commercial. Yorkville's plan calls for the property to be Estate Residential.

Route 126 is a State maintained Arterial. Grove Road is a Major Collector maintained by the County.

Yorkville has a trail planned along Route 126 and Grove Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural.

The adjacent properties are zoned A-1.

The County's plan calls for the area to be Commercial. Yorkville's Plan calls for the area to be Estate Residential and Agricultural. Oswego's Plan calls for the area to Agricultural.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, and RPD-2.

Grove Road is the boundary line between the United City of Yorkville's and the Village of Oswego's planning areas.

The A-1 special use permits to the west are for a golf course.

A cemetery is located near the subject property to the south.

Approximately six (6) houses and the Whitetail Ridge Subdivision are located within one point five (1.5) miles of the subject property.

EcoCAT Report was submitted on February 22, 2023, and consultation was terminated.

The NRI Application was submitted on February 15, 2023. The LESA Score was 231 indicating a high level of protection. The NRI was provided.

Petition information was sent to Na-Au-Say Township on March 27, 2023. To date, no comments received.

Petition information was sent to the United City of Yorkville on March 27, 2023. To date, no comments received.



Petition information was sent to the Bristol Kendall Fire Protection District on March 27, 2023. To date, no comments received.

ZPAC reviewed this proposal at their meeting on April 4, 2023. Discussion occurred regarding the septic system at the property; the property would remain a single-family home, but would have an office component. The Health Department requested the Petitioners to work with the Health Department, should the use become more intense. Discussion also occurred regarding traffic circulation and the potential widening of nearby roads. No additional right-of-way was foreseen. ZPAC recommended approval of the proposal with the addition of a condition stating that, pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan may be adjusted to reflect this access by a vote of seven (7) in favor and zero (0) in opposition. Three (3) members were 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 variances, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate R&S Landscaping and Nursery at the subject property. The existing home would be used as the office for the business and would possibly be used as a dwelling in the future for an employee. The northern most barn would be used as a tool shop and meeting space.

No retail activities related to the business would occur at the subject property.

The business would be open from 7:00 a.m. until 7:00 p.m. everyday throughout the year. The business has a maximum of seventeen (17) employees, during the busy season. The business hauls vegetation and other landscaping items from the property to work sites. Employees either report to the subject property or report directly to job sites. Equipment is parked either at the subject property or the job site.

The site plan (Attachment 4) shows seven (7) four foot (4') tall concrete block storage areas approximately five feet (5') from the western property line. These storage areas range from approximately one thousand seven ten (1,710) square feet in size to approximately five hundred ten (510) square feet in size. All of the storage areas are thirty feet (30') in depth. The storage areas will hold top soil, boulders, sand, mulch, gravel, landscape waste, and brush. No piles will be taller than six feet (6') in height. Areas for outdoor equipment storage are

located east of an interior driveway. One (1) outdoor storage area for bricks is planned is also planned in this area.

In addition to the landscaping component, the Petitioners will have a nursery with two (2) membrane flower storage areas and areas for growing trees, bushes, and flowers. The nursery area will be located south of the gravel driveway.

One (1) one point five (1.5) story, approximately one thousand three hundred ninety-two (1,392) square foot house, is located on the property. There is one (1) approximately five hundred fifty (550) square foot detached garage, one (1) approximately one thousand seventy (1,070) square foot accessory building (labeled as machine tool shop, storage, breakroom and meeting room on the site plan), one approximately seven hundred (700) square foot chicken coop, and one (1) approximately three eight hundred sixty (3,680) square foot accessory building (labeled as equipment storage on the site plan). Two (2) silos are also located on the property.

Any structures related to the landscaping business would be required to obtain applicable building permits, including changes in occupancy.

The property is served by a well and septic. Employees would use these facilities, if at the property. Since no retail sales would occur at the property, few, if any, guests of the business would be on the property to use restroom facilities.

The property has a propane tank, which will be protected by bollards.

No dedicated refuse area for non-landscape related waste was shown on the site plan. Garbage would be removed using a commercial hauler.

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit. WBK Engineering submitted comments on the stormwater management permit application, which were provided. The Petitioners submitted revised stormwater calculations based on the use of gravel. To date, WBK Engineering has not commented on the new calculations.

Per the site plan, the Petitioners' propose to make the driveway off of Grove Road as the main access point. This driveway is approximately seven feet (7') wide. The Petitioners propose to widen the driveway to approximately fifteen feet (15') in width. The driveway expands to twenty-four feet (24') in width west of the propane tank. The Petitioners are pursuing a variance related to this driveway.

The property also has access from Route 126.

The Illinois Department of Transportation submitted an email on March 31, 2023. The Petitioners agreed to keep IDOT informed of the activities at the property and IDOT said they would evaluate the existing access permit, if necessary, in the future. This email was provided.

According to the site plan, the Petitioners propose nine (9) parking spaces south of the brick storage and equipment storage area along the southern driveway. One (1) handicapped accessible parking space is proposed north of the existing garage.

The southern driveway would be gravel and would be twenty-four feet (24') in width.

One (1) north-south twenty foot (20') wide driveway would be located between the storage areas and stockpiles and a second fifteen foot (15') wide east-west driveway would be located between the two (2) equipment storage and truck parking area. These drives would be gravel.

One (1) twenty-four foot (24') wide gravel driveway would run from the southern driveway to the handicapped parking space.

The driveway north of the handicapped parking space to Route 126 would be asphalt.

The existing conditions survey and the site plan show five (5) lights attached to the middle portions of buildings, two (2) lights at building corners, and one (1) new eighteen foot (18') tall wall mounted light. These lights are considered necessary for security reasons. The sign at the northeast corner of the property would also be illuminated from 6:00 a.m. until 11:00 p.m. as allowed by the Zoning Ordinance.

According to the site plan, the Petitioners propose to install one (1) thirty-two (32) square foot wooden sign near the northeast corner of the property. The sign would be illuminated as detailed previously.

Two (2) proposed "Do Not Enter" signs are proposed at the driveway on Route 126. One (1) "No Left Turn" sign is proposed in the same area. These signs might removed or altered if right-in, right-out access is granted at this entrance.

Other than lighting, no other security information was provided.

The site plan and landscaping plan show twenty-six (26) black hill spruce trees and ten (10) emerald green arborvitae near the north property line. The spruce trees are approximately seven (7') feet in height and the arborvitae are approximately twelve (12') feet in height. There are twenty-eight (28) white pines and twenty-one (21) arborvitae at the southeast corner of the property. The white pines are approximately ten feet (10') in height and the arborvitae are approximately twelve (12') feet in height. Several other plantings are scattered throughout the site, including landscaping around the sign at the northeast corner of the property.

On the landscaping plan the Petitioners noted the existing row of trees located to the west of the subject property. The Petitioners are agreeable to planting trees on the subject property if the trees on the adjoining property are removed.

No information was provided regarding noise control.

No information was provided regarding odor control.

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

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

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. Petitioners plan to preserve existing buildings and the existing sign on the north accessory building. Areas surrounding the property are zoned and used for agricultural purposes. Petitioners plan for drainage and will maintain the existing direction, rate and volume of stormwater flowing in the handful of directions noted in the elevations submitted within the application. Petitioners will reduce use of the Route 126 driveway from full access to emergency right-out only use. The main entrance is sufficiently south of Route 126 and there is ample stacking to make a safe left turn into the

main driveway without obstructing left turns from Grove Road onto Route 126. Most of the variances requested relate to existing conditions. The location of the parking, loading and storage yard in the west half of the property relates to the circumstance that all existing buildings are centralized. The avoidance of paving for parking and loading and the loading space variation are the only new development needs for relief from the Zoning Ordinance.

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 makes 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 in a large A-1 Agricultural District. Growing of trees, shrubs and flowers is a form of agricultural use. Growing is one part of the use proposed in the application. The use will not impede farms on the four adjacent and opposing sides of the Property. The use is deemed legislatively compatible because it meets all of the requirements contained in the Zoning Ordinance for landscaping businesses, if permission is granted for outdoor storage of materials. The use at the subject property will meet several purposes for the A-1 district as outlined in Section 7:01.A of the Zoning Ordinance, including the preservation of fertile, tillable soils as a valuable natural resource by recharging soils and groundwater through the large CA-7 field, by respecting grades and by engaging in a mix of soil planting and planting in potters, all the while re-using an existing residential home and outbuildings that have long existed. Reasonable restrictions, including hours of operation, maximum number of employees at the property, noise regulations, and lighting requirements are proposed that will protect the enjoyment and use of other properties in the vicinity.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Restrictions can be placed in the special use permit to address the number of people on the property. No retail customers will be on the property. As such, there are sufficient utilities on the property to handle the proposed uses. The intersection abutting the northeast corner of the Property is sufficiently designed with ample left turn stacking and a stop sign control for traffic crossing Route 126. The existing driveways are sufficiently connected to Grove Road (main driveway) and Route 126 (emergency limited access). Drainage on the property flows in three directions, with most stormwater eventually flowing south down a change in grade of roughly five feet (5'). Petitioners have restored a tile and respected drainage rights under the Illinois Drainage Code in the present placement of cement blocks to allow for the passage of stormwater in the one (1) area of the Property where it flows west and to avoid redirecting stormwater other than to the south. Otherwise, stormwater flows into the culverts along roadways. A stormwater management permit will be secured.

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. Petitioners provided an A-1 Agricultural District Table of Compliance addressing all elements of zoning compliance. Variations are necessary, but these variations are primarily related to preservation of existing buildings, structures, and improvements. New relief related to the loading and storage yard places this activity in an area where there was prior activity west of the smaller barn.

The use area will benefit from a continuous screen of trees that have already been planted at a substantial height.

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 use involves a commercial operation recognized as the use that will prevail at the property under the Land Resource Management Plan. The proposal is also consistent with a goal and objective found on page 10-11 of the Land Resource Management Plan, “A strong base of agriculture, commercial and industry that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents.” “. . . encourage additional agriculture and agribusiness.”

The proposed Findings of Fact for the variance to allow yard obstructions and parking areas in the setbacks were as follows:

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 topography and stormwater flow runs west or south. Substantially all of the property south of the driveway from Grove Road is a flow route for storm volume. In attempting to avoid placement of the loading and storage yard away from the intersection and away from Grove Road, the drainage concerns and the loss of benefits of filtration and ground water recharging played a significant role in determining not to locate this yard south of its proposed location. With respect to the location of the existing garage, it is situated behind the house where such a garage would ordinarily exist, but the house was constructed one hundred (100) or more years ago before the expansion of the abutting roadways and the adoption of zoning regulations pertaining to the setback issue. The interior drive has existed for decades and the most logical location for an accessible parking stall is adjacent to the two buildings where an accessible space can be of benefit. The design of the space leaves all but roughly four feet of the space outside of the setback. These circumstances drive a finding in favor of the variations.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Due to the varying topography throughout the County and the circumstance that the property is a corner lot that was improved before 1922, it cannot be said that the concern causing the difficulty and hardship generally prevails in the A-1 Agriculture District.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The only new element relates to the parking, loading and storage area. Since the 1920's, the area near Route 126 has been higher land. This is evident in aerial photographs of the topography of the area. Moreover, the use area to be occupied by the parking and loading area is similar to the use area that existed from at least the early 1980's until 2006. Petitioners do not propose the loading and storage area adjacent to the lot line, but plans for it at a distance of fifteen feet (15') from the right-of-way, but in the same area that has the historically higher elevation and the historical use. In plain terms, Petitioners are not the first to recognize this higher elevation and they did not create it any more than they created the grades, slopes and swales south of the barns that cause the area south of the driveway to be incapable of hosting the loading and storage area without presenting a visual obstruction, placing impermeable or less permeable surface over land that is saturated and helps to recharge groundwater while also filtering stormwater.

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. Petitioners propose that

none of the outdoor use should be plainly visible to passersby due to the screening. The use of CA-7 stone for the yard allows for infiltration of more water.

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. One (1) basis for the proposed location of the loading and storage yard is that it avoids placing the area in plain view. The yard will not create shadows or obstruct the flow of air. The yard itself does not contribute to traffic. In fact, it reduces traffic by avoiding excess trips Petitioners would make if they were required to store and load materials elsewhere. The conditions on the special use above also touch on changes to be made if the treeline west of the property no longer exists.

The proposed Findings of Fact for the variance for parking stall depth were as follows:

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 topography of the Property and water concerns led to an effort to avoid as much impervious surface as possible. The request for an adjustment in the parking lot design to allow for the same twenty foot (20') parking space, but with a two foot (2') overhang, and an eighteen foot (18') space from tire to tail of a vehicle, is a di minimus request, but it avoids an extra several hundred feet of pervious surface in an area of storm flow, filtering and recharging.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. While applicable to several properties, this concern is not generally applicable to the A-1 district. The original parcel containing the property was a long, narrow farmstead that extended to the cemetery. Through various transactions, including estate and probate matters, the property was divided so that it became a roughly square lot with the southern one hundred eighty feet (180') being an area of significant surface and subgrade flow during rain events and wet seasons.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. Certainly, parking can be relocated. Nine (9) parking spaces for the use is also more than needed. Petitioners' preference for parking along the south side of the large barn may be personal. However, Petitioners could have placed these on the south side of the driveway and reduced the area of soil that would accept water for filtration and recharging purposes. In planning for this use and similar uses, there is a general design principal that consolidation of buildings, parking and loading is best for the use and for passersby as well as eventual neighbors.

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 variation has absolutely no impact on public welfare or on property and improvements in this vicinity.

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. Petitioners are providing more parking than is necessary for the use. However, the provision of more parking does not conclusively lead to substantial increases in congestion since we are dealing with parking for only a few vehicles above that which is necessary. Parking on the north line of the interior drive will consolidate activity and also allow



vehicles to park in a line where they will not be as noticeable to traffic on either abutting street. The variation should impact property values in any manner.

The proposed Findings of Fact for the variance to the Grove Road driveway construction were as follows:

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 driveway has been in existence for a number of years and could be utilized by other agricultural uses on the property. Having the primary access off of Grove Road instead of Route 126 ensures that employees of the proposed use will not cause increased traffic congestion on Route 126 because the business deliveries will utilize the Grove Road access.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties zoned A-1 that were in existence prior to Kendall County adopting zoning in 1940 could have similar issues. The exact number of properties with lawfully non-conforming driveways is unknown.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. Petitioners did not construct the subject driveway.

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 maintenance of the driveway as proposed will not harm public welfare. No retail is planned for the site. Therefore, no large increase in the amount of vehicles entering and exiting the property on Grove Road is anticipated.

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. The variance will not cause congestion or endanger public safety because little additional traffic is anticipated at the property. There should be no risk of fire and property values will not be impacted if the variance is granted.

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

1. The site shall be developed substantially in accordance with the site plan and landscaping plan.
2. Pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan (Attachment 4) may be adjusted to reflect this access. **(Added at ZPAC)**
3. A variance to Section 4:05.B and Section 11:02.F.7 of Kendall County Zoning Ordinance shall be granted to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126. **(Clarified After ZPAC)**
4. A variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance shall be granted to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2').
5. A variance to Section 4:09.A of the Kendall County Zoning Ordinance shall be granted to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the

driveway is replaced.

6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. 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.
10. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be six feet (6') in height.
11. No retail sale of landscaping materials may occur at the subject property.
12. A maximum of seventeen (17) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
13. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
14. Any structures constructed, installed, or used 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.
15. Signage shall be limited to the signs shown on the site plan. Signage may be illuminated as outlined on the site plan. Signs within rights-of-way may be relocated to another location on the property if requested by the Illinois Department of Transportation without the need to amend this special use permit. Religious signs in existence on the property at the time of application submittal shall be exempt from permitting requirements.
16. Except for the lighting around the business sign, the lights shown on the site plan shall be considered for security purposes.
17. Damaged or dead plantings described on the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
18. Any vegetation described on the landscaping plan that has not been installed by the approval date of this special use permit shall be installed within ninety (90) days of the approval of the special use permit. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation.
19. The owner of the subject property shall plant trees to fill in the gaps on the western property line as outlined in the landscaping plan. The Kendall County Planning, Building and Zoning Committee

may grant an extension to the deadline to plant the screening. The site plan may be adjusted without an amendment to the special use permit to reflect the addition of these trees.

20. Vegetation related to the operations of a nursery on the property shall be exempted from the planting and vegetation maintenance requirements of this special use permit.

21. No landscape waste generated off the property can be burned on the subject property.

22. 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.

23. 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.

24. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

25. 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.

26. 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.

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

28. This special use permit and variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member Nelson asked if the Petitioners were agreeable to the conditions. Mark Daniel, Attorney for the Petitioner, responded yes. Mr. Daniel discussed the changes to the site plan related to stormwater.

Member McCarthy Lange asked about the religious sign on the property. The picture of the sign was displayed. The sign has been at the property for a long time.

Member Casey asked how long the current owner has owned the property. Brent Stary, property owner, responded approximately five (5) years.

Member Casey asked how long the landscaping business had been operating at the property. The response was since October 2022. Mr. Daniel explained the improvements related to the nursery and landscaping business that had occurred at the property.

Member Wilson asked about the entrance from Route 126. Mr. Daniel responded that the entrance from Route 126 was already in existence.

Mr. Daniel explained the differences between the original site plan and revised site plan. The driving lanes around the landscaping bins and storage areas had been narrowed and gravel will be used.

Discussion occurred regarding the variances for the location of the house and accessory buildings. Those structures could be replaced within one (1) year of the event of damage. The variances would allow the buildings to be replaced without the potential of losing grandfathering.

Member Nelson expressed concerns about the noise regulations. Specifically, he was concerned a new house would be built closer to the subject property after the business had started operations and would file a noise complaint. Member Nelson favored allowing only those homes in existence prior to the special use permit issuance being able to file noise complaints. Mr. Daniel suggested his client could build a fence around a portion of the property. Member Nelson said that was a possibility, but he did not want to burden the existing business after it had been operating for years.

Member Wilson asked if the driveway off of Route 126 would be used in connection with the landscaping business. Mr. Daniel responded only in the event of an emergency.

The local fire protection has not submitted comments, to date.

Member Bernacki noted that Na-Au-Say Township discussed the proposal at their meeting. They noted that the right turn lane on Route 126. The house and buildings were already on the property and those structures would not impact lines of sight for motorists. He also noted the number of landscaping businesses in the area.

Member Rodriguez asked who would live in the house. Mr. Correra planned to live in the house. There would be an office in the house, but no visitors for the landscaping business. Mr. Stary discussed the state of the septic system on the property.

Member Wilson asked what would happen to the clippings from project sites. The business does not engage in large amounts of yard mowing.

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of the special use permit and variances with an amendment to the condition related to the noise requirement; only those homes in existence prior to the issuance of the special use permit could file noise complaints.

The votes were as follows:

Ayes (9):	Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson and Wormley
Nays (0):	None
Absent (1):	Stewart
Abstain (0):	None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on May 1, 2023.  
KCRPC Meeting Minutes 4.26.23

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**ADJOURNMENT**

Member Nelson made a motion, seconded by Member Wormley, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:21 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  
May 1, 2023 – 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 (arrived at 7:05 p.m.), Tom LeCuyer, Randy Mohr, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: None

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

Others Present: Mark Daniel and Rebecca Wintczak

**PETITIONS**

Chairman Mohr swore in Mark Daniel and Rebecca Wintczak at this time.

The Zoning Board of Appeals started their review of Petition 23-19 and Petition 23-20 at 7:38 p.m.

**Petition 23 – 19 – Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant)**

**Request:** Special Use Permit for a Landscaping Business, Including Outdoor Storage, Variance to Section 4:05.B and Section 11:02.F.7 of the Kendall County Zoning Ordinance Allowing Parking and Loading No Closer Than Twenty-Five Feet from the Right-of-Way Line of Route 126 and to Allow the Handicapped Accessible Parking Space No Closer than Sixty-Nine Feet of the Right-Of-Way Line of Route 126, Variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance to Allow Parking Spaces at a Depth of Eighteen Feet With a Two Foot Overhang, and a Variance to Section 4:09.A of the Kendall County Zoning Ordinance to Allow the Driveway Off of Grove Road to be less than Twenty Feet in Width Until Such Time as the Driveway is Replaced

**PINs:** 06-18-200-011 and 06-18-200-013

**Location:** 5022 Route 126, Yorkville in Na-Au-Say Township

**Purpose:** Petitioners Want to Operate a Landscaping Business at the Subject Property, Property is Zoned A-1

**Petition 23 – 20 – Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant)**



Request: Variance to Section 7:01.G.2.a of the Kendall County Zoning Ordinance to Allow the Existing House To Be No Closer than Seventy-Three Feet South of the Right-of-Way Line of Route 126 and No Closer than Twenty-One Feet West of the Right-of-Way Line of Grove Road and a Variance to Section 7:01.G.2.b of the Kendall County Zoning Ordinance to Allow Accessory Structures No Closer than Fifty-Seven Feet South of the Right-of-Way line of Route 126 and No Closer than Fifty-Three Feet West of the Right-of-Way Line of Grove Road

PINs: 06-18-200-011 and 06-18-200-013

Location: 5022 Route 126, Yorkville in Na-Au-Say Township

Purpose: Petitioners Want to Remove the Lawful Non-Conformities by Securing Applicable Variances A-1

Mr. Asselmeier summarized the requests.

In October 2022, the Planning, Building and Zoning Department received a complaint regarding a landscaping business operating at 5022 Route 126 without a special use permit. In the intervening months, the property owner and business owner worked with an attorney and engineer to submit an application for a special use permit.

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They are also seeking variances to Section 4:05.B and Section 11:02.F.7 to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126; parking is not allowed within the front-yard setback. The Petitioners would like a variance to Section 11:02.F.4 to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2') instead of the twenty foot (20') depth requirement. Finally, they are seeking a variance to Section 4:09.A to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.

The Petitioners also wish to use the existing house and existing accessory structures for their business. Some of these structures pre-date the adoption of the Kendall County Zoning Ordinance. The Petitioners are requesting a variance to Section 7:01.G.2.a to allow the existing house to be no closer than seventy-three feet (73') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than twenty-one feet (21') west of the right-of-way line of Grove Road instead of the required one hundred feet (100'). The Petitioners are also requesting a variance to Section 7:01.G.2.b to allow accessory structures no closer than fifty-seven feet (57') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than fifty-three feet (53') west of the right of the right-of-way line of Grove Road instead of the required one hundred feet (100'). These requests are part of a separate Petition (Petition 23-20).

Finally, the Petitioners wish to have the opportunity to use the home on the property to house an employee of the landscaping and nursery business. Accordingly, they request a conditional use permit for that purpose, which is a separate Petition (Petition 23-21).

Prior to the Kendall County Regional Planning Commission meeting, the Petitioners submitted a revised site plan. The site plan removed a large amount of the CA-7 and replaced it with gravel. The signs at the entrance to property at Route 126 were moved out of the right-of-way. The revised site plan was provided.

The application materials, stormwater information, existing conditions survey, original site plan, landscaping plan, and pictures of the property were provided.

The property is approximately two point nine (2.9) acres in size.

The County's plan called for the property to be Commercial. Yorkville's plan calls for the property to be Estate Residential.

Route 126 is a State maintained Arterial. Grove Road is a Major Collector maintained by the County.

Yorkville has a trail planned along Route 126 and Grove Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural.

The adjacent properties are zoned A-1.

The County's plan calls for the area to be Commercial. Yorkville's Plan calls for the area to be Estate Residential and Agricultural. Oswego's Plan calls for the area to be Agricultural.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, and RPD-2.

Grove Road is the boundary line between the United City of Yorkville's and the Village of Oswego's planning areas.

The A-1 special use permits to the west are for a golf course.

A cemetery is located near the subject property to the south.

Approximately six (6) houses and the Whitetail Ridge Subdivision are located within one point five (1.5) miles of the subject property.

EcoCAT Report was submitted on February 22, 2023, and consultation was terminated.

The NRI Application was submitted on February 15, 2023. The LESA Score was 231 indicating a high level of protection. The NRI was provided.

Petition information was sent to Na-Au-Say Township on March 27, 2023. To date, no comments received.

Petition information was sent to the United City of Yorkville on March 27, 2023. To date, no comments received.

Petition information was sent to the Bristol Kendall Fire Protection District on March 27, 2023. To date, no comments received.

ZPAC reviewed this proposal at their meeting on April 4, 2023. Discussion occurred regarding the septic system at the property; the property would remain a single-family home, but would have an office component. The Health Department requested the Petitioners to work with the Health Department, should the use become more intense. Discussion also occurred regarding traffic circulation and the potential widening of nearby roads. No additional right-of-way was foreseen. ZPAC recommended approval of the proposal with the addition of a condition stating that, pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan may be adjusted to reflect this access by vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 26, 2023. The Petitioners were agreeable to the conditions. The current owners have owned the property for approximately five (5) years and the landscaping business has been operating at the property since October 2022. Discussion also occurred regarding the noise regulations, if a new house was constructed closer to the subject property. The Kendall County Regional Planning Commission recommended approval of the requested special use permit and variances with the conditions proposed by Staff with an amendment stating that only homes in existence prior to the issuance of the special use permit could file noise complaints by a vote of nine (9) in favor and zero (0) in opposition with one (1) member 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 variances, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate R&S Landscaping and Nursery at the subject property. The existing home would be used as the office for the business and would possibly be used as a dwelling in the future for an employee. The northern most barn would be used as a tool shop and meeting space.

No retail activities related to the business would occur at the subject property.

The business would be open from 7:00 a.m. until 7:00 p.m. everyday throughout the year. The business has a maximum of seventeen (17) employees, during the busy season. The business hauls vegetation and other landscaping items from the property to work sites. Employees either report to the subject property or report directly to job sites. Equipment is parked either at the subject property or the job site.

The site plan (Attachment 4) shows seven (7) four foot (4') tall concrete block storage areas approximately five feet (5') from the western property line. These storage areas range from approximately one thousand seven ten (1,710) square feet in size to approximately five hundred ten (510) square feet in size. All of the storage areas are thirty feet (30') in depth. The storage areas will hold top soil, boulders, sand, mulch, gravel, landscape waste, and brush. No piles will be taller than six feet (6') in height. Areas for outdoor equipment storage are located east of an interior driveway. One (1) outdoor storage area for bricks is planned is also planned in this area.

In addition to the landscaping component, the Petitioners will have a nursery with two (2) membrane flower storage areas and areas for growing trees, bushes, and flowers. The nursery area will be located south of the gravel driveway.

One (1) one point five (1.5) story, approximately one thousand three hundred ninety-two (1,392) square foot house, is located on the property. There is one (1) approximately five hundred fifty (550) square foot detached garage, one (1) approximately one thousand seventy (1,070) square foot accessory building (labeled as machine tool shop, storage, breakroom and meeting room on the site plan), one approximately seven hundred (700) square foot chicken coop, and one (1) approximately three eight hundred sixty (3,680) square foot accessory building (labeled as equipment storage on the site plan). Two (2) silos are also located on the property.

Any structures related to the landscaping business would be required to obtain applicable building permits, including changes in occupancy.

The property is served by a well and septic. Employees would use these facilities, if at the property. Since no retail sales would occur at the property, few, if any, guests of the business would be on the property to use restroom facilities.

The property has a propane tank, which will be protected by bollards.

No dedicated refuse area for non-landscape related waste was shown on the site plan. Garbage would be removed using a commercial hauler.

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit. WBK Engineering submitted comments on the stormwater management permit application, which were provided. To date, WBK Engineering has not commented on the new calculations.

Per the site plan, the Petitioners' propose to make the driveway off of Grove Road as the main access point. This driveway is approximately seven feet (7') wide. The Petitioners propose to widen the driveway to approximately fifteen feet (15') in width. The driveway expands to twenty-four feet (24') in width west of the propane tank. The Petitioners are pursuing a variance related to this driveway.

The property also has access from Route 126.

The Illinois Department of Transportation submitted an email on March 31, 2023. The Petitioners agreed to keep IDOT informed of the activities at the property and IDOT said they would evaluate the existing access permit, if necessary, in the future. This email was provided.

According to the site plan, the Petitioners propose nine (9) parking spaces south of the brick storage and equipment storage area along the southern driveway. One (1) handicapped accessible parking space is proposed north of the existing garage.

The southern driveway would be gravel and would be twenty-four feet (24') in width.

One (1) north-south twenty foot (20') wide driveway would be located between the storage areas and stockpiles and a second fifteen foot (15') wide east-west driveway would be located between the two (2) equipment storage and truck parking area. These drives would be gravel.

One (1) twenty-four foot (24') wide gravel driveway would run from the southern driveway to the handicapped parking space.

The driveway north of the handicapped parking space to Route 126 would be asphalt.

The existing conditions survey and the site plan show five (5) lights attached to the middle portions of buildings, two (2) lights at building corners, and one (1) new eighteen foot (18') tall wall mounted light.

These lights are considered necessary for security reasons. The sign at the northeast corner of the property would also be illuminated from 6:00 a.m. until 11:00 p.m. as allowed by the Zoning Ordinance.

According to the site plan, the Petitioners propose to install one (1) thirty-two (32) square foot wooden sign near the northeast corner of the property. The sign would be illuminated as detailed previously.

Two (2) proposed “Do Not Enter” signs are proposed at the driveway on Route 126. One (1) “No Left Turn” sign is proposed in the same area. These signs might removed or altered if right-in, right-out access is granted at this entrance.

Other than lighting, no other security information was provided.

The site plan and landscaping plan show twenty-six (26) black hill spruce trees and ten (10) emerald green arborvitae near the north property line. The spruce trees are approximately seven (7') feet in height and the arborvitae are approximately twelve (12') feet in height. There are twenty-eight (28) white pines and twenty-one (21) arborvitae at the southeast corner of the property. The white pines are approximately ten feet (10') in height and the arborvitae are approximately twelve (12') feet in height. Several other plantings are scattered throughout the site, including landscaping around the sign at the northeast corner of the property.

On the landscaping plan the Petitioners noted the existing row of trees located to the west of the subject property. The Petitioners are agreeable to planting trees on the subject property if the trees on the adjoining property are removed.

No information was provided regarding noise control.

No information was provided regarding odor control.

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

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

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. Petitioners plan to preserve existing buildings and the existing sign on the north accessory building. Areas surrounding the property are zoned and used for agricultural purposes. Petitioners plan for drainage and will maintain the existing direction, rate and volume of stormwater flowing in the handful of directions noted in the elevations submitted within the application. Petitioners will reduce use of the Route 126 driveway from full access to emergency right-out only use. The main entrance is sufficiently south of Route 126 and there is ample stacking to make a safe left turn into the main driveway without obstructing left turns from Grove Road onto Route 126. Most of the variances requested relate to existing conditions. The location of the parking, loading and storage yard in the west half of the property relates to the circumstance that all



existing buildings are centralized. The avoidance of paving for parking and loading and the loading space variation are the only new development needs for relief from the Zoning Ordinance.

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 makes 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 in a large A-1 Agricultural District. Growing of trees, shrubs and flowers is a form of agricultural use. Growing is one part of the use proposed in the application. The use will not impede farms on the four adjacent and opposing sides of the Property. The use is deemed legislatively compatible because it meets all of the requirements contained in the Zoning Ordinance for landscaping businesses, if permission is granted for outdoor storage of materials. The use at the subject property will meet several purposes for the A-1 district as outlined in Section 7:01.A of the Zoning Ordinance, including the preservation of fertile, tillable soils as a valuable natural resource by recharging soils and groundwater, by respecting grades and by engaging in a mix of soil planting and planting in potters, all the while re-using an existing residential home and outbuildings that have long existed. Reasonable restrictions, including hours of operation, maximum number of employees at the property, noise regulations, and lighting requirements are proposed that will protect the enjoyment and use of other properties in the vicinity.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Restrictions can be placed in the special use permit to address the number of people on the property. No retail customers will be on the property. As such, there are sufficient utilities on the property to handle the proposed uses. The intersection abutting the northeast corner of the Property is sufficiently designed with ample left turn stacking and a stop sign control for traffic crossing Route 126. The existing driveways are sufficiently connected to Grove Road (main driveway) and Route 126 (emergency limited access). Drainage on the property flows in three directions, with most stormwater eventually flowing south down a change in grade of roughly five feet (5'). Petitioners have restored a tile and respected drainage rights under the Illinois Drainage Code in the present placement of cement blocks to allow for the passage of stormwater in the one (1) area of the Property where it flows west and to avoid redirecting stormwater other than to the south. Otherwise, stormwater flows into the culverts along roadways. A stormwater management permit will be secured.

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. Petitioners provided an A-1 Agricultural District Table of Compliance addressing all elements of zoning compliance. Variations are necessary, but these

variations are primarily related to preservation of existing buildings, structures, and improvements. New relief related to the loading and storage yard places this activity in an area where there was prior activity west of the smaller barn. The use area will benefit from a continuous screen of trees that have already been planted at a substantial height.

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 use involves a commercial operation recognized as the use that will prevail at the property under the Land Resource Management Plan. The proposal is also consistent with a goal and objective found on page 10-11 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industry that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." ". . . encourage additional agriculture and agribusiness."

The proposed Findings of Fact for the variance to allow yard obstructions and parking areas in the setbacks were as follows:

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 topography and stormwater flow runs west or south. Substantially all of the property south of the driveway from Grove Road is a flow route for storm volume. In attempting to avoid placement of the loading and storage yard away from the intersection and away from Grove Road, the drainage concerns and the loss of benefits of filtration and ground water recharging played a significant role in determining not to locate this yard south of its proposed location. With respect to the location of the existing garage, it is situated behind the house where such a garage would ordinarily exist, but the house was constructed one hundred (100) or more years ago before the expansion of the abutting roadways and the adoption of zoning regulations pertaining to the setback issue. The interior drive has existed for decades and the most logical location for an accessible parking stall is adjacent to the two buildings where an accessible space can be of benefit. The design of the space leaves all but roughly four feet of the space outside of the setback. These circumstances drive a finding in favor of the variations.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Due to the varying topography throughout the County and the circumstance that the property is a corner lot that was improved before 1922, it cannot be said that the concern causing the difficulty and hardship generally prevails in the A-1 Agriculture District.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The only new element relates to the parking, loading and storage area. Since the 1920's, the area near Route 126 has been higher land. This is evident in aerial photographs of the topography of the area. Moreover, the use area to be occupied by the parking and loading area is similar to the use area that existed from at least the early 1980's until 2006. Petitioners do not propose the loading and storage

area adjacent to the lot line, but plans for it at a distance of fifteen feet (15') from the right-of-way, but in the same area that has the historically higher elevation and the historical use. In plain terms, Petitioners are not the first to recognize this higher elevation and they did not create it any more than they created the grades, slopes and swales south of the barns that cause the area south of the driveway to be incapable of hosting the loading and storage area without presenting a visual obstruction, placing impermeable or less permeable surface over land that is saturated and helps to recharge groundwater while also filtering stormwater.

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. Petitioners propose that none of the outdoor use should be plainly visible to passersby due to the screening.

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. One (1) basis for the proposed location of the loading and storage yard is that it avoids placing the area in plain view. The yard will not create shadows or obstruct the flow of air. The yard itself does not contribute to traffic. In fact, it reduces traffic by avoiding excess trips Petitioners would make if they were required to store and load materials elsewhere. The conditions on the special use above also touch on changes to be made if the treeline west of the property no longer exists.

The proposed Findings of Fact for the variance for parking stall depth were as follows:

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 topography of the Property and water concerns led to an effort to avoid as much impervious surface as possible. The request for an adjustment in the parking lot design to allow for the same twenty foot (20') parking space, but with a two foot (2') overhang, and an eighteen foot (18') space from tire to tail of a vehicle, is a *de minimus* request, but it avoids an extra several hundred feet of pervious surface in an area of storm flow, filtering and recharging.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. While applicable to several properties, this concern is not generally applicable to the A-1 district. The original parcel containing the property was a long, narrow farmstead that extended to the cemetery. Through various transactions, including estate and probate matters, the property was divided so that it became a roughly square lot with the southern one hundred eighty feet (180') being an area of significant surface and subgrade flow during rain events and wet seasons.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. Certainly, parking can be relocated. Nine (9) parking spaces for the use is also more than needed. Petitioners' preference for parking along the south side of the large barn may be personal. However, Petitioners could have placed these on the south side of the driveway and reduced the area of soil that would accept water for filtration and recharging purposes. In planning for this use and similar uses, there is a general design principal that consolidation of buildings, parking and loading is best for the use and for passersby as well as eventual neighbors.

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 variation has absolutely no impact on public welfare or on property and improvements in this vicinity.

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. Petitioners are providing more parking than is necessary for the use. However, the provision of more parking does not conclusively lead to substantial increases in congestion since we are dealing with parking for only a few vehicles above that which is necessary. Parking on the north line of the interior drive will consolidate activity and also allow vehicles to park in a line where they will not be as noticeable to traffic on either abutting street. The variation should impact property values in any manner.

The proposed Findings of Fact for the variance to the Grove Road driveway construction were as follows:

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 driveway has been in existence for a number of years and could be utilized by other agricultural uses on the property. Having the primary access off of Grove Road instead of Route 126 ensures that employees of the proposed use will not cause increase traffic congestion on Route 126 because the business deliveries will utilize the Grove Road access.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties zoned A-1 that were in existence prior to Kendall County adopting zoning in 1940 could have similar issues. The exact number of properties with lawfully non-conforming driveways is unknown.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. Petitioners did not construct the subject driveway.

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

maintenance of the driveway as proposed will not harm public welfare. No retail is planned for the site. Therefore, no large increase in the amount of vehicles entering and exiting the property on Grove Road is anticipated.

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. The variance will not cause congestion or endanger public safety because little additional traffic is anticipated at the property. There should be no risk of fire and property values will not be impacted if the variance is granted.

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

1. The site shall be developed substantially in accordance with the site plan and landscaping plan.
2. Pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan (Attachment 4) may be adjusted to reflect this access. (Added at ZPAC)
3. A variance to Section 4:05.B and Section 11:02.F.7 of Kendall County Zoning Ordinance shall be granted to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126. (Clarified After ZPAC)
4. A variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance shall be granted to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2').
5. A variance to Section 4:09.A of the Kendall County Zoning Ordinance shall be granted to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. 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.

10. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be six feet (6') in height.
11. No retail sale of landscaping materials may occur at the subject property.
12. A maximum of seventeen (17) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
13. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
14. Any structures constructed, installed, or used 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.
15. Signage shall be limited to the signs shown on the site plan. Signage may be illuminated as outlined on the site plan. Signs within rights-of-way may be relocated to another location on the property if requested by the Illinois Department of Transportation without the need to amend this special use permit. Religious signs in existence on the property at the time of application submittal shall be exempt from permitting requirements.
16. Except for the lighting around the business sign, the lights shown on the site plan shall be considered for security purposes.
17. Damaged or dead plantings described on the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
18. Any vegetation described on the landscaping plan that has not been installed by the approval date of this special use permit shall be installed within ninety (90) days of the approval of the special use permit. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation.
19. The owner of the subject property shall plant trees to fill in the gaps on the western property line as outlined in the landscaping plan. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to plant the screening. The site plan may be adjusted without an amendment to the special use permit to reflect the addition of these trees.
20. Vegetation related to the operations of a nursery on the property shall be exempted from the planting and vegetation maintenance requirements of this special use permit.



21. No landscape waste generated off the property can be burned on the subject property.

22. 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.

Only those homes in existence prior to the issuance of the special use permit can file noise complaints. (Added at RPC).

23. 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.

24. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

25. 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.

26. 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.

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

28. This special use permit and variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

The proposed findings of fact for the variances related to the house and accessory buildings were as follows:

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 dominant physical surroundings of the Property are Route 126 and Grove Road, neither of which existed in their current form when the property hosted a home as close to these rights-of-way as it existed at least as early as the 1920's. The County's 1939 aerial imagery clearly shows the home at the present location. All accessory buildings and use areas were created based on the location of the home in the northeast corner of the property, with tillable land surrounding them for the past 100 years.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The subject property has been in its current configuration since the 1920's prior to the adoption of the current Kendall County Zoning Ordinance. The abutting roads became substantially larger than the township roads that existed at the time of construction on the property. While there are other properties in the A-1 Agriculture District that face the same issue of longstanding buildings rendered nonconforming, it cannot be generally said that the improvements in the setback area generally predate County zoning or amendments thereto.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioners had no role in the difficulty or hardship in this instance as it developed as early as the 1920's and with areawide changes in roadways and highways since then.

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 County has already determined that the improvements in the setback are not materially detrimental to the public welfare or the neighborhood because the County protects these buildings as nonconforming structures and uses. Petitioners could continue the use of the buildings as nonconforming structures.

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. The buildings are existing and well distanced from neighboring land. The buildings are adequately distanced from both Grove Road and Illinois Route 126 and the State and County have safely constructed, enlarged and maintained public rights of way without problems caused by the buildings for which the variations are requested.

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

1. A variance to Section 7:01.G.2.a of the Kendall County Zoning Ordinance to allow the existing house to be no closer than seventy-three feet (73') south of the right-of-way line of Route 126 and no closer than twenty-one feet (21') west of the right-of-way line of Grove Road as depicted on the survey.
2. A variance to Section 7:01.G.2.b of the Kendall County Zoning Ordinance to allow accessory structures no closer than fifty-seven feet (57') south of the right-of-way line of Route 126 and no closer than fifty-three feet (53') west of the right of the right-of-way line of Grove Road as depicted on the survey .
3. Failure to comply with one or more of the above conditions or restrictions could result in the revocation of this variance.
4. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
5. These variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same uses conducted on the property.

Chairman Mohr asked why the driveway off of Route 126 would continue to exist. Mr. Asselmeier responded because the driveway already existed and it will be used as an emergency exit only unless the Illinois Department of Transportation grants approval for right-in, right-out access. The Grove Road access already exists.

Member LeCuyer asked why handicapped parking was proposed. Mr. Asselmeier responded that the Americans With Disabilities Act requires the parking space.

The owner of the landscaping business intends to live in the house and use the house as an office for landscaping and nursery business.

Chairman Mohr opened the public hearing at 7:58 p.m.

Mark Daniel, Attorney for the Petitioners, noted that the driveway off of Route 126 was restricted to residential and agricultural uses. He noted the width of Route 126 at this location. He noted the location of the septic system northeast of the house. If destruction of the home occurred, a replacement house would likely be placed in the same area as the existing house.

Chairman Mohr asked if adequate space existed for the bike trail. Mr. Asselmeier responded that no party requested additional right-of-way for a trail.

Chairman Mohr closed the public hearing at 8:04 p.m.

Member Cherry asked if the business started before the special use permit was issued. Mr. Asselmeier responded yes. Mr. Daniel said the nursery was operating at the property, which is allowed.

The trees were planted in the fall of 2022.

Member Whitfield made a motion, seconded by Member LeCuyer, to approve the findings of fact for the special use permit and all of the variances for both petitions.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion passed.

Mr. Asselmeier noted that the Kendall County Regional Planning Commission added a sentence to noise condition stating that only homes in existence prior to the issuance of the special use permit can file noise complaints. Mr. Asselmeier noted this was the first time this sentence had been added to the noise restriction. He favored adding the phrase “or permitted” after “in existence” in order to have a County controlled paper trail instead of relying on third party aerals for determining the age of houses.

Member Fox made a motion, seconded by Member LeCuyer, to add the phrase as mentioned previously by Mr. Asselmeier.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion passed.

Member LeCuyer made a motion, seconded by Member Thompson, to approve Staff’s recommendation as amended.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion passed.

Member LeCuyer made a motion, seconded by Member Prodehl, to recommend approval of the special use permit and related variances.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion passed.

Member Whitfield made a motion, seconded by Member Fox, to recommend approval of the requested variances in Petition 23-20.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion passed.

Na-Au-Say Township will be notified of the results of the hearing related to the variances.

Petition 23-19 goes to the Planning, Building and Zoning Committee on May 8, 2023.

The Zoning Board of Appeals completed their review of Petition 23-19 and Petition 23-20 at 8:11 p.m.

Several members expressed frustration that Petitions were submitting after-fact-applications.

#### **PUBLIC COMMENTS**

Mr. Asselmeier that no Petitions were on the agenda for the May 30, 2023, hearing/meeting.

#### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

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

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

The Zoning Board of Appeals meeting adjourned at 8:13 p.m.

The next regularly scheduled hearing/meeting will be on May 30, 2023.

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

Exhibits

1. Memo on Petition 23-19 Dated April 27, 2023
2. Certificate of Publication and Certified Mail Receipts for Petition 23-19 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 23-20 Dated March 27, 2023 and Updated April 27, 2023
4. Certificate of Publication and Certified Mail Receipts for Petition 23-20 (Not Included with Report but on file in Planning, Building and Zoning Office)



**May 1, 2023**

[illegible]

State of Illinois  
County of Kendall

Zoning Petition  
#23-19

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**GRANTING A SPECIAL USE PERMIT FOR A LANDSCAPING BUSINESS, A VARIANCE TO SECTION 4:05.B AND SECTION 11:02.F.7 TO ALLOW OUTDOOR PARKING AND LOADING NO CLOSER THAN TWENTY-FIVE FEET OF THE RIGHT-OF-WAY LINE OF ROUTE 126 AND TO ALLOW HANDICAPPED ACCESSIBLE PARKING NO CLOSER THAN SIXTY- FEET OF THE RIGHT-OF-WAY LINE OF ROUTE 126, A VARIANCE TO SECTION 11:02.F.4 TO ALLOW PARKING SPACES TO BE EIGHTEEN FEET IN DEPTH WITH A TWO FOOT OVERHANG, AND A VARIANCE TO SECTION 4:09.A TO ALLOW THE EXISTING DRIVEWAY ONTO GROVE ROAD TO BE LESS THAN TWENTY FEET IN WIDTH UNTIL SUCH TIME AS THE DRIVEWAY IS REPLACED AT 5022 ROUTE 126, YORKVILLE AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 06-18-200-011 AND 06-18-200-013 IN NA-AU-SAY TOWNSHIP**

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

WHEREAS, Section 7:01.D.30 of the Kendall County Zoning Ordinance permits the operation of landscaping businesses as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, Section 4:05.B. and Section 11:02.F.7 of the Kendall County Zoning Ordinance restrict the parking and loading of vehicles within certain setbacks; and

WHEREAS, Section 11:02.F.4 of the Kendall County Zoning Ordinance sets the depth of parking spaces at a minimum of twenty feet (20'); and

WHEREAS, Section 4:09.A of the Kendall County Zoning Ordinance sets the width of driveways at a minimum of twenty feet (20'); and

WHEREAS, the property which is the subject of this ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural District and consists of approximately 2.9 acres located at 5022 Route 126 (PINs: 06-18-200-011 and 06-18-200-013 ), in Na-Au-Say Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and the property shall hereinafter be referred to as "the subject property"; and

WHEREAS, the subject property is owned by MCB52, Inc. as represented by Brent A. Stary and Tracy A. Stary; and

WHEREAS, the R&S Landscaping and Nursery, Inc as represented by Roman Correa has a contract to lease the subject property; and

WHEREAS, MCB52, Inc. and R&S Landscaping and Nursery, Inc. shall hereinafter be referred to as the "Petitioner"; and

WHEREAS, on or about March 21, 2023, Petitioner's representative filed a petition for a special use permit to allow the operation of landscaping business with outdoor storage, a variance to Section 4:05.B and Section 11:02.F.7 of the Kendall County Zoning Ordinance to handicapped accessible parking and other parking and loading facilities instead the front yard setback, a variance to allow parking stall to be smaller in depth than

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allowed by the Kendall County Zoning Ordinance, and a variance to Section 4:09.A. of the Kendall County Zoning Ordinance to allow the existing driveway onto Grove Road to be less than twenty (20') feet in width;

WHEREAS, following due and proper notice by publication in the Beacon News on April 9, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on May 1, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested special use permit and variances and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permit and variances with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated May 1, 2023, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of **approval/denial/neutral** of the requested major amendments to an existing special use permit and variance; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use permit and variances shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition special use permit and variances allowing the operation of a landscaping business on the subject property subject to the following conditions:
  - A. The site shall be developed substantially in accordance with the site plan attached hereto as Exhibit C and landscaping plan attached hereto as Exhibit D.
  - B. Pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan attached hereto as Exhibit C may be adjusted to reflect this access.
  - C. A variance to Section 4:05.B and Section 11:02.F.7 of Kendall County Zoning Ordinance shall be granted to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126.

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- D. A variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance shall be granted to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2').
- E. A variance to Section 4:09.A of the Kendall County Zoning Ordinance shall be granted to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.
- F. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
- G. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
- H. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
- I. 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.
- J. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan attached hereto as Exhibit C. The maximum height of the piles of landscaping related material shall be six feet (6') in height.
- K. No retail sale of landscaping materials may occur at the subject property.
- L. A maximum of seventeen (17) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
- M. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
- N. Any structures constructed, installed, or used 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.
- O. Signage shall be limited to the signs shown on the site plan attached hereto as Exhibit C. Signage may be illuminated as outlined on the site plan. Signs within rights-of-way may be relocated to another location on the property if requested by the Illinois Department of Transportation without the need to amend this special use permit. Religious signs in existence on the property at the time of application submittal shall be exempt from permitting requirements.
- P. Except for the lighting around the business sign, the lights shown on the site plan attached hereto as Exhibit C shall be considered for security purposes.
- Q. Damaged or dead plantings described on the landscaping plan attached hereto as Exhibit D

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shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.

- R. Any vegetation described on the landscaping plan attached hereto as Exhibit D that has not been installed by the approval date of this special use permit shall be installed within ninety (90) days of the approval of the special use permit. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation.
- S. The owner of the subject property shall plant trees to fill in the gaps on the western property line as outlined in the landscaping plan attached hereto as Exhibit D. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to plant the screening. The site plan attached hereto as Exhibit C may be adjusted without an amendment to the special use permit to reflect the addition of these trees.
- T. Vegetation related to the operations of a nursery on the property shall be exempted from the planting and vegetation maintenance requirements of this special use permit.
- U. No landscape waste generated off the property can be burned on the subject property.
- V. 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.  
  
Only those homes in existence or permitted prior to the issuance of the special use permit can file noise complaints.
- W. 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.
- X. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- Y. 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.
- Z. 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.

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

3. This special use permit and variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.
4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of May, 2023.

Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Matt Kellogg

Exhibit A

LEGAL DESCRIPTION:

THAT PART OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN WHICH THE WEST LINE OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN INTERSECTS WITH THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 126, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE SOUTH 01 DEGREE 16 MINUTES 05 SECONDS EAST, ALONG SAID WEST LINE, 370.97 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 47 SECONDS EAST 344.16 FEET TO THE WEST LINE OF GROVE ROAD, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE NORTH 01 DEGREE 03 MINUTES 25 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 120.22 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 02 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 13.58 FEET (13.86 FEET RECORD); THENCE NORTH 00 DEGREES 45 MINUTES 28 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 225.61 FEET (228.20 FEET RECORD); THENCE NORTH 69 DEGREES 15 MINUTES 57 SECONDS WEST 69.02 (RECORD AND MEASURED) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 126; THENCE SOUTH 89 DEGREES 29 MINUTES 47 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 296.20 FEET (RECORD AND MEASURED) TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS 5022 IL ROUTE 126, YORKVILLE, ILLINOIS.



Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on May 1, 2023, by a vote of seven (7) in favor and zero (0) in opposition:

**FINDINGS OF FACT-SPECIAL USE PERMIT**

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

*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. Petitioners plan to preserve existing buildings and the existing sign on the north accessory building. Areas surrounding the property are zoned and used for agricultural purposes. Petitioners plan for drainage and will maintain the existing direction, rate and volume of stormwater flowing in the handful of directions noted in the elevations submitted within the application. Petitioners will reduce use of the Route 126 driveway from full access to emergency right-out only use. The main entrance is sufficiently south of Route 126 and there is ample stacking to make a safe left turn into the main driveway without obstructing left turns from Grove Road onto Route 126. Most of the variances requested relate to existing conditions. The location of the parking, loading and storage yard in the west half of the property relates to the circumstance that all existing buildings are centralized. The avoidance of paving for parking and loading and the loading space variation are the only new development needs for relief from the Zoning Ordinance.*

*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 makes 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 in a large A-1 Agricultural District. Growing of trees, shrubs and flowers is a form of agricultural use. Growing is one part of the use proposed in the application. The use will not impede farms on the four adjacent and opposing sides of the Property. The use is deemed legislatively compatible because it meets all of the requirements contained in the Zoning Ordinance for landscaping businesses, if permission is granted for outdoor storage of materials. The use at the subject property will meet several purposes for the A-1 district as outlined in Section 7:01.A of the Zoning Ordinance, including the preservation of fertile, tillable soils as a valuable natural resource by recharging soils and groundwater, by respecting grades and by engaging in a mix of soil planting and planting in potters, all the while re-using an existing residential home and outbuildings that have long existed. Reasonable restrictions, including hours of operation, maximum number of employees at the property, noise regulations, and lighting requirements are proposed that will protect the enjoyment and use of other properties in the vicinity.*

*Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Restrictions can be placed in the special use permit to address the number of people on the property. No retail customers will be on the property. As such, there are sufficient utilities on the property to handle the proposed uses. The intersection abutting the northeast corner of the Property is sufficiently designed with ample left turn stacking and a stop sign control for traffic crossing Route 126. The existing driveways are sufficiently connected to Grove Road (main driveway) and Route 126 (emergency limited access). Drainage on the property flows in three directions, with most stormwater eventually flowing south down a change in grade of roughly five feet (5'). Petitioners have restored a tile and respected drainage rights under the Illinois Drainage Code in the present placement of cement blocks to allow for the passage of stormwater in the one (1) area of the Property where it flows west and to avoid*

**redirecting stormwater other than to the south. Otherwise, stormwater flows into the culverts along roadways. A stormwater management permit will be secured.**

*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. Petitioners provided an A-1 Agricultural District Table of Compliance addressing all elements of zoning compliance. Variations are necessary, but these variations are primarily related to preservation of existing buildings, structures, and improvements. New relief related to the loading and storage yard places this activity in an area where there was prior activity west of the smaller barn. The use area will benefit from a continuous screen of trees that have already been planted at a substantial height.*

*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 use involves a commercial operation recognized as the use that will prevail at the property under the Land Resource Management Plan. The proposal is also consistent with a goal and objective found on page 10-11 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industry that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "... encourage additional agriculture and agribusiness."*

#### **FINDINGS OF FACT-VARIANCE FOR YARD OBSTRUCTIONS AND PARKING AREAS IN SETBACKS**

The Findings of Fact for the variance related to yard obstructions and parking areas in setbacks were as follows:

*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 topography and stormwater flow runs west or south. Substantially all of the property south of the driveway from Grove Road is a flow route for storm volume. In attempting to avoid placement of the loading and storage yard away from the intersection and away from Grove Road, the drainage concerns and the loss of benefits of filtration and ground water recharging played a significant role in determining not to locate this yard south of its proposed location. With respect to the location of the existing garage, it is situated behind the house where such a garage would ordinarily exist, but the house was constructed one hundred (100) or more years ago before the expansion of the abutting roadways and the adoption of zoning regulations pertaining to the setback issue. The interior drive has existed for decades and the most logical location for an accessible parking stall is adjacent to the two buildings where an accessible space can be of benefit. The design of the space leaves all but roughly four feet of the space outside of the setback. These circumstances drive a finding in favor of the variations.*

*The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Due to the varying topography throughout the County and the circumstance that the property is a corner lot that was improved before 1922, it cannot be said that the concern causing the difficulty and hardship generally prevails in the A-1 Agriculture District.*

*The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The only new element relates to the parking, loading and storage area. Since the 1920's, the area near Route 126 has been higher land. This is evident in aerial photographs of the topography of the area. Moreover, the use area to be occupied by the parking and loading area is similar to the use area that existed from at least the early 1980's until 2006. Petitioners do not propose the loading and storage area adjacent to the lot line, but plans for it at a distance of fifteen feet (15') from the right-of-way, but in the same area that has the historically higher elevation and the historical use. In plain terms, Petitioners are not the first to recognize this higher elevation and*

they did not create it any more than they created the grades, slopes and swales south of the barns that cause the area south of the driveway to be incapable of hosting the loading and storage area without presenting a visual obstruction, placing impermeable or less permeable surface over land that is saturated and helps to recharge groundwater while also filtering stormwater.

*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. Petitioners propose that none of the outdoor use should be plainly visible to passersby due to the screening.*

*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. One (1) basis for the proposed location of the loading and storage yard is that it avoids placing the area in plain view. The yard will not create shadows or obstruct the flow of air. The yard itself does not contribute to traffic. In fact, it reduces traffic by avoiding excess trips Petitioners would make if they were required to store and load materials elsewhere. The conditions on the special use above also touch on changes to be made if the treeline west of the property no longer exists.*

#### **FINDINGS OF FACT-VARIANCE FOR PARKING STALL DEPTH**

The Findings of Fact for the variance related to parking stall depth were as follows:

*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 topography of the Property and water concerns led to an effort to avoid as much impervious surface as possible. The request for an adjustment in the parking lot design to allow for the same twenty foot (20') parking space, but with a two foot (2') overhang, and an eighteen foot (18') space from tire to tail of a vehicle, is a di minimus request, but it avoids an extra several hundred feet of pervious surface in an area of storm flow, filtering and recharging.*

*The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. While applicable to several properties, this concern is not generally applicable to the A-1 district. The original parcel containing the property was a long, narrow farmstead that extended to the cemetery. Through various transactions, including estate and probate matters, the property was divided so that it became a roughly square lot with the southern one hundred eighty feet (180') being an area of significant surface and subgrade flow during rain events and wet seasons.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. Certainly, parking can be relocated. Nine (9) parking spaces for the use is also more than needed. Petitioners' preference for parking along the south side of the large barn may be personal. However, Petitioners could have placed these on the south side of the driveway and reduced the area of soil that would accept water for filtration and recharging purposes. In planning for this use and similar uses, there is a general design principal that consolidation of buildings, parking and loading is best for the use and for passersby as well as eventual neighbors.*

*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 variation has absolutely no impact on public welfare or on property and improvements in this vicinity.*

*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. Petitioners are providing more parking than is necessary for the use. However, the provision of more parking does*

**not conclusively lead to substantial increases in congestion since we are dealing with parking for only a few vehicles above that which is necessary. Parking on the north line of the interior drive will consolidate activity and also allow vehicles to park in a line where they will not be as noticeable to traffic on either abutting street. The variation should impact property values in any manner.**

#### **FINDINGS OF FACT-VARIANCE FOR GROVE ROAD DRIVEWAY CONSTRUCTION**

The Findings of Fact for the variance related to the Grove Road driveway construction were as follows:

*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 driveway has been in existence for a number of years and could be utilized by other agricultural uses on the property. Having the primary access off of Grove Road instead of Route 126 ensures that employees of the proposed use will not cause increased traffic congestion on Route 126 because the business deliveries will utilize the Grove Road access.*

*The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties zoned A-1 that were in existence prior to Kendall County adopting zoning in 1940 could have similar issues. The exact number of properties with lawfully non-conforming driveways is unknown.*

*The alleged difficulty or hardship has not been created by any person presently having an interest in the property. Petitioners did not construct the subject driveway.*

*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 maintenance of the driveway as proposed will not harm public welfare. No retail is planned for the site. Therefore, no large increase in the amount of vehicles entering and exiting the property on Grove Road is anticipated.*

*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. The variance will not cause congestion or endanger public safety because little additional traffic is anticipated at the property. There should be no risk of fire and property values will not be impacted if the variance is granted.*

#### **RECOMMENDATION**

Approval subject to the following conditions:

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan.
2. Pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan may be adjusted to reflect this access.
3. A variance to Section 4:05.B and Section 11:02.F.7 of Kendall County Zoning Ordinance shall be granted to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126.
4. A variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance shall be granted to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2').
5. A variance to Section 4:09.A of the Kendall County Zoning Ordinance shall be granted to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.

6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. 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.
10. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be six feet (6') in height.
11. No retail sale of landscaping materials may occur at the subject property.
12. A maximum of seventeen (17) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
13. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
14. Any structures constructed, installed, or used 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.
15. Signage shall be limited to the signs shown on the site plan. Signage may be illuminated as outlined on the site plan. Signs within rights-of-way may be relocated to another location on the property if requested by the Illinois Department of Transportation without the need to amend this special use permit. Religious signs in existence on the property at the time of application submittal shall be exempt from permitting requirements.
16. Except for the lighting around the business sign, the lights shown on the site plan shall be considered for security purposes.
17. Damaged or dead plantings described on the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
18. Any vegetation described on the landscaping plan that has not been installed by the approval date of this special use permit shall be installed within ninety (90) days of the approval of the special use permit. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation.
19. The owner of the subject property shall plant trees to fill in the gaps on the western property line as outlined in the landscaping plan. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to plant the screening. The site plan may be adjusted without an amendment to the special use permit to reflect the addition of these trees.
20. Vegetation related to the operations of a nursery on the property shall be exempted from the planting and vegetation maintenance requirements of this special use permit.

21. No landscape waste generated off the property can be burned on the subject property.

22. 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.

Only those homes in existence or permitted prior to the issuance of the special use permit can file noise complaints.

23. 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.

24. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

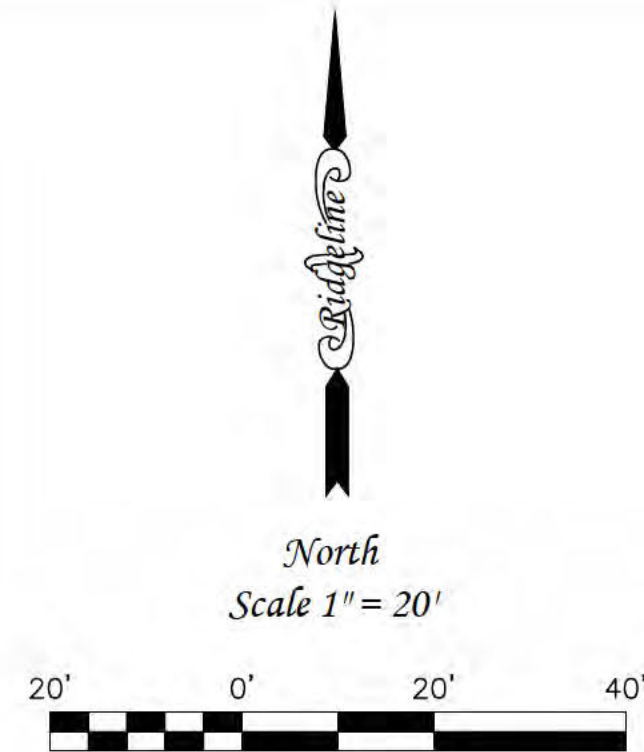
25. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

26. 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.

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

28. This special use permit and variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.





# SITE PLAN

## LEGAL DESCRIPTION:

THAT PART OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN WHICH THE WEST LINE OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN INTERSECTS WITH THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 126, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 20160000859, RECORDED JANUARY 19, 2016; THENCE SOUTH 01 DEGREE 16 MINUTES 05 SECONDS EAST, ALONG SAID WEST LINE, 370.97 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 47 SECONDS EAST 344.16 FEET TO THE WEST LINE OF GROVE ROAD, AS LAID OUT AND TRAVELED PER DOCUMENT (NO. 20160000859, RECORDED JANUARY 19, 2016)\*; THENCE NORTH 01 DEGREE 03 MINUTES 25 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 120.22 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 02 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 13.58 FEET (13.86 FEET RECORD); THENCE NORTH 00 DEGREES 45 MINUTES 28 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 225.61 FEET (228.20 FEET RECORD); THENCE NORTH 69 DEGREES 15 MINUTES 57 SECONDS WEST 69.02 (RECORD AND MEASURED) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 126; THENCE SOUTH 89 DEGREES 29 MINUTES 47 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 296.20 FEET (RECORD AND MEASURED) TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS 5022 IL ROUTE 126 (PARCEL 1), YORKVILLE, ILLINOIS.

## SITE AREA TABLE

LOT = 131,359 SF

### EXISTING CONDITIONS\*:

BUILDINGS	8,032 SF
GRAVEL DRIVEWAY	3,837 SF
ASPHALT DRIVEWAY	2,261 SF
CONC. PAVEMENT	705 SF
EXISTING IMPERVIOUS	14,835 SF

### PROPOSED CONDITIONS\*\*:

BUILDINGS	8,032 SF
GRAVEL AREAS	19,317 SF
ASPHALT DRIVEWAY	2,967 SF
CONC. PAVEMENT	785 SF
BLOCK STORAGE WALLS	887 SF
PROPOSED IMPERVIOUS	31,988 SF

PROPOSED IMPERVIOUS = 31,988 SF < 32,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS

\* EXISTING CONDITIONS CALCULATIONS BASED ON KENDALL COUNTY GIS AERIAL IMAGERY WHICH SHOWS THE SUBJECT SITE PRIOR TO GRAVEL BEING INSTALLED OVER A LARGE PORTION.

## SITE DATA:

TOTAL ACRES = 3.02 AC

NUMBER OF PROPOSED PARKING STALLS: 10 (INCLUDING 1 HANDICAP ACCESSIBLE PARKING SPACE)

NUMBER OF REQUIRED PARKING STALLS: NOT APPLICABLE AS SITE IS A PRIVATE BUSINESS NOT OPEN TO RETAIL CUSTOMERS. SPACES PROVIDED FOR EMPLOYEE PARKING.

NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS: 1

NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS REQUIRED : 1

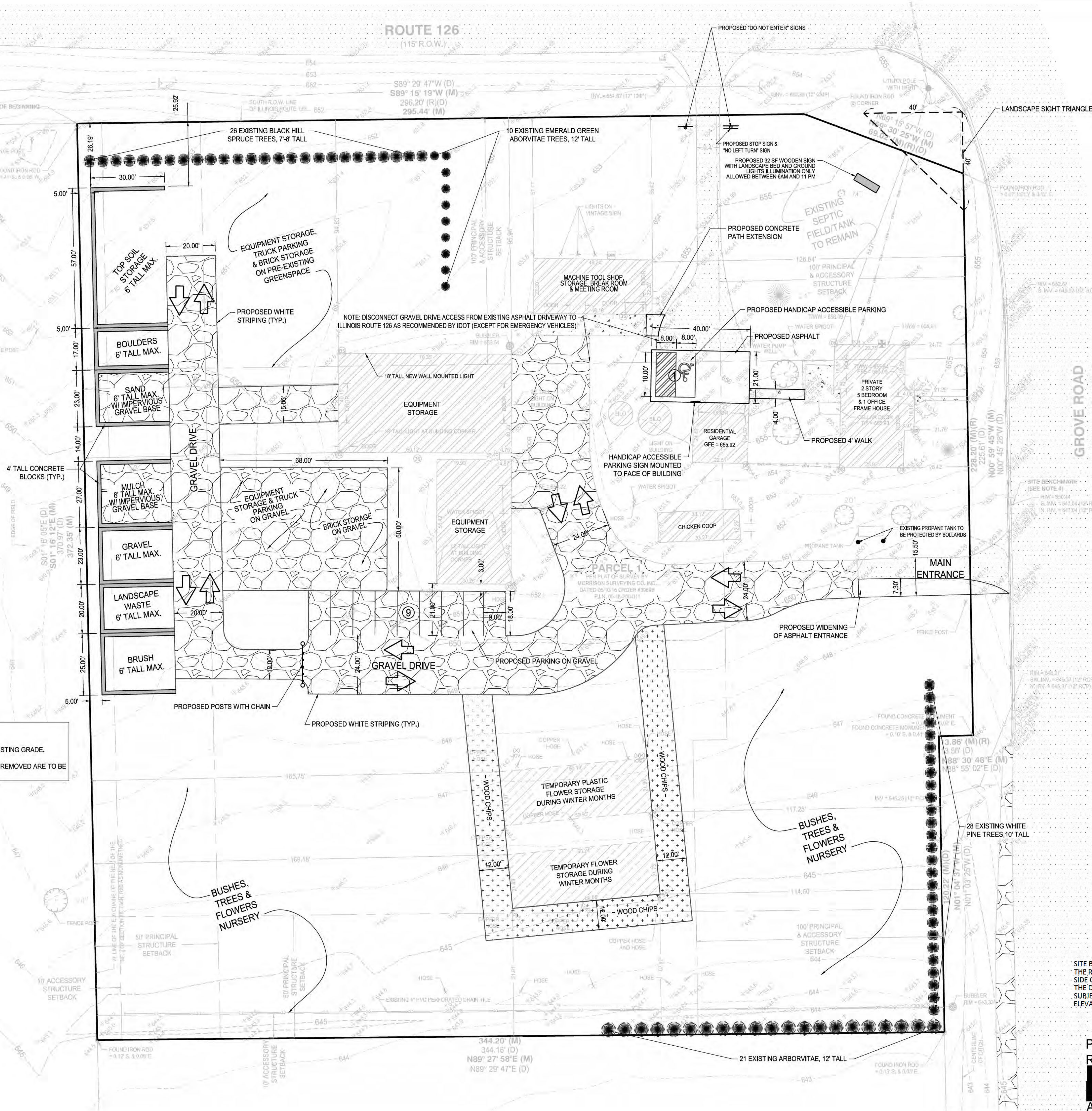
## DEVELOPMENT AREA:

1. NEW GRAVEL PARKING & DRIVEWAYS	19,317 SF
2. NEW FLOWER & PLASTIC FLOWER STORAGE	2,631 SF
4. NEW MISCELLANEOUS STORAGES ALONG WEST PROPERTY LINE (CONCRETE BLOCKS ONLY)	887 SF
5. NEW CONCRETE WALKWAY & PATH EXTENSION	142 SF
6. NEW ASPHALT DRIVE AREA & HANDICAP ACCESSIBLE PARKING AREA	1,159 SF
TOTAL	24,136 SF

TOTAL OF 24,136 SF < 45,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS

## GRADING NOTES:

- EXISTING GRAVEL TO REMAIN AT EXISTING GRADE.
- AREAS WHERE EXISTING GRAVEL IS REMOVED ARE TO BE GRADED TO PRE-EXISTING GRADE.



SITE BENCHMARK: CUT CROSS ON THE NORTHEAST CORNER OF THE RIM OF A SQUARE CATCH BASIN LOCATED ON THE WEST SIDE OF GROVE ROAD APPROXIMATELY 11.5 FEET NORTH OF THE DRIVEWAY APRON (CONNECTED TO GROVE ROAD) OF THE SUBJECT PROPERTY. SEE DRAWING FOR EXACT LOCATION. ELEVATION = 650.64 (NAVD 88)

PLANS PREPARED FOR:  
R & S LANDSCAPING & NURSERY

ATTN: ROMAN CORREA

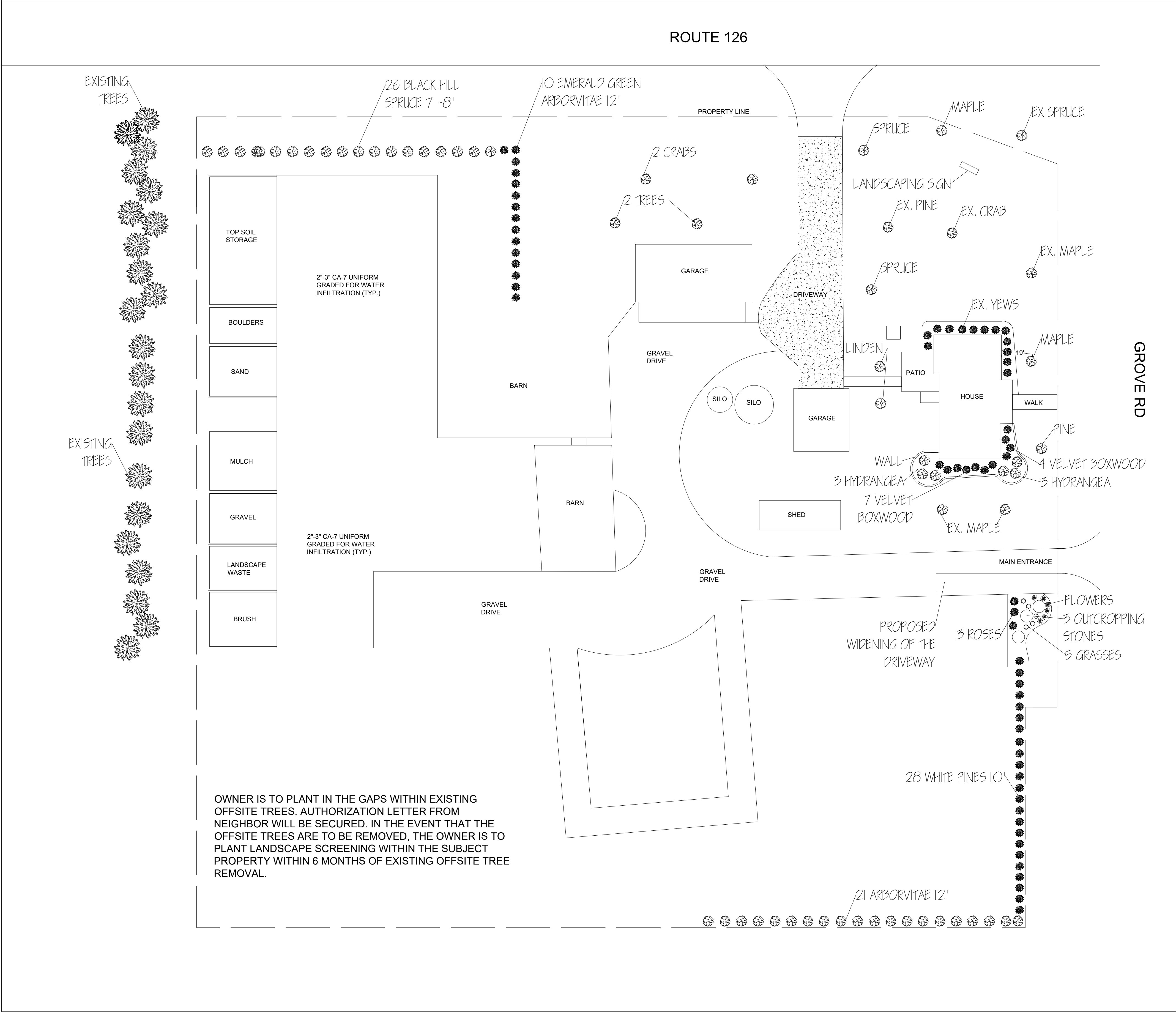
Ridgeline Consultants LLC



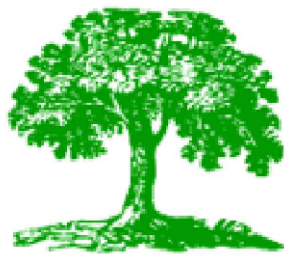
R & S LANDSCAPING & NURSERY

SHEET 1 OF 1





↑  
N  
SCALE: 1/32" = 1'0"



R & S LANDSCAPING  
& NURSERY

ADDRESS:  
5022 IL ROUTE 126  
YORKVILLE, IL

DATE: 1/10/23  
REV: 3/20/23

PROJECT NAME:

R & S LANDSCAPING & NURSERY



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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

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**Petition 23-21**

**Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc.  
(Property Owner) and Roman Correa on Behalf of R&S**

**Landscaping and Nursery, Inc. (Tenant)**

**Conditional Use Permit to Allow Agricultural Labor Housing**

**INTRODUCTION**

The Petitioners would like to operate a landscaping business at the subject property. They would like permission for the owner of the landscaping and nursery business to reside on the property as an agricultural laborer.

The Petitioners are also requesting a special use permit and related variances to operate a landscaping business at the subject property, see Petition 23-19.

The Petitioners are also requesting variances to remove the lawful non-conformities at the subject property by obtaining applicable variances, see Petition 23-20.

Property information can be found in the memo regarding Petition 23-19.

**RECOMMENDATION**

Staff recommends approval of the requested conditional use permit subject to the following conditions and restrictions:

1. The use shall be used in connection with an agricultural purpose as defined in State Statute 55 ILCS 5/5-12001 as here after amended.
2. The use shall meet all requirements of the Kendall County Health Department.
3. The use shall be used for agricultural labor housing or living quarters for a groomsman, an employee watchman and their immediate family.
4. The use shall meet all required setbacks and minimum lot size, providing applicable variances are granted.
5. The property owner and residents of the use allowed by this conditional use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
6. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the conditional use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
8. This conditional use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same uses conducted on the property.

**ATTACHMENTS**

1. Unsigned Conditional Use Permit



## PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET - ROOM 203

YORKVILLE, ILLINOIS 60560-1498

630/553-4141 • FAX 630/553-4179

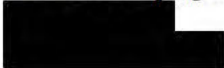
[www.kendallcountyil.gov](http://www.kendallcountyil.gov)

May 9, 2023

Brent A. Stary and Tracy A. Stary (Sent by Email to Mark Daniel)  
MCB52, Inc.



Roman Correa (Sent by Email to Mark Daniel)  
R&S Landscaping and Nursery, Inc.



**RE:** *A-1 Conditional Use-Agricultural Labor Housing*  
*(PIN # 06-18-200-011 and 06-18-200-013)*

### ***Petition #23-21***

To Whom It May Concern:

This letter serves as a copy of the approved Agricultural Conditional Use for Agricultural Labor Housing for property located at the southwest corner of the intersection of Route 126 and Grove Road and addressed as 5022 Route 126 and identified by parcel identification numbers 06-18-200-011 and 06-18-200-013 in Na-Au-Say Township. The Agricultural Conditional Use for Agricultural Labor Housing applies specifically to the property described in attached Exhibit A.

At their meeting on May 8, 2023, the Kendall County Planning, Building and Zoning Committee approved the issuance of the conditional use permit subject to the following conditions:

1. The use shall be used in connection with an agricultural purpose as defined in State Statute 55 ILCS 5/5-12001 as here after amended.
2. The use shall meet all requirements of the Kendall County Health Department.
3. The use shall be used for agricultural labor housing or living quarters for a groomsman, an employee watchman and their immediate family.
4. The use shall meet all required setbacks and minimum lot size, providing applicable variances are granted.
5. The property owner and residents of the use allowed by this conditional use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
6. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the conditional use permit.



7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
8. This conditional use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same uses conducted on the property.

This conditional use is valid indefinitely and will run with the land. At the time of application for the building permit and Health Department permits, the applicant will be required to supply a copy of this letter with the applications.

Should you have any questions or concerns about this matter, please feel free to contact me at (630) 553-4139.

Sincerely,

Seth Wormley  
PBZ Chairman

Matthew H. Asselmeier, AICP, CFM  
Senior Planner/ Zoning Administrator

CC: Brian Holdiman, Code Inspector  
Aaron Rybski, Director of Environmental Health

ENC: Exhibit A Legal Description  
Exhibit B Plat of Survey

Exhibit A

LEGAL DESCRIPTION:

THAT PART OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN WHICH THE WEST LINE OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN INTERSECTS WITH THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 126, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE SOUTH 01 DEGREE 16 MINUTES 05 SECONDS EAST, ALONG SAID WEST LINE, 370.97 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 47 SECONDS EAST 344.16 FEET TO THE WEST LINE OF GROVE ROAD, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE NORTH 01 DEGREE 03 MINUTES 25 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 120.22 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 02 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 13.58 FEET (13.86 FEET RECORD); THENCE NORTH 00 DEGREES 45 MINUTES 28 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 225.61 FEET (228.20 FEET RECORD); THENCE NORTH 69 DEGREES 15 MINUTES 57 SECONDS WEST 69.02 (RECORD AND MEASURED) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 126; THENCE SOUTH 89 DEGREES 29 MINUTES 47 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 296.20 FEET (RECORD AND MEASURED) TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS 5022 IL ROUTE 126, YORKVILLE, ILLINOIS.



# Boundary and Topographic Survey

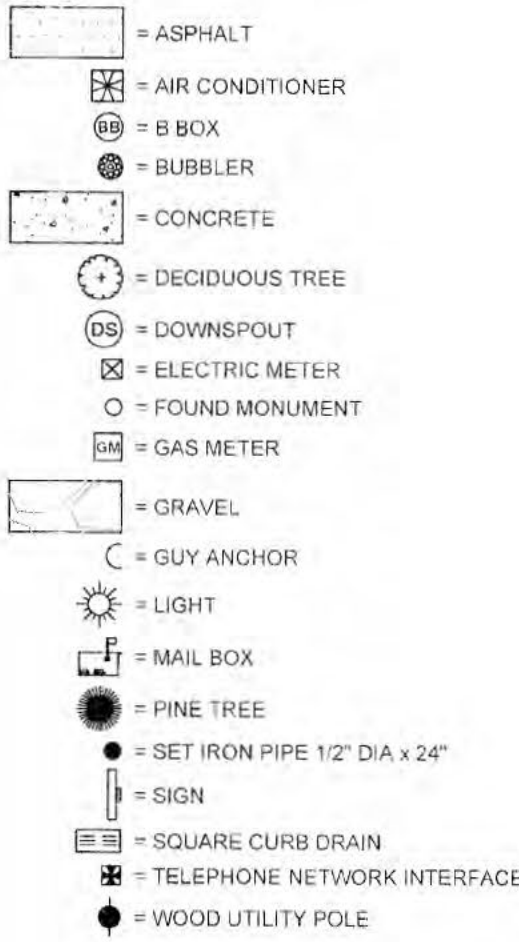
## LEGAL DESCRIPTION:

THAT PART OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN WHICH THE WEST LINE OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN INTERSECTS WITH THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 126, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 20160000859, RECORDED JANUARY 19, 2016; THENCE SOUTH 01 DEGREE 16 MINUTES 05 SECONDS EAST, ALONG SAID WEST LINE, 370.97 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 47 SECONDS WEST, ALONG SAID WEST LINE, 13.58 FEET (13.86 FEET RECORD); THENCE NORTH 01 DEGREE 03 MINUTES 25 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 120.22 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 02 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 225.61 FEET (228.20 FEET RECORD); THENCE NORTH 69 DEGREES 15 MINUTES 57 SECONDS WEST 69.02 RECORD AND MEASURED FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 126; THENCE SOUTH 89 DEGREES 29 MINUTES 47 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 296.20 FEET (RECORD AND MEASURED) TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS. COMMONLY KNOWN AS 5022 IL ROUTE 126 (PARCEL 1), YORKVILLE, ILLINOIS.

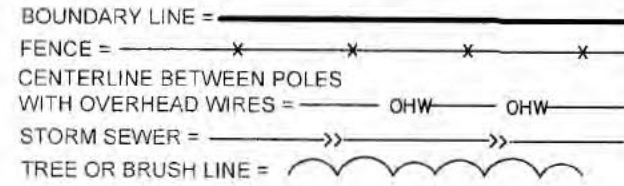


Vicinity Map  
(No Scale)

## SYMBOL LEGEND



## LINE TYPE LEGEND



## ABBREVIATION LEGEND

B/C = BACK OF CURB  
B/CD = BACK OF DEPRESSED CURB  
(D) = DEED  
E = EAST  
FFE = FINISHED FLOOR ELEVATION  
GFE = GARAGE FLOOR ELEVATION  
GUT = GUTTER  
(M) = MEASURED DISTANCE  
MT = MULTI TRUNK  
N = NORTH  
(R) = RECORD DISTANCE  
RCP = REINFORCED CONCRETE PIPE  
R.O.W. = RIGHT OF WAY  
S = SOUTH  
T/F = TOP OF FOUNDATION ELEVATION  
TWW = TOP OF WINDOW WELL ELEVATION  
W = WEST

## NOTES:

- ALL MEASURED BEARINGS SHOWN HEREON ARE BASED ON NAD 83 ILLINOIS COORDINATE SYSTEM, EAST ZONE (2011 CORRECTION) AS DETERMINED BY USE OF GPS EQUIPMENT USING TRIMBLE VRS NETWORK AND EQUIPMENT ALONG WITH THE RECORDED PLAT OF HIGHWAY AND DEED BEARINGS.
- CONTOUR INTERVAL = 1.0'
- ELEVATIONS HEREON REFER TO NAVD 88.
- SOURCE BENCHMARK: VERTICAL ELEVATIONS SHOWN HEREON ARE IN NAVD 88 VERTICAL DATUM AS DETERMINED BY USE OF TRIMBLE'S VRS (GPS) NETWORK AND EQUIPMENT.
- SITE BENCHMARK: CUT CROSS ON THE NORTHEAST CORNER OF THE RIM OF A SQUARE CATCH BASIN LOCATED ON THE WEST SIDE OF GROVE ROAD APPROXIMATELY 11.5 FEET NORTH OF THE DRIVEWAY APRON (CONNECTED TO GROVE ROAD) OF THE SUBJECT PROPERTY. SEE DRAWING FOR EXACT LOCATION. ELEVATION = 650.64' (NAVD 88).
- A CURRENT TITLE REPORT WAS NOT FURNISHED, THEREFORE, ALL RESTRICTIONS, ROAD DEDICATIONS, ROAD VACATIONS, AND EASEMENTS MAY NOT BE SHOWN.
- ALL UTILITIES MAY NOT BE SHOWN. CALL I.U.L.I.E. AT 1-800-892-0123 FOR FIELD LOCATION OF UNDERGROUND UTILITY LINES PRIOR TO ANY DIGGING OR CONSTRUCTION.
- THIS PROPERTY MAY BE WITHIN UNINCORPORATED LIMITS OF KENDALL COUNTY AND AS SUCH IS SUBJECT TO ZONING AND BUILDING RESTRICTIONS.
- SURVEY FIELD WORK COMPLETED ON JANUARY 13, 2023.
- ALL TREES LESS THAN 6 INCHES IN DIAMETER ARE NOT SHOWN HEREON.
- PARCEL CONTAINS APPROXIMATELY 131,359 SQUARE FEET (3.0164 ACRES).
- ALL MONUMENT TIES ARE MEASURED PERPENDICULAR TO THE PROPERTY LINE(S).

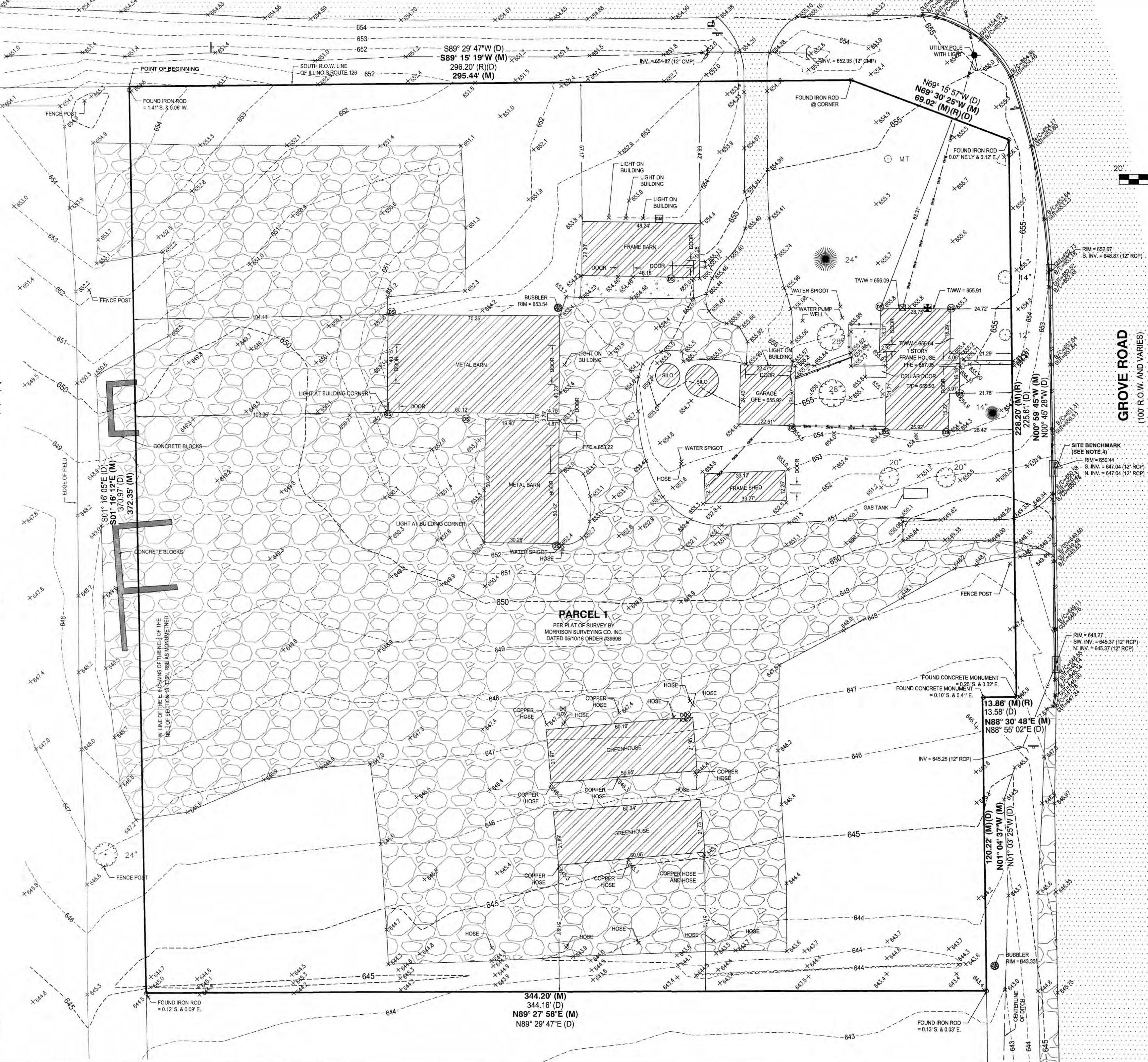
STATE OF ILLINOIS )  
COUNTY OF KANE ) SS

I, R. S. RIDGELINE CONSULTANTS, LLC, ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-004766, HAVE PREPARED THIS BOUNDARY AND TOPOGRAPHIC SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY AND TOPOGRAPHIC SURVEYS.

DATED AT MONTGOMERY, ILLINOIS ON JANUARY 23, 2023.



## ROUTE 126 (115' R.O.W.)



North  
Scale 1" = 20'



GROVE ROAD  
(100' R.O.W. AND VARIES)

REVISION	DATE	DESCRIPTION	BY	DATE	DESCRIPTION

Ridgeline Consultants LLC  
1867 August Road, Yorkville, IL 62458  
PH: 630.801.7827 FAX: 630.701.1365  
J. Ridgeline, P.L.S., 4071 Expired Date 11/30/2024  
Shay L. Stewart P.L.S., 3415 Expired Date 11/30/2024



R & S LANDSCAPING & NURSERY  
5022 IL ROUTE 126  
YORKVILLE, ILLINOIS





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**MEMORANDUM**

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To: Kendall County Planning, Building and Zoning Committee  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: May 1, 2023  
Re: Request for Extension to Vegetation Planting Deadline at Banquet Facility at 5100 Block Schlapp Road

---

On September 20, 2022, the Kendall County Board approved a major amendment to an existing special use permit for a banquet facility in the 5100 Block of Schlapp Road by Ordinance 2022-26.

Condition 2.B of Ordinance 2022-26 required the installation of the required vegetation be complete by June 1, 2023. This condition also gave the Planning, Building and Zoning Committee the option of extending the deadline, if requested by the property owner or the owner of the business allowed by the special use permit. Ordinance 2022-26 is attached.

On April 19, 2023, Lydia Ramirez submitted the attached email requesting an extension to the deadline for planting the required vegetation to October 2024 because of issues related to a back order of a transformer.

The Petitioner would not be able to start operations until the required vegetation is planted.

Staff has no objections to the requested extension.

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

MHA

Enc. Ordinance 2022-26  
April 19, 2023, Ramirez Email



ORDINANCE NUMBER 2022-26

**GRANTING MAJOR AMENDMENTS TO A SPECIAL USE PERMIT GRANTED BY  
ORDINANCE 2019-3 ON PROPERTY LOCATED IN THE 5100 BLOCK OF SCHLAPP ROAD  
ON THE EAST SIDE OF SCHLAPP ROAD APPROXIMATELY 0.48 MILES SOUTH OF  
PLAINFIELD ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 03-34-100-  
027 IN OSWEGO TOWNSHIP**

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

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 10.0 acres located on the east side of Schlapp Road approximately 0.48 miles south of Plainfield Road (PIN: 03-34-100-027) in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, on February 19, 2019, the Kendall County Board approved Ordinance 2019-3 which granted a special use permit for a banquet facility with conditions at the subject property; and

WHEREAS, Condition 2.A of Ordinance 2019-3 required the site be developed substantially in conformance to a site plan, landscaping plan, and lighting plan; and

WHEREAS, the subject property is currently owned by Lydia Ramirez and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about July 18, 2022, Petitioner’s representative filed a petition for major amendments to the special use permit granted by Ordinance 2019-3 by removing and replacing the site plan, landscaping plan, and photometric plan with different versions of these documents; and

WHEREAS, following due and proper notice by publication in the Aurora Beacon on August 12, 2022, the Kendall County Zoning Board of Appeals conducted a public hearing on August 29, 2022, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested major amendment to an existing special use permit and zero members of the public testified in favor or in opposition; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the major amendment to an existing special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated August 29, 2022, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested major amendment to an existing special use permit; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and

Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this major amendment to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for major amendments to an existing special use permit allowing the operation of a banquet facility on the subject property subject to the following conditions:
  - A. Condition 2.A of Ordinance 2019-3 is deleted and replaced with the following: "The site shall be developed substantially in accordance with the site plan and landscaping plan attached hereto as Exhibit C, photometric plan attached hereto as Exhibit D, engineering plans attached hereto as Exhibit E, and auto turning exhibit attached hereto as Exhibit F. The wall to wall specs shall be forty-four feet seven inches (44' 7"). Trees shall be a minimum five feet (5') in height at the time of planting as measured from the top of the root ball to the top of the tree. The trees shall be planted in such locations as to provide a complete screening within five (5) years of approval of this amendment. The specific dimensions of the pond shall be governed by the stormwater management permit."
  - B. Installation of the vegetation shown in the landscaping plan attached hereto as Exhibit C shall be completed by June 1, 2023. The Planning, Building and Zoning Committee may extend the deadline to install the vegetation upon request of the property owner or operator of the business allowed by the special use permit.
  - C. The parking lot and driveway shall be constructed in a manner so that it can be maintained in drivable and accessible condition year-round for emergency response vehicles.
  - D. The remaining conditions and restrictions contained in Ordinance 2019-3 shall remain valid and effective.
  - E. Failure to comply with one or more of the above conditions or restrictions or the conditions or restrictions contained in Ordinance 2019-3 could result in the amendment or revocation of the special use permit.
  - F. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
3. This major amendment to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

State of Illinois  
County of Kendall

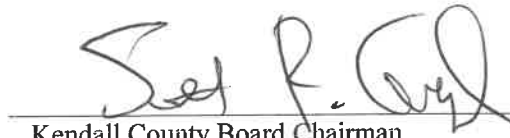
Zoning Petition  
#22-16

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 20<sup>th</sup> day of September, 2022.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder



Exhibit A Legal Description

That Part of the Northwest Quarter of Section 34, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Southwest Corner of said Northwest Quarter; thence Easterly, along the South Line of said Northwest Quarter, 660.0 feet; thence Northeasterly along a line which forms an angle of  $116^{\circ}06'03''$  with the last described course, measured clockwise therefrom, (said Northeasterly Line which if extended would intersect the the North Line of said Northwest Quarter at a point which is 660.0 feet Westerly of the Northeast Corner of said Northwest Quarter), 609.24 feet; thence Westerly, parallel with the South Line of said Northwest Quarter, 932.37 feet to the West Line of said Northwest Quarter; thence Southerly, along said West Line, 547.13 feet to the point of beginning in Oswego Township, Kendall County, Illinois.

## Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on August 29, 2022 by a vote of five (5) in favor and zero (0) in opposition; Member Cherry abstained and Chairman Mohr was absent.

### FINDINGS OF FACT-SPECIAL USE PERMIT

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan, landscaping plan, and lighting plan. Proper buffering and noise controls are included in the plan to prevent noise from negatively impacting neighboring properties.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours of operation, number of events, and buffering within the ordinance granting the special use permit.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **True, the Petitioner plans to work with the Kendall County Health Department, the Kendall County Planning, Building and Zoning Department and Oswego Township to address utilities, drainage, and points of ingress and egress.***

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

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with an objective found on Page 3-3 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."***

### RECOMMENDATION

Approval subject to the following conditions and restrictions:

1. The special use shall be restricted to the unit shown as 67 Boulder Pass in the site plan. No outdoor services shall be held at the subject property.
2. Condition 2.A of Ordinance 2019-3 is deleted and replaced with the following: "The site shall be developed substantially in accordance with the submitted site plan, landscaping plan, photometric plan, engineering plans, and auto turning exhibit. The wall to wall specs shall be forty-four feet seven inches (44' 7"). Trees shall be a minimum five feet (5') in height at the time of planting as measured from the top of the root ball to the top of the tree. The trees shall be planted in such locations as to provide a complete screening within five (5) years of approval of this amendment. The specific dimensions of the pond shall be governed by the stormwater management permit."
3. Installation of the vegetation shown in the landscaping plan (Attachment 4) shall be completed by

June 1, 2023. The Planning, Building and Zoning Committee may extend the deadline to install the vegetation upon request of the property owner or operator of the business allowed by the special use permit.

4. The parking lot and driveway shall be constructed in a manner so that it can be maintained in drivable and accessible condition year-round for emergency response vehicles.
5. The remaining conditions and restrictions contained in Ordinance 2019-3 shall remain valid and effective.
6. Failure to comply with one or more of the above conditions or restrictions or the conditions or restrictions contained in Ordinance 2019-3 could result in the amendment or revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.









# AIWMB12Q

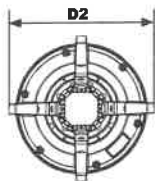
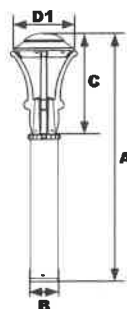
L70  
25°C

**187,000 Hours**

## LED Small Monarch Bollard



AIWMB12Q with Clear Polycarbonate Optical Lens



### Dimensions

<b>Diameter 1 (D1)</b>	10 1/2" (264mm)
<b>Diameter 2 (D2)</b>	11 1/2" (294mm)
<b>Height 1 (A)</b>	43" (1093mm)
<b>Height 2 (C)</b>	17 3/4" (441mm)
<b>Base (B)</b>	4 3/4" (120mm)

The Atlantic AIWMB12Q LED Small Monarch Bollard with Sealed UV-stabilized clear polycarbonate optical lens are designed to replace HID lighting systems up to 70w MH or HPS. These fixtures are ideal for retail centers, industrial parks, schools and universities, public transit and airports, office buildings and medical facilities.

### Specifications and Features:

#### Housing:

Extruded and Die Cast with Flush Mounting Base & Vandal-Resistant Screws, Internal Driver Tray for Easy Maintenance.

#### Listing & Ratings:

CSA: Listed for Wet Locations, ANSI/UL 1598, 8750; IP66 Sealed LED Compartment.

#### Finish:

Textured Architectural Black Powdercoat Finish Over a Chromate Conversion Coating. Custom Colors Available Upon Request.

#### Lens:

Full Cutoff IP66 Sealed UV-Stabilized Clear Polycarbonate Optical Vandal-Resistant Lens..

#### Mounting Options:

Mounting Kit with 8" Zinc-Plated Anchor Bolts, Included.

#### LED:

Aluminum Boards with Conformal Coating

#### Wattage:

Array: 10w, System: 10.3w (up to 35w HID equivalent)

Array: 19w, System: 20.5w (up to 50w HID equivalent)

Array: 28w, System: 30.8w (up to 70w HID equivalent)

#### Driver:

Electronic Driver, 120-277V, 50/60Hz; Less Than 20% THD and PF>0.90. Standard Internal Surge Protection 2kV. 0-10V Dimming Standard for a Dimming Range of 100% to 10%; Dimming Source Current is 150 Microamps.

#### Controls:

Fixtures are Internally Wired for Switching and/or 1-10V Dimming Within the Housing. Remote Direct Wired Interface of 1-10V Dimming is Not Implied and May Not Be Available. Please Consult Factory. Fixtures are Tested with Atlantic Controls and May Not Function Properly With Controls Supplied By Others. Fixtures are NOT Designed for Use with Line Voltage Dimmers.

#### Warranty:

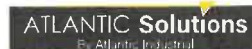
5-Year Warranty for -20°C to +40°C Environment.

See Page 4 for Projected Lumen Maintenance Table.

### Project Information:

Project Name:	Fixture Type:
Complete Catalog #:	Date:
Comments:	

### Certification & Listings:



Specifications subject to change without notice. Rev. 120921

**Order Information Example:** AIWMB12QF1X28U5KCBSF

AIWMB12Q							
Model	Optic	Wattage	Driver	CCT	Lens	Color	Options
AIWMB12Q=LED Small Monarch Bollard	B=Type II C=Type III D=Type IV F=Type V	1X10=10w 1X19=19w 1X28=28w	U=120-277V	3K=3000K 4K=4000K 5K=5000K	C=Clear UV-Stabilized Polycarbonate Vandal-Resistant Optical Lens	B=Black C=Custom (Consult Factory)	SF=Single Fuse* DF=Double Fuse* SP=Surge Protection GF1=GFCI Outlet, 15A, 120V S3=Microwave Sensor with Dimming & Remote Programming* (See AIP17121 Spec Page for Details.) BU=Battery Backup, 90 Minutes* BUC=Cold Start Battery Backup, -20°C, 90 Minutes* *120-277V Models Only.

**Accessories & Replacement Parts:**

**Mounting Accessories**  
(Order Separately, Field Installed)

AIBREBASE\* Bollard Retrofit Base Kit Adapts New Bollards to Most Existing Bolt Patterns. Fits all Atlantic Bollards. Die Cast with Powdercoat Finish. Hardware Included. 1 1/2" Dia. x 1 1/2" H

\*Specify Color: Z=Bronze, B=Black, C=Custom (Consult Factory)



**AIBREBASE\***  
\*Shown Mounted

**Accessories**  
(Order Separately, Field Installed)

AIP17122 Remote Programming Tool for AIP17121



**AIP17122**

**Replacement Parts**  
(Order Separately, Field Installed)

AIP17121 Internal Microwave Sensor with Dimming & Remote Programming, 120-277V Only. See AIP17121 Spec. Page for Details.

AIBOAP1 Adapter Plate with Gaskets for Outlet Boxes. Fits Atlantic Round Bollards. Die Cast with Bronze Powdercoat Finish.

For Replacement Battery Backup, see the Atlantic LED Battery Backup Specification Sheet.

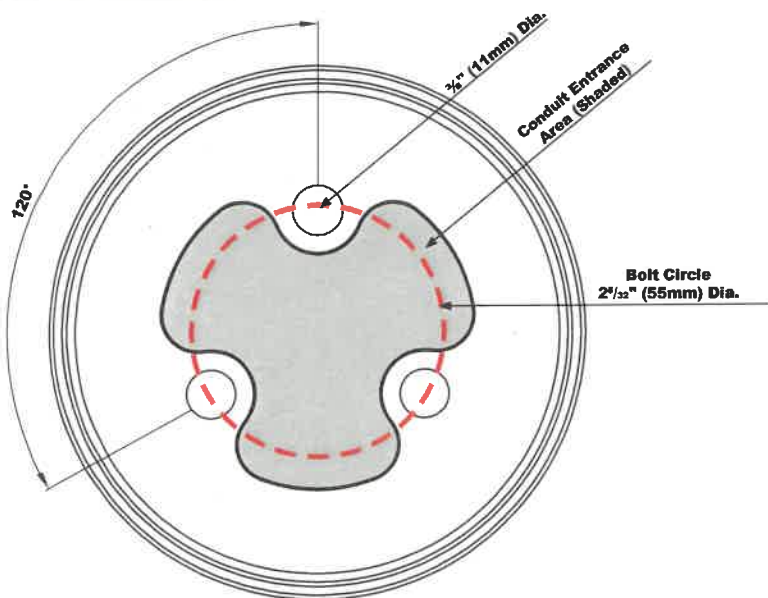


**AIP17121**



**AIBOAP1**

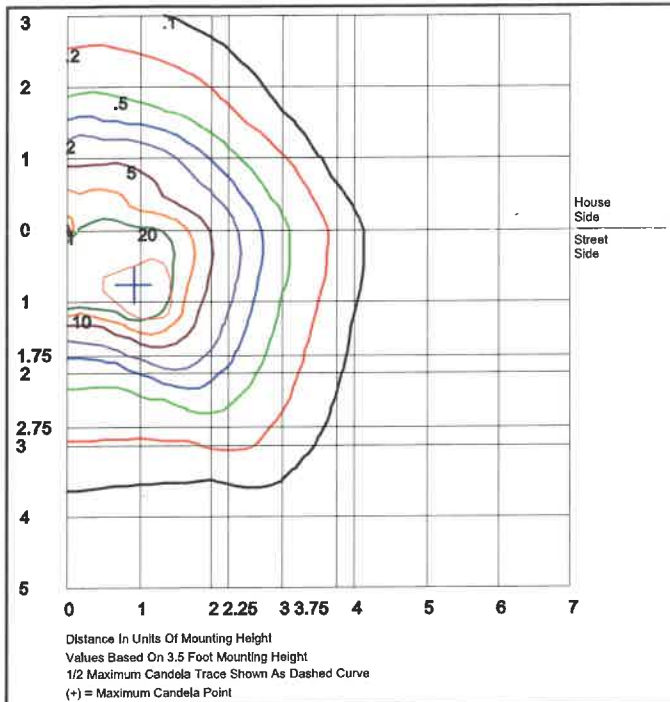
**Base Dimensions**



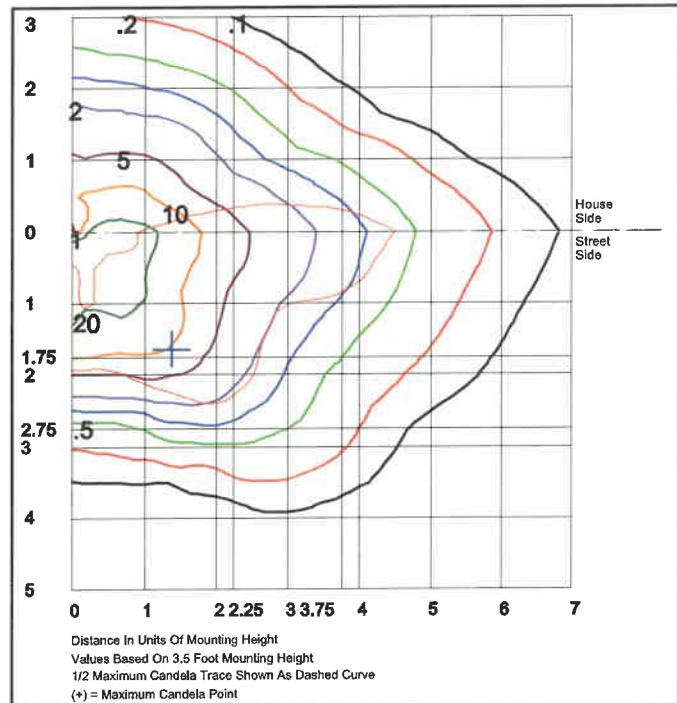
Specifications subject to change without notice. Rev. 120921



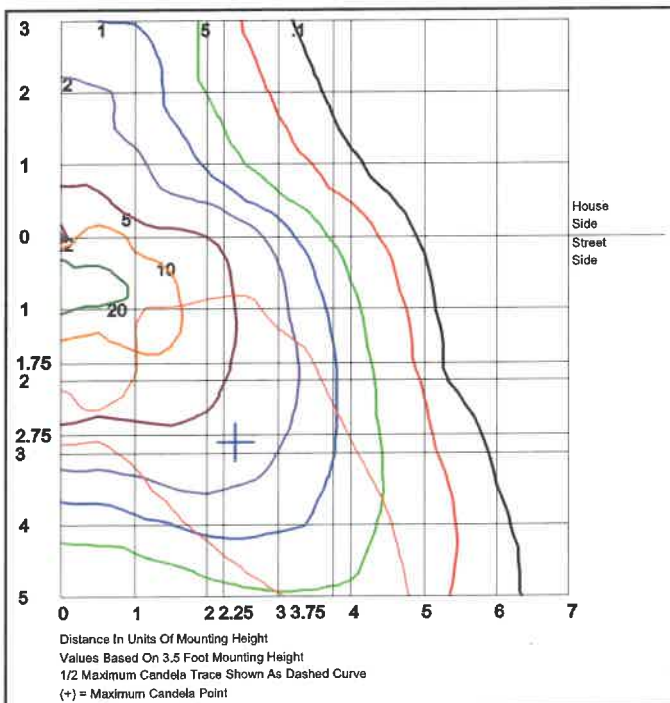
**Photometric Data**



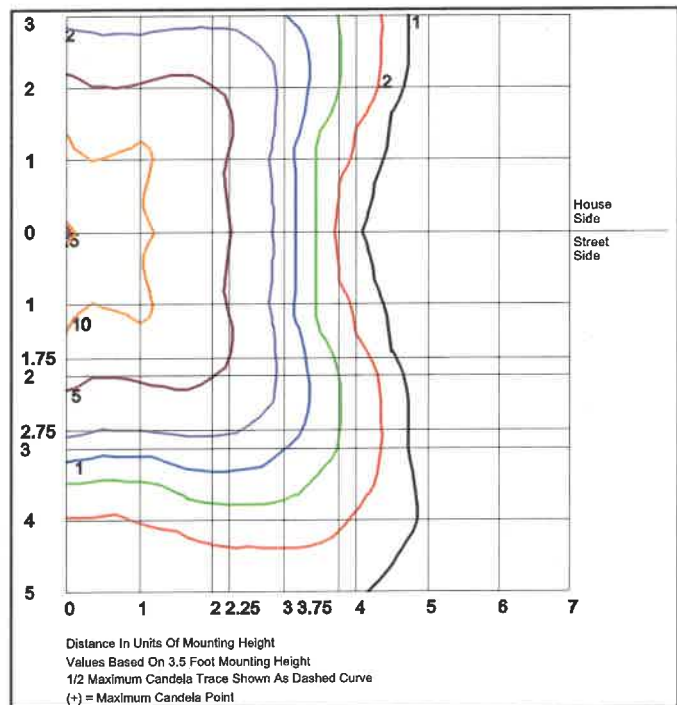
**AIWMB12QB1X28U5K**  
**Type II**  
Grid in feet, Mounting Height = 3.5 ft.



**AIWMB12QC1X28U5K**  
**Type III**  
Grid in feet, Mounting Height = 3.5 ft.



**AIWMB12QD1X28U5K**  
**Type IV**  
Grid in feet, Mounting Height = 3.5 ft.



**AIWMB12QF1X28U5K**  
**Type V**  
Grid in feet, Mounting Height = 3.5 ft.

Specifications subject to change without notice. Rev. 120921

**Photometric Performance**

	Wattage (Catalog Logic)	10W (1X10)	19W (1X19)	28W (1X28)
	Input Watts	10.3W	20.5W	30.8W
Optic	CCT	Delivered Lumens		
AIWMB12Q with Clear Polycarbonate Optical Lens B=Type II	3000K	833	1,666	2,499
	4000K	860	1,720	2,579
	5000K	893	1,787	2,680
	BUG Rating	B0-U0-G0	B0-U0-G1	B1-U0-G1
AIWMB12Q with Clear Polycarbonate Optical Lens C=Type III	3000K	876	1,752	2,628
	4000K	904	1,809	2,712
	5000K	939	1,879	2,818
	BUG Rating	B0-U0-G1	B1-U0-G1	B1-U0-G1
AIWMB12Q with Clear Polycarbonate Optical Lens D=Type IV	3000K	867	1,735	2,602
	4000K	895	1,790	2,686
	5000K	930	1,860	2,790
	BUG Rating	B0-U0-G1	B1-U0-G2	B1-U0-G2
AIWMB12Q with Clear Polycarbonate Optical Lens F=Type V	3000K	918	1,836	2,753
	4000K	947	1,894	2,841
	5000K	984	1,968	2,952
	BUG Rating	B1-U0-G1	B2-U0-G1	B2-U0-G1

**Projected Lumen Maintenance**

Data shown for 5000 CCT		Compare to MH				
TM-21-11	Input Watts	Initial	25,000 Hrs	50,000 Hrs	100,000 Hrs	Calculated LED Life
<b>L70 Lumen Maintenance @ 25°C / 77°F</b>	All wattages up to and including 31w	1.00	0.96	0.92	0.84	187,000
<b>L70 Lumen Maintenance @ 50°C / 122°F</b>		1.00	0.93	0.87	0.73	113,000
<b>L80 Lumen Maintenance @ 40°C / 104°F</b>		1.00	0.97	0.93	0.86	144,000

**NOTES:**

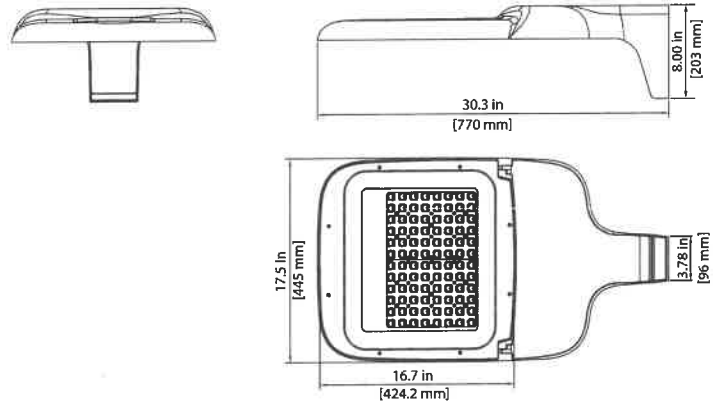
1. Projected per IESNA TM-21-11. Data references the extrapolated performance projections for the base model in a 25°C ambient, based on 10,000 hours of LED testing per IESNA LM-80-08.
2. Compare to MH box indicates suggested Light Loss Factor (LLF) to be used when comparing to Metal Halide (MH) systems.



# **ARIETA® 18 Architectural LED Area Luminaire** **AR18 N-Series Specification Data Sheet**

## **Luminaire Data**

**Weight** 24 lbs [10.9 kg]  
**EPA** 0.55 ft²



## **Ordering Information**

Sample Catalog No. AR18 96N MV NW 3 DB 400 BLS

Product	LED Code	Voltage	Nominal Color Temperature	Distribution	Finish <sup>1</sup>	Output Code <sup>2</sup>	Options
AR18	96N	MV 120-277V HV 347-480V	WW 3000K	2 Type 2 3 Type 3 4 Type 4 5 Type 5 AFR Auto Front Row	BK Black DB Dark Bronze (RAL6022) DB1 Dark Bronze (RAL8019) WH White GY Gray NA Natural Aluminum	WW - 3000K	BLS <sup>3</sup> Back Light Shield (Factory Installed)
						140	FOC <sup>4</sup> Fixed Output Code
						180	PCR NEMA Photocontrol Receptacle
						210	PCR7 <sup>5</sup> ANSI 7-wire Photocontrol Receptacle
						240	PCR7-CR <sup>6</sup> Control Ready 7-wire Photocontrol Receptacle
						270	MSL7 <sup>7</sup> Motion Sensor with L7 Lens
						300	MSL3 <sup>7</sup> Motion Sensor with L3 Lens
						340	SP2 20kV/10kA Surge Protector
						380	PND1 <sup>8</sup> Part-Night Dimming
						NW - 4000K CW - 5000K	PND2 <sup>8</sup> Part-Night Dimming
						150	PND3 <sup>8</sup> Part-Night Dimming
						190	ORR Optics Rotated Right
						220	ORL Optics Rotated Left
						250	WL Utility Wattage Label
						290	DS <sup>11</sup> Dual Switching
						330	
						380	
						400	
			NW 4000K CW 5000K				

- 1 Black, Dark Bronze, White, Gray, or Natural Aluminum standard. DB (RAL6022) is our original dark bronze. DB1 (RAL8019) is a new dark bronze option. Consult factory for other finishes. See page 2 for specifications.
- 2 Specified output code set at the factory set. Includes fixture mounted output selector that enables field adjustable light levels.
- 3 Flush mounted enhanced back light shield, factory installed.
- 4 No field adjustable output. Specified output code set at the factory.
- 5 Includes output selector that enables field adjustability of light levels. Field changeable connectors included to enable dimming connection to PCR7 (wireless node dimming is disabled by default).
- 6 Control-ready wired at factory for wireless node dimming. Output selector not included in fixture. Not able to adjust above specified drive current.
- 7 See L7 or L3 Lens coverage details on page 4. Consult factory for MS specified with ANSI 7-wire Photocontrol Receptacle. PCR option is required for On/Off control using light detection.
- 8 For PND profile options see page 5. Only available with MV (120-277V).
- 9 Specify Color (GY, DB, DB1, BK, WH, NA)
- 10 Specify MV (120-277V) or HV (347V-480V)
- 11 Provides 50/50 fixture operation via two independent drivers. Requires two separately switched circuits. Not available with PCR3 or PCR7.

## **Accessories\***

BLS	Enhanced Back Light Shield
RPA <sup>9</sup>	Round Pole Adapter
PTF1 <sup>9</sup>	Square Pole Top Fitter Single
PTF2 <sup>9</sup>	Square Pole Top Fitter Twin at 180°
PTF4 <sup>9</sup>	Square Pole Top Fitter Quad
WM <sup>9</sup>	Wall Mount
BSK	Bird Deterrent Spider Kit
LLPC <sup>10</sup>	Long-Life Twist Lock Photocontrol
SC	Twist Lock Shorting Cap
FSIR100	Motion Sensor Configuration Tool

## Luminaire Specifications

### Housing

Die cast aluminum housing with universal mounting design allows for attachment to existing pole without redrilling for retrofit applications. Aluminum housing provides passive heat-sinking of the LEDs and has upper surfaces that shed precipitation. Mounting provisions meet 3G vibration per ANSI C136.31-2010 Normal Application, Bridge & Overpass. Electrical components are accessed without tools and are mounted on removable power door.

### Light Emitting Diodes

Hi-flux/Hi-power white LEDs produce a minimum of 90% of initial intensity at 100,000 hours of life based on IES TM-21. LEDs are tested in accordance with IES LM-80 testing procedures. LEDs have correlated color temperature of 3000K, 4000K, or 5000K and 70 CRI minimum. LEDs are 100% mercury and lead free.

### Field Adjustability

An output selector is supplied to adjust light output for local conditions (not available with PCR7-CR option). The specified output code will be factory set.

### Quality Control

Every luminaire is performance tested before and after a 2-hour burn-in period. Assembled in the USA.

### Optical Systems

Micro-lens optical systems are fully sealed to maintain an IP66 rating. Luminaire produces 0% total lumens above 90° (BUG Rating, U=0). Auto Front Row (AFR) optics are designed to enhance light levels at site perimeter while minimizing wattage and backlight. Optional enhanced Back Light Shield (BLS) is designed to meet strict light trespass and LEED requirements. Optics may be rotated right or left with options ORR/ORL, respectively.

### Electrical

Rated life of electrical components is 100,000 hours. Uses isolated power supply that is 1-10V dimmable. Power supply is wired with quick-disconnect terminals. Power supply features a minimum power factor of .90 and <20% Total Harmonic Distortion (THD). EMC meets or exceeds FCC CFR Part 15. Terminal block accommodates 6 to 14 gauge wire. Standard surge protection complies with IEEE/ANSI C62.41 and ANSI C136.2-2015, Enhanced (10kV/5kA). SP2 option provides Extreme level (20kV/10kA).

### Controls

3-Wire photocontrol receptacle (PCR) is available. ANSI C136.41 7-wire (PCR7) photocontrol receptacles are available. All photocontrol receptacles have tool-less rotatable bases. Wireless control module is provided by others.

### Finish

Housing receives a fade and abrasion resistant polyester powder coat finish with 3.0 mil nominal thickness. Finish tested to withstand 5000 hours in salt spray exposure per ASTM B117. Finish meets scribe creepage rating 8 per ASTM D1654. Finish tested 500 hours in UV exposure per ASTM G154 and meets ASTM D523 gloss retention.

### Listings/Ratings/Labels

Luminaires are UL listed for use in wet locations in the United States and Canada. DesignLights Consortium™ Premium Classification qualified product. International Dark Sky Association listed. Luminaire is qualified to operate at ambient temperatures of -40°C to 40°C.

### Photometry

Luminaires photometrics are tested by certified independent testing laboratories in accordance with IES LM-79 testing procedures.

### Warranty

10-year limited warranty is standard on luminaire and components. 5-year limited warranty on luminaires and components with a motion sensor.

### Standards

Luminaire complies with:  
ANSI: C136.2, C136.3, C136.10, C136.13, C136.15, C136.22, C136.31, C136.35, C136.37, C136.41, C62.41, C78.377, C82.77  
Other: FCC 47 CFR, IEC 60598, ROHS II, UL 1449, UL 1598

## Color Specifications

Order Code	Color	RAL #	Pantone Equivalent
<b>GY</b>	Gray	7040	429C
<b>BK</b>	Black	9004	426C
<b>DB</b>	Dark Bronze	6022	BLACK 2C
<b>DB1</b>	Dark Bronze	8019	412
<b>WH</b>	White	9003	11-0601
<b>NA</b>	Natural Aluminum	9006	N/A

### Performance Data 3000K

All data nominal. IES files are available at leotek.com.

LED Code	Output Code	Drive Current (mA)	System Wattage (W)	Delivered Lumens (Lm) <sup>1</sup>	Efficacy (Lm/W)	Field Adjustable Output Range <sup>2</sup>
96N	140	350	103	14600	142	↕
	180	450	129	18170	141	
	210	540	150	20940	140	
	240	600	170	23620	139	
	270	750	207	27400	132	↕
	300	820	234	30300	129	
	340	930	268	34010	127	
	380	1050	299	37780	126	

### Performance Data 4000K & 5000K

All data nominal. IES files are available at leotek.com.

LED Code	Output Code	Drive Current (mA)	System Wattage (W)	Delivered Lumens (Lm) <sup>1</sup>	Efficacy (Lm/W)	Field Adjustable Output Range <sup>2</sup>
96N	150	350	104	15650	150	↕
	190	450	130	19330	149	
	220	540	152	22900	151	
	250	600	170	25670	151	
	290	750	206	29770	145	↕
	330	820	235	33830	144	
	380	930	272	38070	140	
	400	1050	297	40990	138	

Notes:

1 Normal tolerance  $\pm 10\%$  due to factors including distribution type, LED bin variance, driver variance, and ambient temperatures.

2 Performance codes available in two ranges for adjustable output as shown in performance data tables. Output set at factory to specified performance code.

## Motion Sensor (Optional) Specifications

### Description

Digital passive infrared luminaire integrated outdoor occupancy sensor provides high/low/off control based on motion detection. Initial setup and subsequent sensor adjustments are made using a handheld configuration tool. PCR option is required for On/Off control using light detection. Available with both MV or HV input voltage options.

### Operation

Standard factory setting will dim the luminaire to 50% until motion is sensed and then it will power to 100%. When motion is not detected for five minutes, the luminaire will dim back to 50%. Ramp up and fade down times are adjustable, but initially set to NONE. The percent dimming and time durations may be field adjusted as required using FSIR-100 configuration tool. FSIR-100 user guide available at: [www.wattstopper.com](http://www.wattstopper.com).

### Optical System

Multi-cell, multi-tier Fresnel lens with a 360 degree view detects unobstructed motion within one mounting height, up to 20 ft. maximum (MSL3) or 40 ft. maximum (MSL7). Consult factory for higher mounting height requirements.

### Finish

Sensor exterior ring and lens are white polycarbonate, UV and impact resistant.

### Listings/Ratings

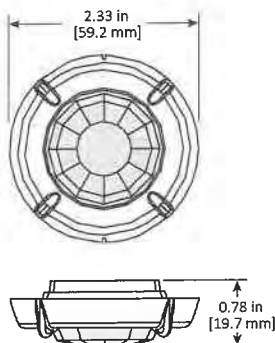
Sensor is TUV, UL and cUL listed, IP66 rated and CE compliant.

### Warranty

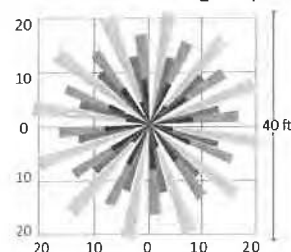
5-year limited warranty on luminaires and components with a motion sensor.

## Motion Sensor (Optional) Data

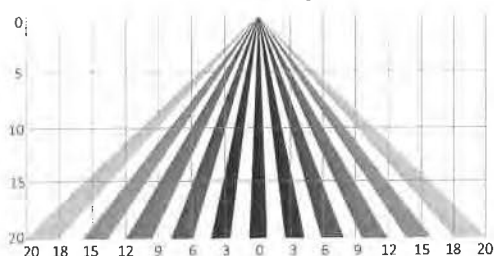
### MSL3 Lens Dimensions



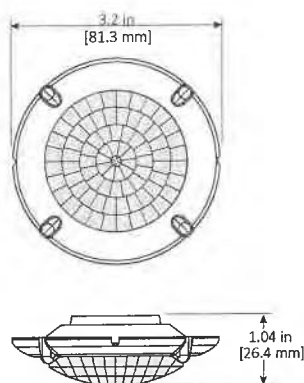
### MSL3 Lens Coverage Top View



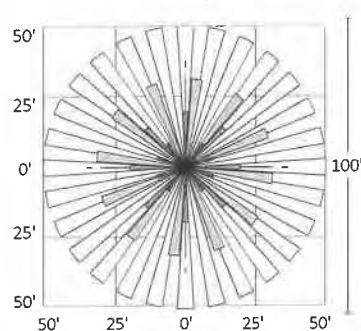
### MSL3 Lens Coverage Side View



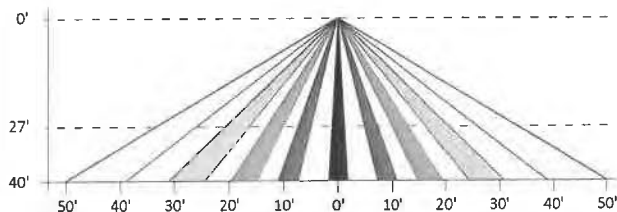
### MSL7 Lens Dimensions



### L7 Lens Coverage Top View



### L7 Lens Coverage Side View



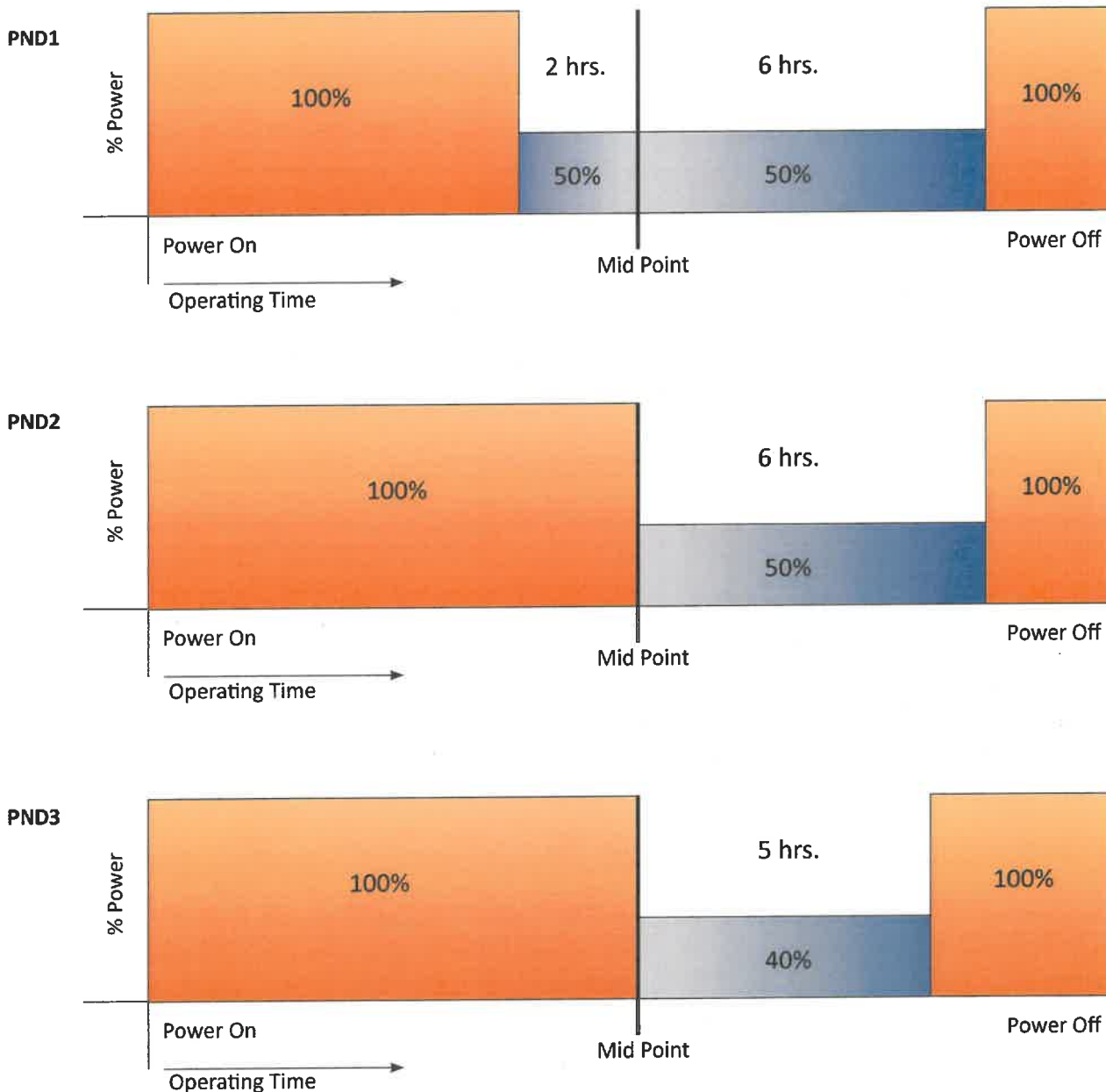
## Part-Night Dimming Specifications

### Description

Arieta's Part-Night Dimming (PND) option enables significant energy savings by automatically dimming the luminaire during early morning hours when infrequent use is expected. Factory programmed dimming profiles automatically take into account seasonal changes based on geographical location by continuously monitoring the nighttime midpoint. PND does not provide power on/off control which is provided by external controls (example: time clock) or a photocontrol using PCR3 or PCR7 option. Dimming profile of PND option is not field adjustable.

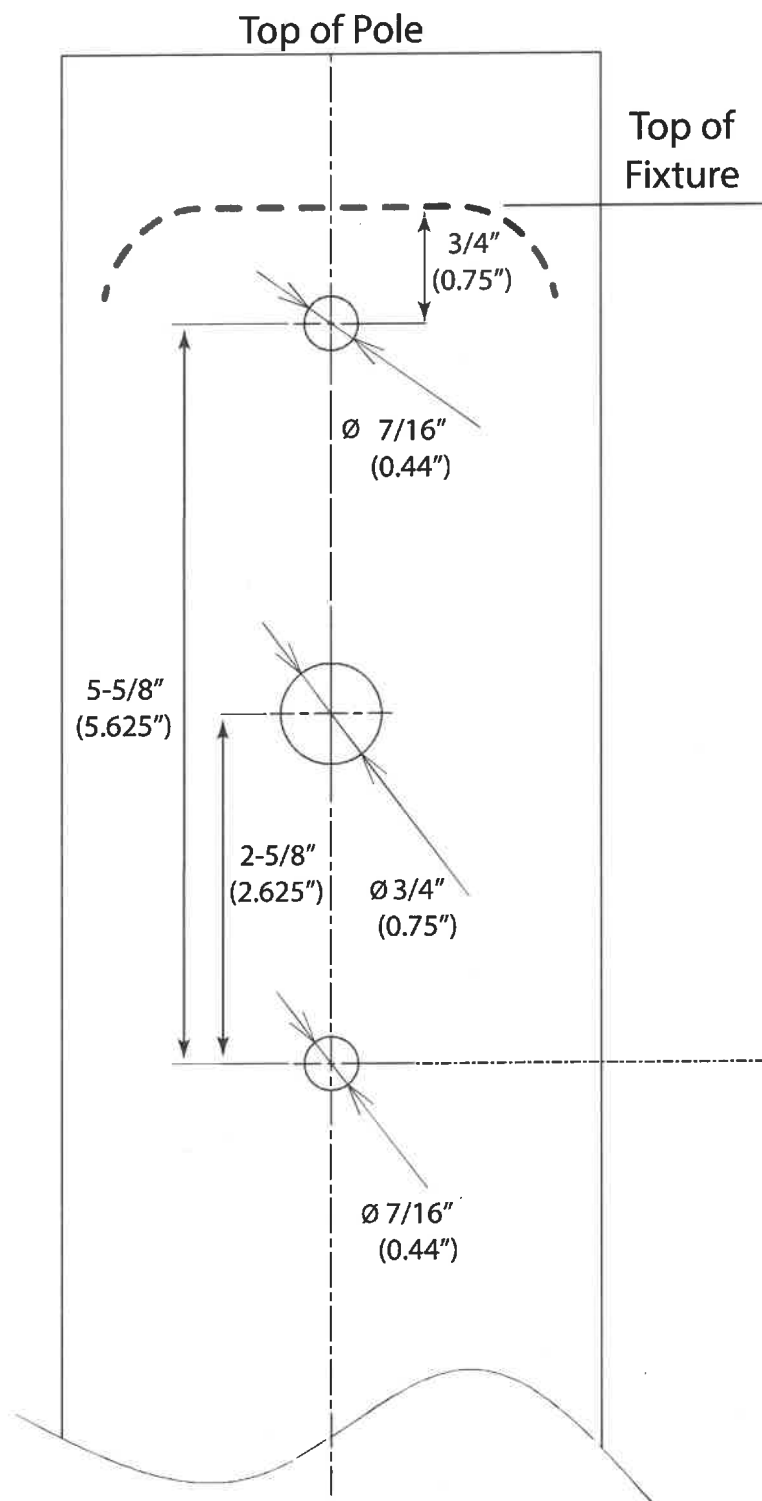
### Operation

Based on the PND profile that is selected, the luminaire dims to the corresponding % power for the corresponding length of time (based on the nighttime mid-point) as shown below. Mid-point is continuously recalculated in the luminaire by monitoring the average length of time between when the light turns on (power on) and turns off (power off) over the previous two days. In effect, this functionality will take two days to initialize after installation before any dimming will occur. Power interruptions are ignored and do not affect the determination of mid-point. A motion sensor (MSL3 or MSL7) can be used with PND to temporarily override the dimming profile when motion is detected. Three factory programmed PND profiles are available for selection:



**Pole Mount Drilling Dimensions  
for New Construction**

For more details, consult  
the Arieta Installation Guide



**Mounting Pole Drilling Dimensions  
for New Construction**



# ENGINEERING PLANS FOR

## HERITAGE FARM - BANQUET CENTER

SECTION 34, TOWNSHIP 37 NORTH, RANGE 8 EAST  
5139-5199 S SCHLAPP ROAD  
OSWEGO, IL 60543  
KENDALL COUNTY  
AUGUST, 2022

LEGEND	
---	PROPERTY BOUNDARY
---	EXISTING CONTOUR LINE
---	EXISTING STORM SEWER
---	EXISTING SANITARY SEWER LINE
---	EXISTING WATERMAIN
---	EXISTING UNDERGROUND ELECTRIC
---	EXISTING OVERHEAD ELECTRIC
---	EXISTING GAS SERVICE
---	EXISTING TELEPHONE
---	PROPOSED CONTOUR LINE
---	PROPOSED WATERMAIN
---	PROPOSED SANITARY SEWER
---	PROPOSED STORM SEWER
---	PROPOSED GREASE SERVICE LINE
---	PROPOSED WWT LINE
---	EXISTING FENCELINE
---	PROPOSED DIRT FENCE
---	EXISTING SPOT SHOT
---	PROPOSED SPOT GRADE
---	PROPOSED
---	WATERS
---	EXIST
---	B-BOX
---	HYDRANT
---	VALVE
---	VALVE VAULT
---	INLET-CURB
---	INLET OR MANHOLE
---	FLUMED END SECTION
---	CLEARCUT
---	MANHOLE
---	UTILITY POLE
---	EXIST WIRE LOC.
---	UTL. CABINET
---	UTL. PROXIMAL
---	LIGHT POLE
---	TRAFFIC SIGNAL
---	ELECTRIC VALVE
---	GAS VALVE
---	FLOW DIRECTION
---	STONE
---	SANITARY
---	REG. MONUMENT
---	EXIST. PIN
---	CHISELED MARK
---	BENCHMARK
---	NAIL & TACK
---	SOIL BORING
---	OVERLAND FLOW

### INDEX TO SHEETS

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

SURVEY COMPLETED BY:  
**Phillip D Young**  
& ASSOCIATES, INC.  
LAND SURVEYING - TOPOGRAPHIC MAPPING  
LIC. #168-002775  
11078 SOUTH BRIDGE STREET, YORKVILLE, IL 60550  
PHONE: 815-353-1357 FAX: 815-353-1358



Know what's below.  
Call before you dig.

Contractor and/or subcontractors shall verify locations of all underground utilities prior to digging. Contact 811.U.I.L.C. (toll free) 1-800-4-A-DIG for more information. 811 is not a guarantee of utility location.

**UTILITY STATEMENT**  
I, the undersigned, being duly sworn, depose and say that the above is a true and correct statement of the utility locations shown on the attached plan, and that the same were obtained from the utility owners and are not fictitious or fabricated. I am a duly licensed Professional Engineer in the State of Illinois, and I am the duly authorized representative of the undersigned.

NO.	DATE	REVISION
1	8/1/22	ISSUED FOR PERMIT



PROJECT LOCATION

### BENCHMARKS:

BM#1 - SURVEY SPIRE AT SOUTHWEST CORNER OF SUBJECT PROPERTY.  
ELEVATION = 729.43  
BM#2 - MANHOLE AT EDGE OF PAVEMENT NEAR NORTHWEST CORNER OF SUBJECT PROPERTY.  
ELEVATION = 720.63

### PLANS PREPARED FOR:

1. J. D. YOUNG & ASSOCIATES, INC.  
1111 S. JEFFERSON  
PLAINFIELD, IL 60544  
PHONE: (815) 465-3111  
FAX: (815) 465-3112  
WWW.JDYOUNGANDASSOCIATES.COM



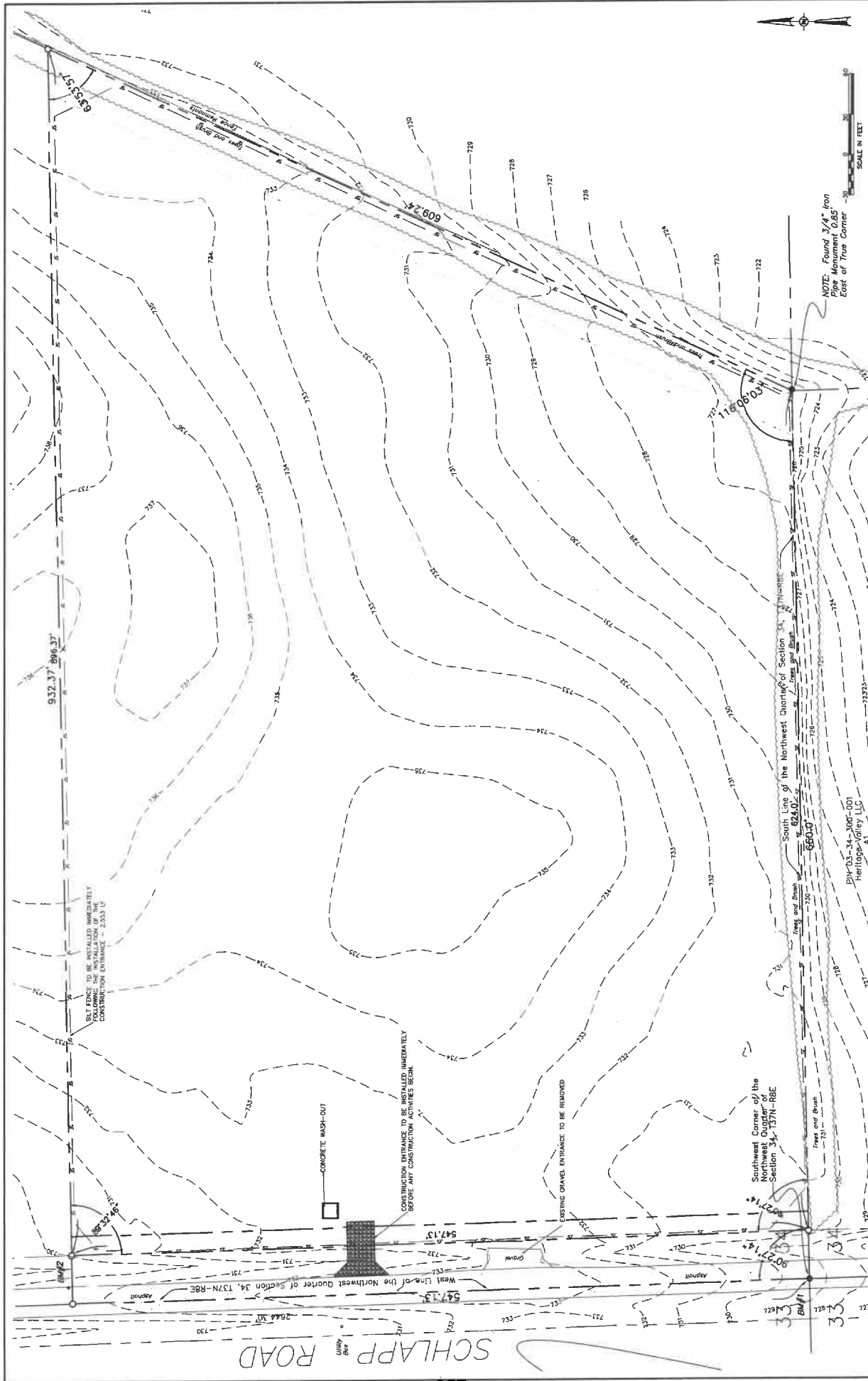
CIVIL ENGINEER:  
TEBRUCCE ENGINEERING, INC.  
4101 S. JEFFERSON  
SANDWICH, ILLINOIS 60558  
(815) 786-0195  
WWW.TEBRUCCEENGINEERING.COM

PROFESSIONAL ENGINEER'S CERTIFICATION  
I, the undersigned, being duly sworn, depose and say that the above is a true and correct statement of the utility locations shown on the attached plan, and that the same were obtained from the utility owners and are not fictitious or fabricated. I am a duly licensed Professional Engineer in the State of Illinois, and I am the duly authorized representative of the undersigned.

*John J. Young*  
Professional Engineer  
No. 008-041828 EXPIRES NOV. 30, 2023



CONTRACT # 811 BY TEBRUCCE ENGINEERING, INC.  
ALL RIGHTS RESERVED. NO PART OF THIS CIVIL ENGINEERING PLAN OR ANY PART HEREOF MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE PRIOR WRITTEN PERMISSION OF TEBRUCCE ENGINEERING, INC.



<p>TEBRUGE ENGINEERING 410 E. CHURCH STREET, SUITE A • SANDWICH, IL 60488 PHONE 815 766-0195    TEBRUGEENGINEERING.COM</p>		<p>NOTES</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td>1</td> <td>06/14/2022</td> <td>ISSUED FOR PERMIT</td> </tr> </table>	NO.	DATE	REVISION	1	06/14/2022	ISSUED FOR PERMIT	<p>PREPARED FOR: <b>LYDIA RAMIREZ</b> 1152 STATE ROUTE 126, PLAINFIELD, IL</p>	<p>PROJECT NO. 22-033-01 SHEET NO. <b>2</b> SCALE: 1" = 30' DATE: JUNE 14, 2022 OF 8 SHEETS</p>
NO.	DATE	REVISION								
1	06/14/2022	ISSUED FOR PERMIT								
<p><b>HERITAGE FARM — BANQUET CENTER</b> <b>EXISTING CONDITIONS &amp; DEMOLITION PLAN</b></p>										















## Matt Asselmeier

---

**From:** L R [REDACTED]  
**Sent:** Wednesday, April 19, 2023 9:48 AM  
**To:** Matt Asselmeier  
**Cc:** L R  
**Subject:** [External]Banquet Facility 5438 Schlapp Road

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 will need an extension for the vegetation to be installed by October 2024 due to backorder of ComEd Power transformer. We will not be able to water the trees.  
Thank you,  
Lydia Ramirez



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**MEMORANDUM**

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To: Planning, Building and Zoning Committee

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

Date: May 2, 2023

Re: Landscaping and Building Construction Extension Deadline at 10744 Route 47

Condition 2.J of Ordinance 2021-23, which granted a special use permit for a landscaping business at the subject property, originally required the landscaping to be installed by June 1, 2022. The Ordinance also allows the Planning, Building and Zoning Committee to grant extensions to the installation deadline. On May 9, 2022, the Committee extended the deadline for this requirement to October 1, 2022. On September 12, 2022, the Committee again extended the deadline for this requirement to June 1, 2023.

Condition 2.B of Ordinance 2021-23 also originally required all structures shown on the site plan to be constructed and occupied by December 31, 2022. The Ordinance also allows the Planning, Building and Zoning Committee to grant extensions to the installation deadline. On September 12, 2022, the Committee extended the deadline for this requirement to June 1, 2023.

A copy of Ordinance 2021-23 is attached.

On May 2, 2023, the Petitioner's Attorney submitted a request asking that the deadline to install the landscaping and the requirements related to the buildings be extended to November 15, 2023. A copy of the request is attached.

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

MHA

Encs.: Ordinance 2021-23  
Extension Request

ORDINANCE NUMBER 2021- 23

**GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED B-3 HIGHWAY BUSINESS DISTRICT FOR A LANDSCAPING BUSINESS AT 10744 ROUTE 47 (PIN: 05-28-400-002) IN KENDALL TOWNSHIP**

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 9:03.D.15 of the Kendall County Zoning Ordinance permits the operation of landscaping businesses as a special use with certain restrictions in the B-3 Highway Business Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 13.7 more or less acres located at 10744 Route 47 and identified by Parcel Identification Number 05-28-400-002, in Kendall Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property”; and

WHEREAS, on October 12, 1982, the Kendall County Board approved Ordinance 1982-10 which granted a special use permit for the storage of recreational vehicles, boats, and antique cars with conditions at the subject property; and

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

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

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

WHEREAS, following due and proper notice by publication in the Kendall County Record on September 2, 2021, the Kendall County Zoning Board of Appeals conducted a public hearing on September 27, 2021, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and their representative presented evidence, testimony, and exhibits in support of the requested special use permit and zero members of the public testified in favor or in opposition or expressed concerns regarding the requested special use permit; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval with conditions of the special use permit for a landscaping business as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated September 27, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested special use permit; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

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

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

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

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

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

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

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven




o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

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

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

Attest:

  
Kendall County Clerk  
Debbie Gillette


  
Kendall County Board Chairman  
Scott R. Gryder



Exhibit A

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

## Exhibit B

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

### FINDINGS OF FACT

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

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

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **Adequate utilities are planned for the site. The property has direct access to Route 47 and the Illinois Department of Transportation expressed no concerns regarding the proposed use. A stormwater management permit is required and that permit will address drainage.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **The Petitioner is not requesting any variances to the applicable regulations of the district.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with a goal found on Page 7-26 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." An objective under this goal further states, "Explore economic development opportunities along Route 47 Corridor to enhance the tax base and to encourage local employment and shopping opportunities."***

### RECOMMENDATION

Approval subject to the following conditions and restrictions:

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

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

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

15. The noise regulations are as follows:

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

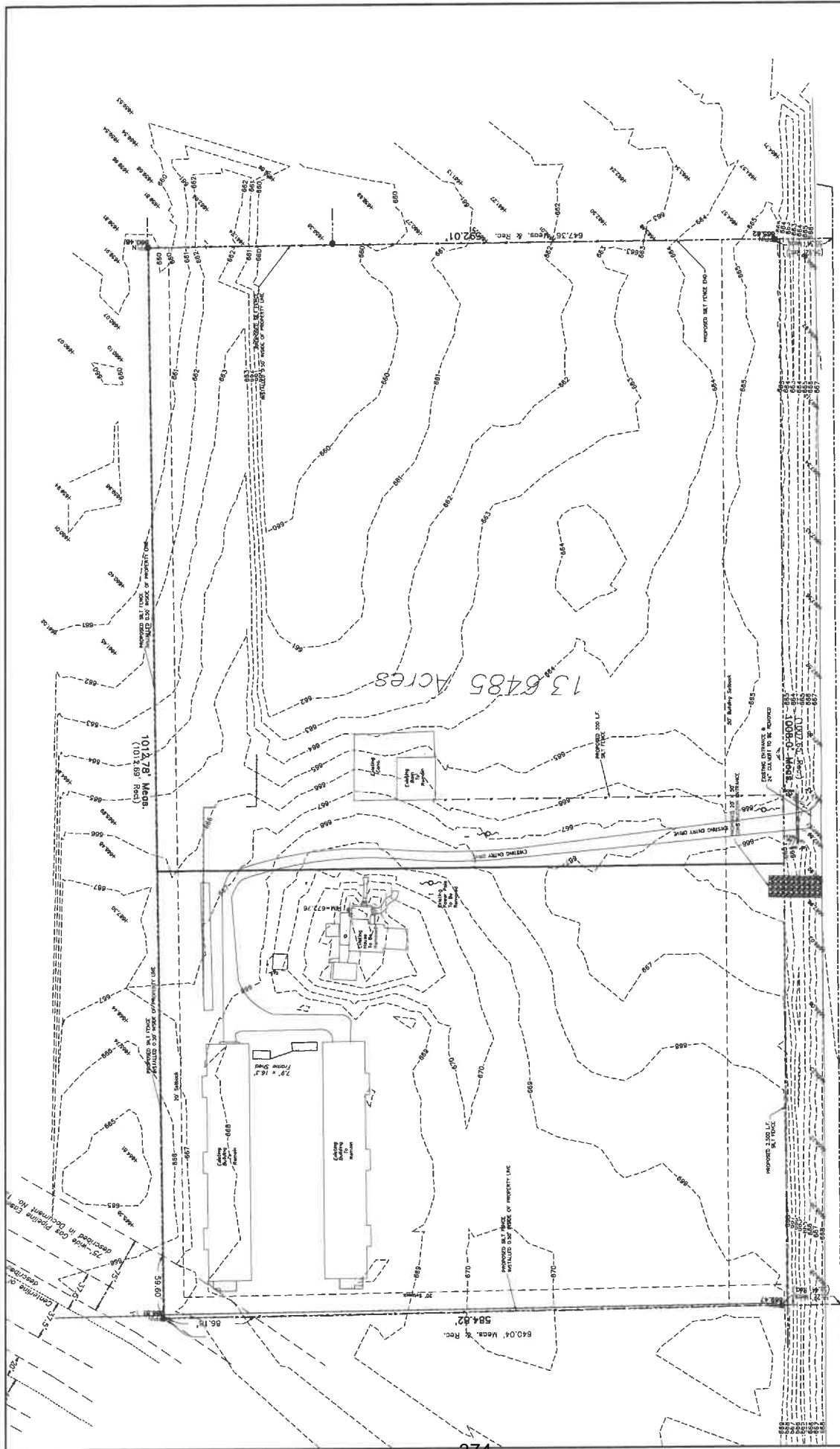
Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point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

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

16. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
18. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
20. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.







<p>ILLINOIS STATE ROUTE 47</p>	<p>SEMPER FI LAND SITE PLAN - 10744 US ROUTE 47 - YORKVILLE EXISTING CONDITIONS &amp; DEMOLITION PLAN</p>	<p>PROJECT NO. 21493.01 SCALE 1" = 40' DATE JUNE 30, 2021</p>	<p>SHEET NO. 2 OF 6 SHEETS</p>
<p>TEBRUGGE ENGINEERING 4108 N. HIGHWAY 100, SUITE 100 P.O. BOX 100, YORKVILLE, IL 60550</p>	<p>PREPARED FOR: ALWAYS FAITHFUL PROPERTIES, LLC 1215 DEER ST., YORKVILLE, IL 60550</p>	<p>NOTES: SEE EXISTING SITE PLAN DATE: 6/30/21 BY: [Signature]</p>	<p>REVISIONS: NO. 1 DATE: 6/30/21 BY: [Signature]</p>







Standardized weights

- [illegible]

8. PRIOR TO STARTING CONSTRUCTION THE CONTRACTOR SHALL CONTACT THE OFFICE OF JULIE AT

11. I, I SHALL, BE RESPONSIBLE FOR THE PROTECTION OF EACH RESPECTIVE CONTRACTING PARTY'S RIGHTS AND INTERESTS AND FOR THE PROTECTION OF THE OTHER PARTY'S RIGHTS AND INTERESTS IN THE EVENT OF A BREACH OF THE CONTRACT AND MY ADDITIONAL OBLIGATIONS WILL BE ALIQUOT.

- [illegible]

10. ALL FLOOR DRAINS AND FLOOR DRAIN SUMP PUMPS SHALL DISCHARGE INTO THE SANITARY SEWER.

- THE CHAIRMAN

**JUST IN WORDS**

- responsibility of the soils engineer. The soils engineer shall determine whether the proposed improvements shall be designed to allow positive drainage of all water adjacent to the improvements. The soils engineer shall determine whether the proposed improvements shall be designed to allow positive drainage of all water adjacent to the improvements. The soils engineer shall determine whether the proposed improvements shall be designed to allow positive drainage of all water adjacent to the improvements.

## MODIFIED PROCTOR METHOD).

- [illegible]

ALL THE BRICKWORK OF THE BASE COURSE SHALL BE Laid UP TO THE BASE UNTIL THE  
COMPLETION OF THE BASE COURSE AND UPON INSPECTION AND APPROVAL  
THE BRICKWORK OF THE BASE COURSE IS LAID. AFTER INSTALLATION OF THE  
BRICKWORK OF THE BASE COURSE IS LAID. AFTER INSTALLATION OF THE  
BRICKWORK OF THE BASE COURSE IS LAID. AFTER INSTALLATION OF THE

10. TESTING OF THE SUB-BASE, BASE COURSE, BRIDGE DECK, BASELAYER, CURBS AND CONCRETE WORK SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE AASHTO STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC ROADS AND IN ACCORDANCE WITH THE SPECIFIC REQUIREMENTS OF THE BIDDING DOCUMENTS. A QUALIFIED TESTING FIRM SHALL BE EMPLOYED BY THE OWNER TO FULFILL THE REQUIRED TESTING.
11. PAVED PAVEMENT MARKINGS AND SYMBOLS OF THE TYPE AND COLOR AS SPECIFIED IN THE CONSTRUCTION DOCUMENTS SHALL BE INSTALLED IN ACCORDANCE WITH SECTION 1-5-00 OF THE CONSTRUCTION DOCUMENTS.
12. TEMPORARY PAVEMENT MARKINGS AND SYMBOLS SHALL BE INSTALLED ONLY WHEN THE ADJACENT ARE NOT OPEN TO TRAFFIC. THE MARKINGS SHALL BE INSTALLED IN ACCORDANCE WITH SECTION 1-5-00 OF THE CONSTRUCTION DOCUMENTS.
13. TO EXISTING OPEN AREAS OF PAVED PAVEMENT, DOWNSIDE CONSTRUCTION SHALL BE LIMITED TO THE EXISTING PAVEMENT SURFACE AND SHALL BE LIMITED TO THE EXISTING PAVEMENT SURFACE.
14. ANY AND ALL REPAIRS WILL BE LIMITED TO AND NOT IN COMPLIANCE INCLUDING REPAIRS, MUST BE REPLACED 100% TO FINAL INSPECTION APPROVAL.

- 1

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- NOTES:  
1. ALL STEEL SHALL BE GALVANNEED STEEL.  
2. WEARING SURF LESS THAN 1/8" THICK SHALL HAVE A HARDENING SECTION AND MODULUS NOT LESS THAN 30,000 PSI.  
3. SEE PLAN.
- END
- IN END OF AREA, 2 FT. FROM SIGN

17-017-23

- [illegible]

1998

- 10

- THICK AT DRIVEWAYS  
CRACKS, CHIPS, DISINTEGRATION THAT IS DAMAGED  
OR WEAR THAT DOES NOT MEET THE MINIMUM  
COMPLIANT INCLUDING SIDEWALK RAMP  
REPLACED PRIOR TO FINAL INSPECTION
- SIDEWALK  
N.T.S.
- PARKING STALL

100

- 
- FIGURE 1. SITE PLAN FOR LOT 10

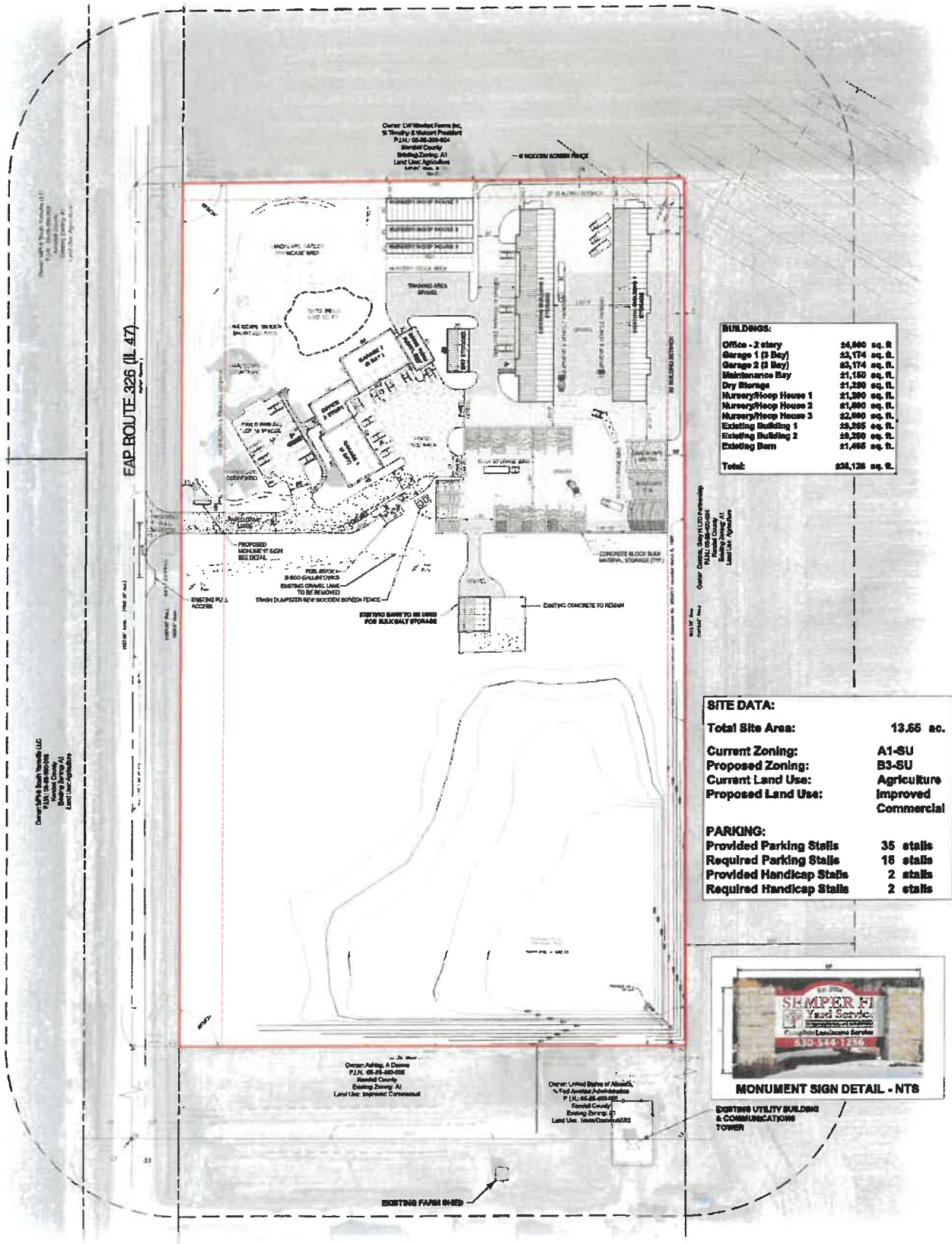
- FRONT VIEW**
- 
- H.W.L. = 729.90
- 6'

1003



# SEMPER FI ROUTE 47 PROPERTY

Exhibit C, Page 7  
Kendall County, Illinois



## SITE PLAN



379

Prepared For: ALWAYS FAITHFUL PROPERTIES, LLC  
1296 Cornwell Trail  
Bloomington, IL 61712

Prepared By: sda  
Date: December 29, 2020  
Revised: August 28, 2021  
Landscape Planning & Landscape Architecture

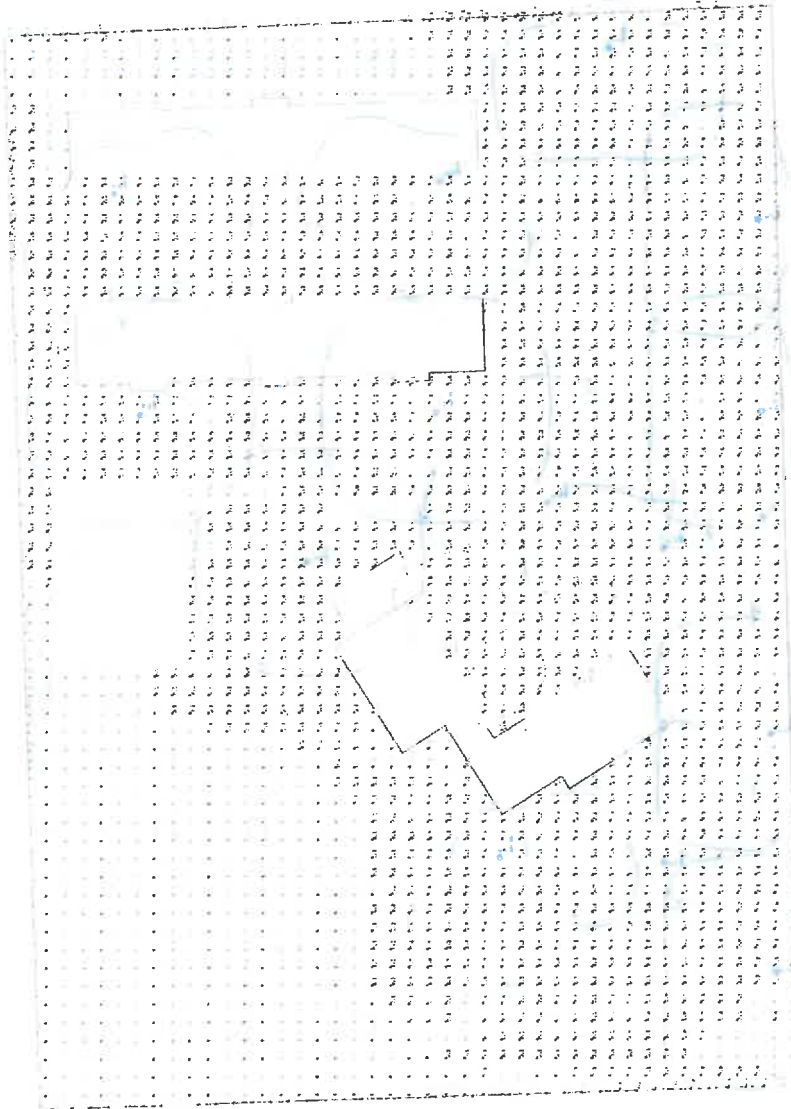
**sda**  
Schaeffer Design Associates, Inc.  
Landscape Planning & Landscape Architecture

128 S. Main Street  
One room, IL 60543  
P: 630.531.4335  
F: 630.531.3639  
schaefferdesign.com



## Kendall County, Illinois





Luminaire Schedule - Part numbers are provided by the manufacturer and are only intended to be used as a reference to output and optics used.

Symbol	Qty	Tag	Arrangement	Lum. Lumens	Arr. Lum. Lumens	LPF	Manufacturer	Description
S1	10	S1	SINGLE	153.6	21310	0.900	HUBBELL OUTDOOR	PAR2-S20L-165-4K7-4W-UNV-AAX
S2	4	S2	SINGLE	153.6	21854	0.900	HUBBELL OUTDOOR	PAR2-S20L-165-4K7-50W-UNV-AAX
W1	3	W1	SINGLE	28	3679	0.900	HUBBELL OUTDOOR	RWL1-48L-25-4K7-4W-UNV-A
W2	2	W2	SINGLE	80.8	11157	0.900	HUBBELL OUTDOOR	RWL2-160L-60-4K7-4W-UNV-A

Calculation Summary

Label	CalcType	Unit	Avg	Max	Min	Avg/Min	Max/Min	Description
PROPERTY LINE	ILLUMINANCE	FC	0.10	0.8	0.0	N/A	N/A	READINGS @ GRADE
ST. FRONT	ILLUMINANCE	FC	1.17	5.3	0.0	N/A	N/A	READINGS @ GRADE
ST. SIDE	ILLUMINANCE	FC	1.53	4.2	0.0	8.40	8.40	READINGS @ GRADE
EMPLOYEE PARKING-TRAINING AREAS	ILLUMINANCE	FC	1.66	4.1	0.2	8.30	20.50	READINGS @ GRADE
TRUCK PARKING-STORAGE AREAS	ILLUMINANCE	FC						



Revisions

#	Date	Comments
---	------	----------

Drawn By: Joell Collins  
Date: 8/12/2021  
Scale: 1" = 30'

Location: 10744 US ROUTE 47, YORKVILLE, IL  
Project Name: SEMPER H

Luminaire Location Summary

Unit	Unit	Unit	Unit	Unit	Unit
1	PAR2-S20L-165-4K7-4W (1)	25	145	0	0
2	PAR2-S20L-165-4K7-4W (1)	25	145	0	0
3	PAR2-S20L-165-4K7-4W (1)	25	145	0	0
4	PAR2-S20L-165-4K7-4W (1)	25	145	0	0
5	PAR2-S20L-165-4K7-4W (1)	25	145	0	0
6	PAR2-S20L-165-4K7-4W (1)	25	145	0	0
7	PAR2-S20L-165-4K7-4W (1)	25	145	0	0
8	PAR2-S20L-165-4K7-4W (1)	25	145	0	0
9	PAR2-S20L-165-4K7-4W (1)	25	145	0	0
10	PAR2-S20L-165-4K7-4W (1)	25	145	0	0
11	PAR2-S20L-165-4K7-50W (1)	25	180	0	0
12	PAR2-S20L-165-4K7-50W (1)	25	180	0	0
13	PAR2-S20L-165-4K7-50W (1)	25	180	0	0
14	PAR2-S20L-165-4K7-50W (1)	25	180	0	0
15	RWL1-48L-25-4K7-4W (1)	9	180	0	0
16	RWL1-48L-25-4K7-4W (1)	9	180	0	0
17	RWL2-160L-60-4K7-4W (1)	20	302	0	0
18	RWL2-160L-60-4K7-4W (1)	20	302	0	0
19	RWL2-160L-60-4K7-4W (1)	20	302	0	0

Parking Lot Design Guide

Item	Item	Item	Item	Item	Item
Minimum Illuminance	2.000	100	100	100	100
Maximum Illuminance	2.000	100	100	100	100
Minimum Illuminance	2.000	100	100	100	100
Maximum Illuminance	2.000	100	100	100	100

enlighten is neither licensed nor insured to determine code compliance. Code compliance review by others.

# RATIO Series

AREA/SITE LIGHTER

## FEATURES

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



IP66



See Certification Specifications



## RELATED PRODUCTS

[Alro](#)
[Cimarron LED](#)
[Ratio Family](#)

## CONTROL TECHNOLOGY


**NX DISTRIBUTED**  
INTELLIGENCE

**wiSCAPE**

## SPECIFICATIONS

### CONSTRUCTION

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

### OPTICS

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

### INSTALLATION

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

### ELECTRICAL

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

### ELECTRICAL (CONTINUED)

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

### CONTROLS

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

### CERTIFICATIONS

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

### WARRANTY

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

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

DATE:

LOCATION:

TYPE:

PROJECT:

CATALOG #:

# RATIO SERIES

AREA/SITE LIGHTER

## ORDERING GUIDE

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

CATALOG #

## ORDERING INFORMATION

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

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

### Notes:

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

## STOCK ORDERING INFORMATION

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



DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

## RATIO SERIES

AREA/SITE LIGHTER

### OPTIONS AND ACCESSORIES - STOCK (ORDERED SEPARATELY)

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

### ACCESSORIES AND REPLACEMENT PARTS - MADE TO ORDER

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

1 Replace "\_" with "3" for 3.5"-4.13" OD pole, "4" for 4.18"-5.25" OD pole, "5" for 5.5"-6.5" OD pole

2 Replace "XX" with desired color/paint finish

### CONTROLS

#### Control Options

##### Standalone

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

##### Networked – Wireless

<b>WIR-RME-L</b>	wISCAPE External Fixture Module <sup>2</sup>
------------------	--

##### NX Networked – Wireless

<b>NXOFM-IRID-UNV</b>	NX Wireless, Daylight Harvesting, BLE, 7 pin twisted lock
-----------------------	---

#### Notes:

- Works with external networked photosensor
- wISCAPE Gateway required for system programming

# RATIO SERIES

AREA/SITE LIGHTER

## PERFORMANCE DATA

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

RAR2 Performance Data on next page

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



# RATIO SERIES

AREA/SITE LIGHTER

## PERFORMANCE DATA

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

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

# RATIO SERIES

AREA/SITE LIGHTER

## ELECTRICAL DATA

# OF LEDS	Nominal Wattage	Input Voltage	Oper. Current (Amps)	System Power (Watts)
RAR1	25	120	0.21	25.4
		208	0.12	
		240	0.11	
		277	0.09	
	39	120	0.32	38.0
		208	0.18	
		240	0.16	
		277	0.14	
	50	347	0.11	49.8
		480	0.08	
		120	0.42	
		208	0.24	
	70	240	0.21	68.4
		277	0.18	
		120	0.57	
		208	0.33	
	100	240	0.29	90.0
		277	0.25	
		120	0.75	
		208	0.43	
	115	240	0.38	109.7
		277	0.32	
		120	0.91	
		208	0.53	
	135	240	0.46	133.3
		277	0.40	
		347	0.32	
		480	0.23	

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

## LUMINAIRE AMBIENT TEMPERATURE FACTOR (LATF)

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

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

## PROJECTED LUMEN MAINTENANCE

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

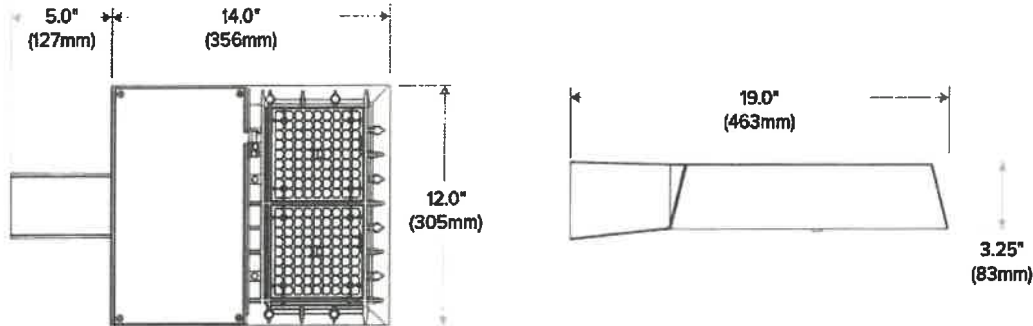
DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

## RATIO SERIES

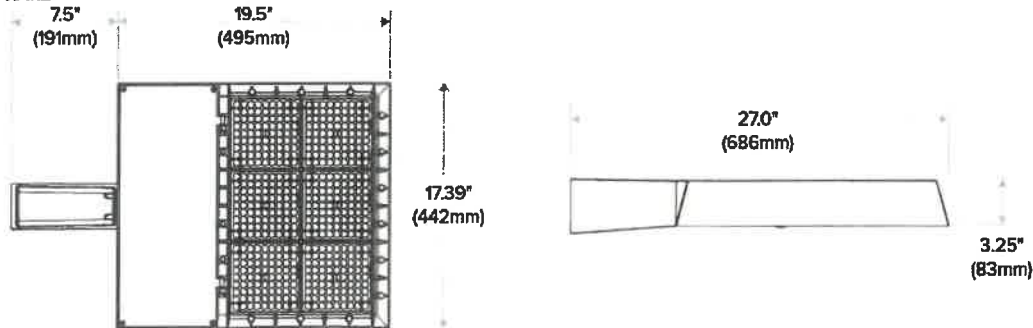
AREA/SITE LIGHTER

### DIMENSIONS

#### RAR1



#### RAR2



### ADDITIONAL INFORMATION

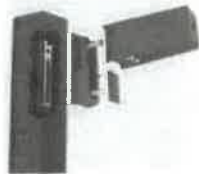
#### MOUNTING



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



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



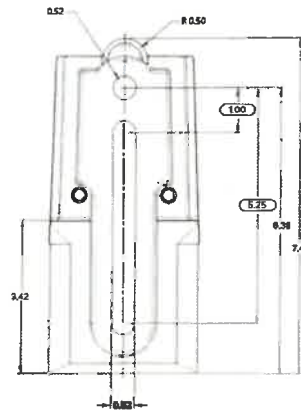
**Universal Mounting** – Universal mounting block for ease of installation. Compatible with drill patterns from 2.5" to 4.5"



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



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



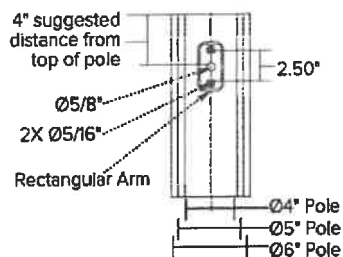
## RATIO SERIES

AREA/SITE LIGHTER

### ADDITIONAL INFORMATION (CONT'D)

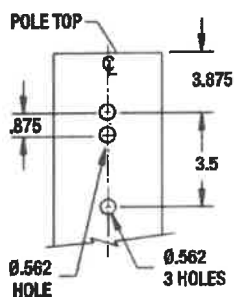
#### ARM MOUNT (ASQ)

Compatible with Pole drill pattern B3



#### UNIVERSAL MOUNTING (ASQU)

Compatible with pole drill pattern S2



#### SITESYNC 7-PIN MODULE



SW7PR



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

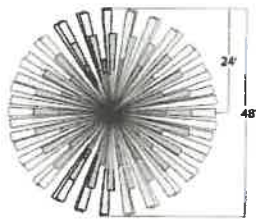
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CATALOG #: \_\_\_\_\_

## RATIO SERIES

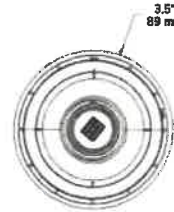
AREA/SITE LIGHTER

### ADDITIONAL INFORMATION (CONT'D)

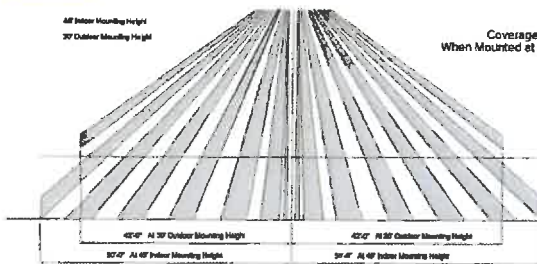
#### NXSP-14F



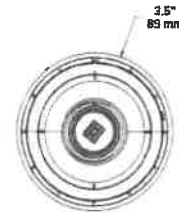
Sensor Lens Coverage and Detection Patterns  
When Mounted at 8ft with Low Mount Lens



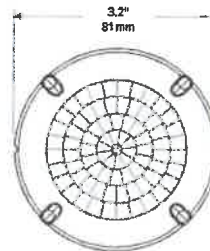
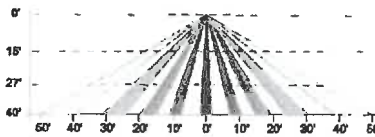
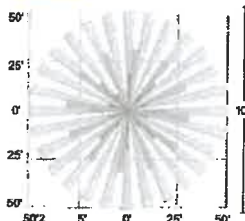
#### NXSP-30F



Coverage and Detection Patterns  
When Mounted at 30ft and 45ft with Standard Lens



#### SCP-40F



#### RAR1 EPA

RAR-1	
EPA at 0°	EPA at 30°
.45ft. <sup>2</sup> .13m <sup>2</sup>	.56ft. <sup>2</sup> .17m <sup>2</sup>

#### RAR2 EPA

RAR-2	
EPA at 0°	EPA at 30°
.55ft. <sup>2</sup> .17m <sup>2</sup>	1.48ft. <sup>2</sup> .45m <sup>2</sup>

#### SHIPPING

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

### USE OF TRADEMARKS AND TRADE NAMES

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# SSS-H SERIES POLES

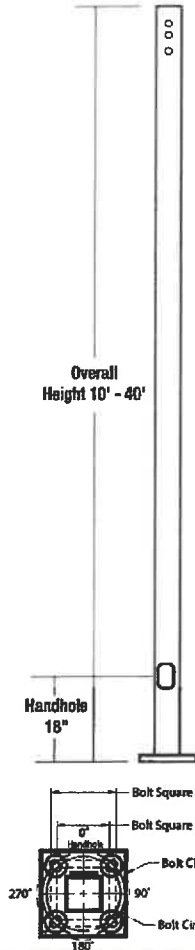
SQUARE STRAIGHT STEEL

Cat.#

Job

Type

Approvals


**HUBBELL**  
Outdoor Lighting


## APPLICATIONS

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

## CONSTRUCTION

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

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

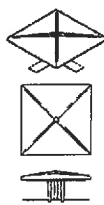
## FINISH

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

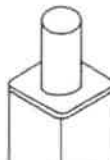
## WAREHOUSE 'STOCKED' POLES:

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

### POLE CAP



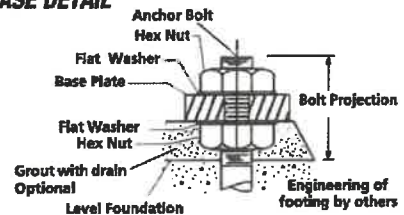
### TENON



### BASE COVER



### BASE DETAIL



## ORDERING INFORMATION

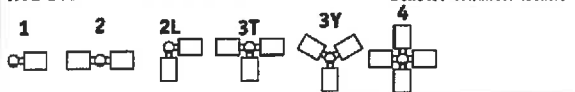
### ORDERING EXAMPLE:

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

Reference page 2 for available configurations

SERIES	HEIGHT	SHAFT	THICKNESS	MOUNTING	FINISH	OPTIONS
SSS-H Square Straight Steel Pole Hubbell Outdoor	Reference page 2 Ordering matrix	Reference page 2 Ordering matrix	Reference page 2 Ordering matrix	<b>1</b> Single arm mount <b>2</b> Two fixtures at 180° <b>2L</b> Two fixtures at 90° <b>3T</b> Three fixtures at 90° <b>4</b> Four fixtures at 90° <b>TA</b> Tenon (2.38" OD x 4" Tall) <b>TB</b> Tenon (2.88" OD x 4" Tall) <b>TC</b> Tenon (3.5" OD x 6" Tall) <b>TR</b> Removable Tenon (2.38" x 4") <b>OT</b> Open Top (includes pole cap)	<b>BLT</b> Black Matte Textured <b>BLS</b> Black Gloss Smooth <b>DBT</b> Dark Bronze Matte Textured <b>DBS</b> Dark Bronze Gloss Smooth <b>GTT</b> Graphite Matte Textured <b>LGS</b> Light Gray Gloss Smooth <b>PSS</b> Platinum Silver Smooth <b>WHT</b> White Matte Textured <b>WHS</b> White Gloss Smooth <b>VGT</b> Verde Green Textured <b>Color Option</b> <b>CC</b> Custom Color	<b>GFP</b> 20 Amp GFCI Receptacle and Cover <b>EH1</b> Extra Handhole <b>C05</b> .5" Coupling <b>C07</b> .75" Coupling <b>C20</b> 2" Coupling <b>MPB</b> Mid-pole Luminaire Bracket <b>VM2</b> 2nd mode vibration damper <b>LAB</b> Less Anchor Bolts <b>UL</b> UL Certified

## MOUNTING ORIENTATION



- Removable tenon used in conjunction with side arm mounting. First specify desired arm configuration followed by the "TR" notation. Example: SSS-H-25-40-A-1-32-TR-DB
- Specify option location using logic found on page 2 (Option Orientation)
- VM1 recommended on poles 20' and taller with EPA of less than 1.

## ACCESSORIES- Order Separately

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


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SSS-H POLES-SP1EC 03/2220



**ORDERING INFORMATION (Continued)**

Catalog Number	Height		Nominal Shaft Dimensions	Wall Thickness	Bolt Circle (suggested)	Bolt Circle (range)	Bolt Square (range)	Base Plate Square	Anchor bolt size	Bolt Projection	Pole weight
	Feet	Meters									
SSS-H-10-40-A-XX-XX	10	3.0	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	77
SSS-H-12-40-A-XX-XX	12	3.7	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	80
SSS-H-14-40-A-XX-XX	14	4.3	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	103
SSS-H-16-40-A-XX-XX	16	4.9	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	116
SSS-H-18-40-A-XX-XX	18	5.5	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	129
SSS-H-20-40-A-XX-XX	20	6.1	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	142
SSS-H-25-40-A-XX-XX	25	7.6	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	175
SSS-H-14-40-B-XX-XX	14	4.3	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	152
SSS-H-16-40-B-XX-XX	16	4.9	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	171
SSS-H-18-40-B-XX-XX	18	5.5	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	190
SSS-H-20-40-B-XX-XX	20	6.1	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	209
SSS-H-25-40-B-XX-XX	25	7.6	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	257
SSS-H-30-40-B-XX-XX	30	9.1	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	304
SSS-H-16-50-B-XX-XX	16	4.9	5" square	.188"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	219
SSS-H-18-50-B-XX-XX	18	5.5	5" square	.188"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	243
SSS-H-20-50-B-XX-XX	20	6.1	5" square	.188"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	267
SSS-H-25-50-B-XX-XX	25	7.6	5" square	.188"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	327
SSS-H-30-50-B-XX-XX	30	9.1	5" square	.188"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	387
SSS-H-25-50-C-XX-XX	25	7.6	5" square	.25"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	427
SSS-H-30-50-C-XX-XX	30	9.1	5" square	.25"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	507
SSS-H-20-60-B-XX-XX	20	6.1	6" square	.188"	12"	11.00" - 13.25"	7.81" - 9.37"	12.25"	1" x 36" x 4"	5.0	329
SSS-H-25-60-B-XX-XX	25	7.6	6" square	.188"	12"	11.00" - 13.25"	7.81" - 9.37"	12.25"	1" x 36" x 4"	5.0	404
SSS-H-30-60-B-XX-XX	30	9.1	6" square	.188"	12"	11.00" - 13.25"	7.81" - 9.37"	12.25"	1" x 36" x 4"	5.0	479
SSS-H-35-60-B-XX-XX	35	10.7	6" square	.188"	12"	11.00" - 13.25"	7.81" - 9.37"	12.25"	1" x 36" x 4"	5.0	554
SSS-H-40-60-B-XX-XX	40	12.2	6" square	.188"	12"	11.00" - 13.25"	7.81" - 9.37"	12.25"	1" x 36" x 4"	5.0	629

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

**EHH - EXTRA HANDHOLE**

Provision for Grounding

**C05 - C07 - C20 - COUPLING**

2" - 11.5 NPS Threads  
3/4" - 14 NPS Threads  
1/2" - 14 NPS Threads

**VM1 - VIBRATION DAMPER 1ST MODE**

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

**VM2 - VIBRATION DAMPER 2ND MODE**

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

**VM2SXX - VIBRATION DAMPER 2ND MODE**

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

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

**GFI - 20 AMP GFCI RECEPTACLE & COVER**

Square Steel Pole  
Standard hand hole frame  
Adapter plate  
Gasket  
20 AMP GFCI  
Wet Locations In-use Cover

**MPB - MID POLE BRACKET**

Square Steel Pole  
Attachment stub 5" long welded to pole  
2" pipe tenon 4.25" tall  
Arm, 3" Sq. x 18.5" long ships separately

**OPTION ORIENTATION**

Follow the logic below when ordering location specific options. For each option, include its orientation (in degrees) and its height (in feet). Example: Option C07 should be ordered as: **SSS-H-20-40-A-7A-D07-C07-0-15** (.5" coupling on the handhole/arm side of pole, 15 feet up from the pole base) 1' spacing required between option. Consult factory for other configurations.

Bolt Square (Outer)  
Bolt Square (Inner)  
Bolt Circle (Outer)  
Bolt Circle (Inner)

For more information about pole vibration and vibration dampers, please consult [https://hubbellcdi.com/olwassets/HL/Outdoor/resources/literature/files/Pole\\_Wind\\_Induced\\_Flutter\\_HL00022.pdf](https://hubbellcdi.com/olwassets/HL/Outdoor/resources/literature/files/Pole_Wind_Induced_Flutter_HL00022.pdf). Due to our continued efforts to improve our products, product specifications are subject to change without notice.



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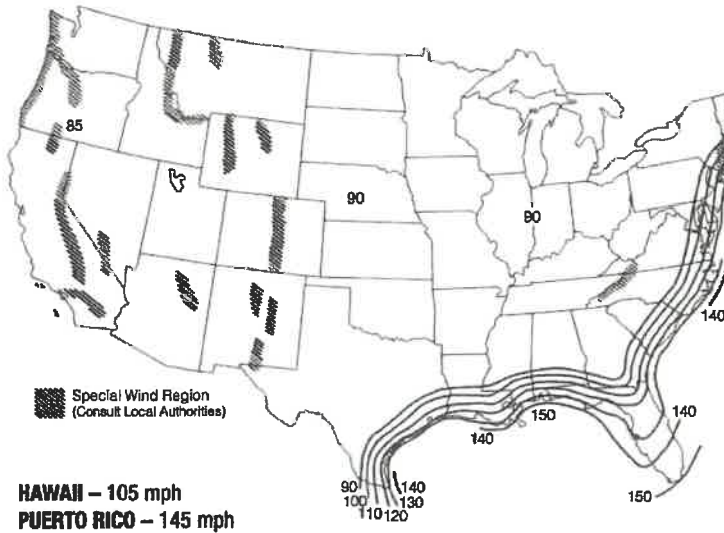
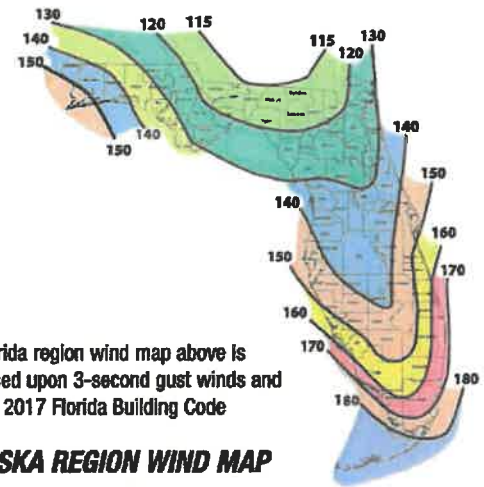
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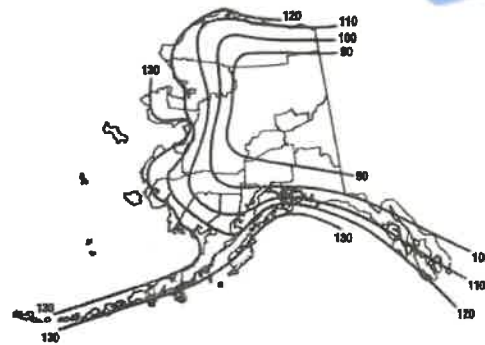


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Printed in USA SSS-H POLES-GFRC 03/2020

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

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

**ALASKA REGION WIND MAP**

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

Catalog Number	85	90	100	105	110	120	130	140	145	150
SSS-H-10-40-A	25.0	25.0	25.0	22.8	20.5	17.0	14.2	11.9	11.0	10.1
SSS-H-12-40-A	25.0	25.0	20.0	18.0	16.1	13.2	10.8	8.9	8.1	7.4
SSS-H-14-40-A	23.1	20.4	16.1	14.3	12.8	10.2	8.2	6.6	5.9	5.3
SSS-H-16-40-A	19.0	16.7	13.0	11.5	10.1	7.9	6.2	4.7	4.1	3.6
SSS-H-18-40-A	15.6	13.6	10.0	9.0	7.8	5.9	4.4	3.1	2.6	2.1
SSS-H-20-40-A	12.7	10.9	7.9	6.9	5.9	4.2	2.8	1.7	1.3	0.9
SSS-H-25-40-A	7.3	5.9	3.8	2.9	2.1	0.8	NR	NR	NR	NR
SSS-H-14-40-B	25.0	25.0	23.3	20.8	18.6	15.1	12.3	10.2	9.2	8.4
SSS-H-16-40-B	25.0	24.9	19.4	17.3	15.4	12.3	9.9	8.0	7.2	6.4
SSS-H-18-40-B	24.0	20.8	16.1	14.2	12.5	9.8	7.7	6.1	5.3	4.7
SSS-H-20-40-B	20.2	17.5	13.2	11.6	10.1	7.7	5.9	4.4	3.8	3.2
SSS-H-25-40-B	12.8	11.0	7.9	6.7	5.5	3.7	2.3	1.2	0.7	NR
SSS-H-30-40-B	8.0	6.6	4.1	3.1	2.2	0.8	NR	NR	NR	NR
SSS-H-16-50-B	25.0	25.0	25.0	25.0	24.8	20.1	16.5	13.6	12.3	11.2
SSS-H-18-50-B	25.0	25.0	25.0	22.9	20.4	16.4	13.2	10.7	9.6	8.6
SSS-H-20-50-B	25.0	25.0	21.3	18.9	16.7	13.2	10.4	8.1	7.2	6.3
SSS-H-25-50-B	20.7	17.8	13.3	11.5	9.8	7.2	5.0	3.3	2.6	1.9
SSS-H-30-50-B	13.5	11.3	7.7	6.2	4.9	2.8	1.1	NR	NR	NR
SSS-H-25-50-C	25.0	25.0	19.4	17.1	15.1	11.7	9.0	6.8	6.0	5.1
SSS-H-30-50-C	20.1	17.3	12.7	10.9	9.3	6.6	4.6	2.8	2.1	1.4
SSS-H-20-60-B	25.0	25.0	25.0	25.0	25.0	20.2	16.1	12.9	11.5	10.3
SSS-H-25-60-B	25.0	25.0	20.6	18.0	15.6	11.8	8.7	6.2	5.2	4.2
SSS-H-30-60-B	21.4	18.1	12.9	10.7	8.8	5.7	3.3	1.3	NR	NR
SSS-H-35-60-B	14.0	11.3	6.9	5.2	3.6	1.0	NR	NR	NR	NR
SSS-H-40-60-B	8.1	5.8	2.2	NR	NR	NR	NR	NR	NR	NR

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

Catalog Number	115	120	130	140	150	160	170	180
SSS-H-10-40-A	25.0	25.0	25.0	25.0	21.4	18.4	15.9	13.9
SSS-H-12-40-A	25.0	25.0	23.6	19.8	16.7	14.2	12.1	10.4
SSS-H-14-40-A	25.0	23.1	19.0	15.7	13.1	10.9	9.1	7.6
SSS-H-16-40-A	20.8	18.7	15.2	12.3	10.1	8.2	6.7	5.4
SSS-H-18-40-A	16.8	15.0	11.9	9.4	7.5	5.9	4.5	3.4
SSS-H-20-40-A	13.6	11.9	9.2	7.1	5.3	3.9	2.7	1.7
SSS-H-25-40-A	7.4	6.2	4.1	2.5	1.1	NR	NR	NR
SSS-H-14-40-B	25.0	23.6	19.4	16.1	13.4	11.2	9.4	7.8
SSS-H-16-40-B	21.4	19.2	15.8	12.7	10.4	8.5	6.9	5.6
SSS-H-18-40-B	17.2	15.4	12.2	9.7	7.7	6.1	4.7	3.8
SSS-H-20-40-B	13.9	12.3	9.5	7.3	5.5	4.1	2.9	1.9
SSS-H-25-40-B	7.7	6.4	4.3	2.6	1.3	NR	NR	NR
SSS-H-30-40-B	3.2	2.1	NR	NR	NR	NR	NR	NR
SSS-H-16-50-B	25.0	25.0	25.0	25.0	25.0	21.4	18.2	15.5
SSS-H-18-50-B	25.0	25.0	25.0	24.4	20.4	17.0	14.2	11.9
SSS-H-20-50-B	25.0	25.0	24.4	19.9	16.3	13.4	11.0	8.9
SSS-H-25-50-B	21.8	19.3	15.0	11.5	8.8	6.6	4.7	3.1
SSS-H-30-50-B	13.7	11.7	8.2	5.5	3.3	1.5	NR	NR
SSS-H-25-50-C	21.8	19.3	15.0	11.5	8.8	6.6	4.7	3.1
SSS-H-30-50-C	13.7	11.7	8.2	5.5	3.3	1.5	NR	NR
SSS-H-20-60-B	25.0	25.0	25.0	21.9	17.8	14.5	11.7	9.4
SSS-H-25-60-B	23.8	20.9	16.1	12.3	8.2	6.8	4.5	2.8
SSS-H-30-60-B	14.8	12.3	8.4	5.3	2.8	0.8	NR	NR
SSS-H-35-60-B	7.5	5.6	2.4	NR	NR	NR	NR	NR
SSS-H-40-60-B	1.8	NR	NR	NR	NR	NR	NR	NR



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SSS-H POLES-SPEC 03/2020

**NOTES**

- Allowable EPA, to determine max pole loading weight, multiply allowable EPA by 30 lbs.
- The tables for allowable pole EPA are based on the ASCE 7-05 Wind Map or the Florida Region Wind Map for the 2010 Florida Building Code. The Wind Maps are intended only as a general guide and cannot be used in conjunction with other maps. Always consult local authorities to determine maximum wind velocities, gusting and unique wind conditions for each specific application
- Allowable pole EPA for jobsite wind conditions must be equal to or greater than the total EPA for fixtures, arms, and accessories to be assembled to the pole. Responsibility lies with the specifier for correct pole selection. Installation of poles without luminaires or attachment of any unauthorized accessories to poles is discouraged and shall void the manufacturer's warranty
- Wind speeds and listed EPAs are for ground mounted installations. Poles mounted on structures (such as bridges and buildings) must consider vibration and coefficient of height factors beyond this general guide; Consult local and federal standards
- Wind Induced Vibration brought on by steady, unidirectional winds and other unpredictable aerodynamic forces are not included in wind velocity ratings. Consult Hubbell Lighting's Pole Vibration Application Guide for environmental risk factors and design considerations. [https://hubbellcdn.com/ohwassets/HILOutdoor/resources/literature/files/Pole\\_Wind\\_Induced\\_Flyer\\_HL000922.pdf](https://hubbellcdn.com/ohwassets/HILOutdoor/resources/literature/files/Pole_Wind_Induced_Flyer_HL000922.pdf)
- Extreme Wind Events like, Hurricanes, Typhoons, Cyclones, or Tornadoes may expose poles to flying debris, wind shear or other detrimental effects not included in wind velocity ratings

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**HUBBELL**  
Lighting

Daniel J. Kramer

Law Offices  
of  
***Daniel J. Kramer***

1107A S. Bridge Street  
Yorkville, Illinois 60560  
630-553-9500  
Fax: 630-553-5764

Kelly A. Helland  
D.J. Kramer

May 2, 2023

Matt Asselmeier  
Via Email: [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us)

RE: Always Faithful Properties, LLC Special Use Rt. 47

Dear Mr. Asselmeier:

I am writing to request a formal Extension of the deadline of putting Landscaping in pursuant to the Special Use for Always Faithful as to their Landscaping Business on Route 47 in Kendall Township.

The Owner really wanted to be in the ground last Fall and then be planting the Landscaping early this Spring. However there has been a modification of IDOT Plans, shifting Rt. 47 itself further towards his property on the right-of-way being acquired by IDOT in a Condemnation proceeding.

We have agreed with IDOT that we would allow them to proceed with work, so at some point they will do what is known as an Order for Immediate Vesting of Title while they are negotiating monetary Settlement.

The up shot of all of this is our Engineer, John Tebrugge and his Group, have had to revise their Plans as far as Landscaping, Stormwater, and appropriate setback.

I would think if we went to November 15, 2023 on the Landscaping that would give adequate time to put the Landscaping in after they have gotten substantial work done on the site and building improvements. My understanding is that John Tebrugge is ready to submit the Application for their actual on-site approval immediately with your office.

Let me know if you want me to attend the meeting and the scheduling for it please.

Very truly yours,

*Daniel J. Kramer*

Daniel J. Kramer  
Attorney at Law

DJK:rg



---

**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 Planning, Building and Zoning Committee

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

Date: May 2, 2023

Re: Approval of Annual NPDES Report

---

Kendall County is required to submit certain documents annually by June 1st as required by its NPDES Permit.

Attached please find the proposed Annual Report.

The 2023 Annual Report is similar to the 2022 Annual Report.

There is a One Thousand Dollar (\$1,000) submittal fee, which has been unchanged for several years.

If you have any questions, please let me know.

MHA

Enc. Proposed Annual Report





# Illinois Environmental Protection Agency

Bureau of Water • 1021 N. Grand Avenue E. • P.O. Box 19276 • Springfield • Illinois • 62794-9276

## Division of Water Pollution Control ANNUAL FACILITY INSPECTION REPORT

### for NPDES Permit for Storm Water Discharges from Separate Storm Sewer Systems (MS4)

*This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Compliance Assurance Section at the above address. Complete each section of this report.*

Report Period: From March, 2022 To March, 2023

Permit No. ILR40 0261

#### MS4 OPERATOR INFORMATION: (As it appears on the current permit)

Name: Kendall County Mailing Address 1: 111 West Fox Street  
Mailing Address 2: \_\_\_\_\_ County: Kendall  
City: Yorkville State: IL Zip: 60560 Telephone: 630-553-4141  
Contact Person: Matthew Asselmeier Email Address: masselmeier@kendallcountyil.gov  
(Person responsible for Annual Report)

#### Name(s) of governmental entity(ies) in which MS4 is located: (As it appears on the current permit)

Kendall County

#### THE FOLLOWING ITEMS MUST BE ADDRESSED.

A. Changes to best management practices (check appropriate BMP change(s) and attach information regarding change(s) to BMP and measurable goals.)

- |  |                          |   |                          |
|--|--------------------------|---|--------------------------|
| 1. Public Education and Outreach             | <input type="checkbox"/> | 4. Construction Site Runoff Control       | <input type="checkbox"/> |
| 2. Public Participation/Involvement          | <input type="checkbox"/> | 5. Post-Construction Runoff Control       | <input type="checkbox"/> |
| 3. Illicit Discharge Detection & Elimination | <input type="checkbox"/> | 6. Pollution Prevention/Good Housekeeping | <input type="checkbox"/> |

B. Attach the status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices and progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and your identified measurable goals for each of the minimum control measures.

C. Attach results of information collected and analyzed, including monitoring data, if any during the reporting period.

D. Attach a summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule.)

E. Attach notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable).

F. Attach a list of construction projects that your entity has paid for during the reporting period.

**Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))**

Owner Signature:

Matt Kellogg

Printed Name:

Date:

Kendall County Board Chairman

Title:

EMAIL COMPLETED FORM TO: [epa.ms4annualinsp@illinois.gov](mailto:epa.ms4annualinsp@illinois.gov)

or Mail to: ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
WATER POLLUTION CONTROL  
COMPLIANCE ASSURANCE SECTION #19  
1021 NORTH GRAND AVENUE EAST  
POST OFFICE BOX 19276  
SPRINGFIELD, ILLINOIS 62794-9276

This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42) and may also prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.



Illinois Environmental Protection Agency  
ANNUAL FACILITY INSPECTION REPORT  
for NPDES Permit for Storm Water Discharges from Separate Storm Sewer Systems (MS4)

**Kendall County, Illinois (NPDES Permit No. ILR400261)**  
**YEAR 2: March 2022-March 2023**

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## Part 1. Changes to Best Management Practices

There are no changes to the Best Management Practices in Year 2 (March 2022-March 2023) for the six minimum control measures as described in the Notice of Intent for Kendall County submitted February 18<sup>th</sup>, 2021.

Note: **X** indicates BMPs performed that were proposed for Year 2 in NOI

+ indicates BMPs performed that were not originally proposed for Year 2 in NOI

<b>A. Public Education and Outreach</b>	
<b>X</b>	A.1 Distributed Paper Material
<b>X</b>	A.2 Speaking Engagement
	A.3 Public Service Announcement
<b>X</b>	A.4 Community Event
	A.5 Classroom Education Material
<b>X</b>	A.6 Other Public Education
<b>B. Public Participation/Involvement</b>	
	B.1 Public Panel
	B.2 Educational Volunteer
<b>X</b>	B.3 Stakeholder Meeting
	B.4 Public Hearing
	B.5 Volunteer Monitoring
	B.6 Program Coordination
<b>X</b>	B.7 Other Public Involvement
<b>C. Illicit Discharge Detection and Elimination</b>	
<b>X</b>	C.1 Storm Sewer Map Preparation
	C.2 Regulatory Control Program
<b>X</b>	C.3 Detection/Elimination Prioritization Plan
<b>X</b>	C.4 Illicit Discharge Tracing Procedures
<b>X</b>	C.5 Illicit Source Removal Procedures
<b>X</b>	C.6 Program Evaluation and Assessment
<b>X</b>	C.7 Visual Dry Weather Screening
	C.8 Pollutant Field Testing
	C.9 Public Notification
	C.10 Other Illicit Discharge Controls

<b>D. Construction Site Runoff Control</b>	
<b>X</b>	D.1 Regulatory Control Program
<b>X</b>	D.2 Erosion and Sediment Control BMPs
<b>X</b>	D.3 Other Waste Control Programs
<b>X</b>	D.4 Site Plan Review Procedures
	D.5 Public Information Handling Procedures
<b>X</b>	D.6 Site Inspection/Enforcement
<b>X</b>	D.7 Other Construction Site Runoff Controls
<b>E. Post-Construction Runoff Control</b>	
	E.1 Community Control Strategy
	E.2 Regulatory Control Program
<b>X</b>	E.3 Long-Term O&M Procedures
	E.4 Pre-Construction Review of BMP
<b>X</b>	E.5 Site Inspections During Construction
	E.6 Post-Construction Inspections
<b>X</b>	E.7 Other Post-Const. Runoff Controls
<b>F. Pollution Prevention/Good Housekeeping</b>	
<b>X</b>	F.1 Employee Training Program
	F.2 Inspection and Maintenance Program
	F.3 Municipal Operations Storm Water Control
<b>X</b>	F.4 Municipal Operation Waste Disposal
<b>X</b>	F.5 Flood Management/Assess Guidelines
<b>X</b>	F.6 Other Municipal Operations Controls

## Part 2. Status of Compliance with Permit Conditions

*(Provide the status of compliance with permit condition, an assessment of the appropriateness of your identified best management practices and progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable [MEP], and your identified measurable goals for each of the minimum control measures.)*

Kendall County submitted a Notice of Intent on February 18<sup>th</sup>, 2021, which initiated a new 5-year permit cycle. The BMPs listed in the 2021 NOI were selected to meet the requirements of the NPDES Phase II program and reduce nonpoint source pollution in Kendall County.

The status of BMPs and measurable goals performed in Year 2 (March 2022-March 2023) are described below.

### A. Public Education and Outreach

#### A.1 Distributed Paper Material

*Measurable Goals: 1) Track number of people requesting to see the County's Plan on an annual basis.*

Due to the increased preference of electronic documents and the effort to minimize paper waste, Kendall County provides much of their information on the County's website. Kendall County continues to provide links on their website to PDFs of the Stormwater Management Program Plan, the NOI, and Annual Reports. The website also includes materials about sources of stormwater pollution and ways to minimize pollutants. The County's website includes EPA web links, as well as web links to other sites that contain information about the benefits of green infrastructure and rain gardens, impacts of climate change on water resources, and the impacts of climate change on the Midwest.

Kendall County typically tracks the number of views the County website receives annually. In Year 2, the NPDES documents received 70 pageviews.

#### A.2 Speaking Engagement

*Measurable Goals: Number of annual presentations*

The Kendall County Soil and Water Conservation District (SWCD) gave a webinar presentation on June 28<sup>th</sup>, 2022, on the benefits of using cover crops in gardens and small farms. There were 19 people present at the presentation, including a soil scientist and an organic farmer. The recording of the webinar is also available online, and currently has 31 views.

#### A.4 Community Event

*Measurable Goals: Increased interest and attendance in annual workshops/seminars.*

The Kendall County Soil and Water Conservation District (SWCD) hosted their annual used oil drop off recycling event on June 18, 2022. At the event, 1,380 gallons of used oil, 40 gallons of antifreeze, and about 50 used oil filters were collected.

The SWCD offers a year-round cover crop seed sale for individuals interested in using cover crops in their home gardens or small-acre farms.

**A.6 Other Public Involvement**

*Measurable Goals: Inquiries to linked websites and annual increase in hits to website.*

Kendall County tracks the number of views the County website receives annually. In Year 2, the NPDES documents received 70 page views, Groundwater information received 235 views and Stormwater received 629 views.

**B. Public Participation/Involvement**

**B.3 Stakeholder Meetings**

*Measurable Goals: Hold an annual public meeting to establish a positive dialog.*

The Kendall County Stormwater Management Oversight Committee held an annual public meeting on October 13, 2022, at 4:00pm in Yorkville, IL. The meeting was held to receive public input regarding stormwater management related regulations and enforcement and to discuss proposed changes to the Kendall County Stormwater Management Ordinance.

At the meeting, 7 of the 10 committee members were present. Also in attendance was the Kendall County Senior Planner, the county administrator and one additional person.

**B.7 Other Public Involvement**

*Measurable Goals: Inquiries to linked websites and annual increase in hits to website.*

Kendall County tracks the number of views the County website receives annually. In Year 2, the NPDES documents received 70 page views, Groundwater information received 235 views, and Stormwater received 629 views.

**C. Illicit Discharge Detection and Elimination**

**C.1 Storm Sewer Map Preparation**

*Measurable Goals: Review storm sewer mapping annually.*

In Year 2, there were no updates to the County's GIS mapping layer. Kendall County will continue to update the storm sewer mapping as necessary.

**C.3 Detection/Elimination Prioritization Plan**

*Measurable Goals: Track the number of illicit dischargers discovered and track removal process.*

Kendall County continues to work with the Health Department on an Illicit Discharge Detection and Elimination program to identify, trace, and remove illicit discharges and non-stormwater discharges that are significant polluters of the County's MS-4.

There were no illicit discharge investigations during Year 2.

The Highway Department performs stormwater related inspections as necessary throughout the County as they relate to road maintenance.

**C.4 Illicit Discharge Tracing Procedures**

*Measurable Goals: Track number of illicit discharges discovered and track removal process annually.*

Kendall County continues to work with the Health Department on an Illicit Discharge Detection and Elimination program to identify, trace, and remove illicit discharges and non-stormwater discharges that are significant polluters of the County's MS-4.

There were no illicit discharge investigations during Year 2.

The County has an Outfall Inspection Procedure Flow Chart in their Kendall County Stormwater Management Program Plan for detecting and tracing discharges. There is also an Indirect Illicit Discharge Tracking Form available in Appendix 5.6 of the Kendall County Stormwater Management Program Plan for use by County personnel.

**C.5 Illicit Source Removal Procedures**

*Track the number of illicit dischargers discovered and track removal process.*

Kendall County continues to work with the Health Department on an Illicit Discharge Detection and Elimination program to identify, trace, and remove illicit discharges and non-stormwater discharges that are significant polluters of the County's MS-4.

There were no illicit discharge investigations during Year 2.

The County has an 8-step protocol in place for ensuring the removal of illicit discharges. This protocol is explained under Section 3.3.D.3 of the Kendall County Stormwater Management Program Plan.

**C.6 Program Evaluation and Assessment**

*Measurable Goals: Annual evaluation surveys.*

Kendall County sent out an annual evaluation survey to all 9 townships within the County in Year 2 to get input on how they can continue to prevent stormwater pollution. Four townships completed the survey. The survey results are included at the end of this report in Appendix 1.

**C.7 Visual Dry Weather Screening**

*Measurable Goals: Track the number of illicit dischargers discovered and track removal process.*

Kendall County continues to work on an Illicit Discharge Detection and Elimination program to identify, trace, and remove illicit discharges and non-stormwater discharges



that are significant polluters of the County's MS-4.

There were no illicit discharge investigations during Year 2.

The County has a Stormwater Outfall Inspection Data Form available in Appendix 5.3 of the Kendall County Stormwater Management Program Plan for use by County personnel.

## D. Construction Site Runoff Control

### D. 1 Regulatory Control Program

*Measurable Goals: Implementation of the Kendall County Stormwater Ordinance.*

In Year 2, there were no updates to the Kendall County Stormwater Ordinance. Kendall County continues to implement and comply with the Kendall County Stormwater Ordinance.

Kendall County has been working with a review consultant since 2008 who continues to provide stormwater, engineering, wetland, and Soil Erosion and Sediment Control (SESC) review for proposed developments. The consultant conducted SESC inspections for 12830 Ashley Road, Central Limestone, TMF Plastics Building Addition, 3601 Plainfield Road, Corneils Road Interceptor, Joliet Park District, Vet and Kennel at Ridge and Bell Roads, Four Seasons Storage, Go Pro, and the 2025 Simons site during the past reporting period on behalf of Kendall County. The table below provides a breakdown of the projects and the number of SESC inspections completed by the consultant in Year 2.

Construction Project	Date SESC Inspections Started	Ongoing Project or Project Completed	# of Inspections Completed in Year 2
12830 Ashley Road	April 2022	Project Completed	1 inspection
Central Limestone	October 2022	Project Completed	2 inspections
TMF Plastics Building Addition	April 2022	July 2022	4 inspections
3601 Plainfield Road	April 2021	January 2023	4 inspections
Corneils Road Interceptor	January 2023	March 2023	5 inspections
Joliet Park District – Grove Road	January 2023	March 2023	2 inspections
Vet and Kennel at Ridge and Bell Roads	April 2022	July 2022	4 inspections
Four Seasons Storage	May 2022	July 2022	3 inspections
Go Pro	May 2022	January 2023	4 inspections
2025 Simmons Drive	June 2022	Project completed	1 inspection

Soil Erosion and Sediment control inspections were also completed by the Kendall County SWCD throughout the year.

**D.2 Erosion and Sediment Control BMPs**

*Measurable Goals: Adoption of County ordinance amendments as developed.*

The County outlines the Soil Erosion and Sediment Control requirements for construction sites in Article 3 of the Kendall County Stormwater Management Ordinance.

In Year 2, there were no updates to the Kendall County Stormwater Ordinance.

**D.3 Other Waste Control Program**

*Measurable Goals: Adoption of County ordinance amendments as developed.*

No amendments to the Other Waste Control Program were developed because none were needed this year.

**D.4 Site Plan Review Procedures**

*Measurable Goals: Adoption of ordinance amendments as developed.*

All construction projects are required to have a Soil Erosion and Sediment Control Plan in place prior to construction as stated in Sec. 301 of the Ordinance. The SESC Plan must be prepared in accordance with the requirements of the Ordinance as well as the standards and specifications contained in the most recent Illinois Urban Manual.

No amendments to the Site Plan Review Procedures were developed because none were needed this year.

**D.6 Site Inspection/Enforcement Procedures**

*Measurable Goals: Review enforceable procedures for construction site inspections and update as necessary.*

Construction site inspections are enforced under Sec. 303 and Sec. 304 of the Kendall County Stormwater Management Ordinance.

If a site is not in compliance with the Ordinance, the property owner has 7 days to correct the issue. If the issue is not corrected in that time frame, a Stop-Work Order will be issued, and the permit may be revoked.

The County will continue working with a consultant who will conduct SESC inspections at Kendall County constructions sites. The County will also continue to work with the Kendall County Soil & Water Conservation District to conduct stormwater inspections as needed.

**D.7 Other Construction Site Runoff Controls**

*Measurable Goals: Soil Erosion and Sediment Control (SESC) inspections will be monitored and filed until final site acceptance by Kendall County.*

Kendall County evaluates their Construction Site Runoff Control Program by monitoring and recording Construction Site Runoff Control compliance.

The County will continue working with a consultant who will conduct SESC inspections at Kendall County construction sites. The County will also continue to work with the Kendall County Soil & Water Conservation District to conduct stormwater inspections as needed.

## **E. Post-Construction Runoff Control**

### **E.3 Long Term O&M Procedures**

*Measurable Goals: Review Kendall County Stormwater Management Ordinance and update and necessary.*

Kendall County continues to monitor and enforce long term maintenance requirements of the Kendall County Stormwater Management Ordinance. No revisions were made in the past year.

### **E.5 Site Inspections During Construction**

*Measurable Goals: Implementing ordinance amendments, as necessary.*

Kendall County continues to monitor and enforce soil erosion and sediment control requirements of the Kendall County Stormwater Management Ordinance under Sec. 303 and Sec. 304. No amendments were developed in the past year.

Kendall County will update the Kendall County Stormwater Management Ordinance to include enforcement procedures as necessary.

The County will continue working with a consultant who will conduct SESC inspections at Kendall County constructions sites until final stabilization is achieved.

### **E.7 Other Post-Construction Runoff Controls**

*Measurable Goals: Collaborate with other MS-4's in Kendall County and stakeholders, including the Kendall County Soil and Water Conservation District, to evaluate relevant flood control techniques to determine the potential effects due climate change.*

The County will continue to provide an evaluation survey to get feedback about County programs.

## **F. Pollution Prevention/Good Housekeeping**

### **F.1 Employee Training Program**

*Measurable Goals: Increased participation at workshops.*

Kendall County provides links on the County website to EPA's websites about green infrastructure and climate change. They also have EPA information posted on the County website about NPDES and clean water. This information is available to County staff, townships, and the public. The Kendall County SWCD has developed a variety of training materials which include presentations related to erosion and sediment control, best

management practices, and associated regulations. These materials can be requested from the SWCD as needed.

Kendall County's Senior Planner participated in the following in Year 2: The 2023 IAFSM Annual Conference in March of 2023 and two one credit hour courses with the ASFPM. The certificate associated with these continuing education workshops can be found in Appendix 2.

#### **F.4 Municipal Operation Waste Disposal**

*Measurable Goals: Minimize the impact of County operations on stormwater runoff.*

Kendall County continues to collect litter and track the amount of material collected. Kendall County collected 3.57 tons of garbage from within County Right-of-Way in Year 2. Kendall County continues to minimize the discharge of pollutants from vehicle washing by treating the wash water by collection in a sediment basin or using an inlet filter prior to discharge. The County continues to properly store building materials, building products, construction waste, trash, landscape materials, fertilizers, pesticides, herbicides, chemical storage tanks, deicing materials, detergents, and other materials to guard against exposure to precipitation and stormwater.

#### **F.5 Flood Management/Assess Guidelines**

*Measurable Goals: Incorporate revised floodplain guidelines and DFIRMs by reference as necessary.*

Kendall County's Senior Planner is a Certified Floodplain Manager. This certification will continue to help the County reach its goals listed in the ordinance by providing the Senior Planner with knowledge to assess and deal with the issues of flooding and its damaging effects.

Kendall County did not revise the Kendall County Stormwater Management Ordinance to incorporate more floodplain guidelines and DFIRMs by reference in Year 2.

#### **F.6 Other Municipal Operations Controls**

*Measurable Goals: Evaluation of programs as necessary.*

Kendall County sent out an annual evaluation survey to all 9 townships within the County in Year 2 to get input on how they can continue to prevent stormwater pollution. Four townships completed the survey. The survey results are included at the end of this report in Appendix 1.

### **Part 3. Information and Data Collection Results**

*(Provide information and water quality sampling/monitoring data related to illicit discharge detection and elimination collected during the reporting period.)*

**There were no illicit discharge investigations during Year 2.**

## Part 4. Summary of Next Reporting Period Stormwater Activities

*(Present a summary of the storm water activities you plan to undertake during the next reporting cycle, including and implementation schedule in the sections following the table.)*

The table shown below summarizes the BMPs committed to for Year 3 of the NOI (March 2023-March 2024). Specific BMPs and measurable goals for Year 3 program development activities are presented in the sections following the table.

Note: **X** indicates BMPs committed to for Year 3 in NOI

<b>A. Public Education and Outreach</b>	
<b>X</b>	A.1 Distributed Paper Material
<b>X</b>	A.2 Speaking Engagement
	A.3 Public Service Announcement
<b>X</b>	A.4 Community Event
	A.5 Classroom Education Material
<b>X</b>	A.6 Other Public Education
<b>B. Public Participation/Involvement</b>	
	B.1 Public Panel
	B.2 Educational Volunteer
<b>X</b>	B.3 Stakeholder Meeting
	B.4 Public Hearing
	B.5 Volunteer Monitoring
	B.6 Program Coordination
<b>X</b>	B.7 Other Public Involvement
<b>C. Illicit Discharge Detection and Elimination</b>	
<b>X</b>	C.1 Storm Sewer Map Preparation
	C.2 Regulatory Control Program
<b>X</b>	C.3 Detection/Elimination Prioritization Plan
<b>X</b>	C.4 Illicit Discharge Tracing Procedures
<b>X</b>	C.5 Illicit Source Removal Procedures
<b>X</b>	C.6 Program Evaluation and Assessment
<b>X</b>	C.7 Visual Dry Weather Screening
	C.8 Pollutant Field Testing
	C.9 Public Notification
	C.10 Other Illicit Discharge Controls

<b>D. Construction Site Runoff Control</b>	
<b>X</b>	D.1 Regulatory Control Program
<b>X</b>	D.2 Erosion and Sediment Control BMPs
<b>X</b>	D.3 Other Waste Control Programs
<b>X</b>	D.4 Site Plan Review Procedures
	D.5 Public Information Handling Procedures
<b>X</b>	D.6 Site Inspection/Enforcement Procedures
<b>X</b>	D.7 Other Construction Site Runoff Controls
<b>E. Post-Construction Runoff Control</b>	
	E.1 Community Control Strategy
	E.2 Regulatory Control Program
<b>X</b>	E.3 Long-Term O&M Procedures
	E.4 Pre-Construction Review of BMP Designs
<b>X</b>	E.5 Site Inspections During Construction
	E.6 Post-Construction Inspections
<b>X</b>	E.7 Other Post-Construction Runoff Controls
<b>F. Pollution Prevention/Good Housekeeping</b>	
<b>X</b>	F.1 Employee Training Program
	F.2 Inspection and Maintenance Program
	F.3 Municipal Operations Storm Water Control
<b>X</b>	F.4 Municipal Operation Waste Disposal
<b>X</b>	F.5 Flood Management/Assess Guidelines
<b>X</b>	F.6 Other Municipal Operations Controls



## **A. Public Education and Outreach**

### **A.1 Distributed Paper Material**

*Measurable Goals: Track number of people requesting to see the County's Plan on an annual basis.*

Kendall County will maintain educational links on their website providing information on what residents can do to minimize and reduce stormwater runoff pollution, the benefits of green infrastructure and rain gardens, and the impacts of climate change. The County will add the Year 2 NPDES Annual Report and keep the new NOI posted their website for public viewing. The County will track the number of people requesting and viewing the Stormwater Management Program Plan, the NOI, and Annual Reports in Year 3.

### **A.2 Speaking Engagement**

*Measurable Goals: Number of annual presentations.*

The County will continue to work with the Kendall County Health Department and the Kendall County Soil and Water Conservation District to increase the number of presentations on BMPs.

### **A.4 Community Event**

*Measurable Goals: Increased interest and attendance in annual workshops/seminars.*

Kendall County will work with the Kendall County Soil and Water Conservation (SWCD), the Forest Preserve District, and other county departments to co-sponsor workshops and seminars.

### **A.6 Other Public Education**

*Measurable Goals: Inquiries to linked websites on annual increase in hits to website.*

Kendall County will maintain the current links on their website and track the number of views on the Kendall County NPDES webpage.

## **B. Public Participation/Involvement**

### **B.3 Stakeholder Meetings**

*Measurable Goals: Hold an annual public meeting to establish positive dialogue.*

The County is currently making an effort to establish a dialogue with local communities in the County to coordinate stormwater management efforts. Kendall County has completed the Stormwater Management Program Plan and will continue to maintain adherence to the plan. The County will hold an annual public meeting to provide input into the MS4 program and will comply with State and local public notice requirements when implementing public participation and involvement activities. The County will work to identify any environmental justice areas and include the public participation in these issues.

#### **B.7 Other Public Involvement**

*Measurable Goals: Inquiries to linked websites and annual increase in hits to website.*

The County will place new and maintain current links on their website to the websites of local watershed committees and conservation groups to further promote public education. The County will track the number of views on the NPDES website and related links.

### **C. Illicit Discharge Detection and Elimination**

#### **C.1 Storm Sewer Map Preparation**

*Measurable Goals: Review storm sewer mapping annually.*

Kendall County will continue field verifying locations of features in Year 3 and maintain mapping layer of storm sewer systems in GIS.

#### **C.3 Detection/Elimination Prioritization Plan**

*Measurable Goals: Track number of illicit dischargers discovered and track removal process.*

Kendall County will work with the Kendall County Health Department, the Kendall County Highway Department, and the townships to address illicit discharges and identify, trace, and remove illicit discharges and non-stormwater discharges that are significant polluters of the County's MS-4.

#### **C.4 Illicit Discharge Tracing Procedures**

*Measurable Goals: Track number of illicit dischargers discovered and track removal process annually.*

Kendall County will address, identify, trace, and remove illicit discharges and non-stormwater discharges that are significant polluters of the County's MS-4. The County will perform dry and wet weather monitoring as necessary.

#### **C.5 Illicit Source Removal Procedures**

*Measurable Goals: Track number of illicit dischargers discovered and track removal process.*

Kendall County will address, identify, trace, and remove illicit discharges and non-stormwater discharges that are significant polluters of the County's MS-4. The County will issue notices to source of illicit discharge discovered under the tracing process for removal of discharge under the Kendall County Stormwater Management Ordinance with compliance dates.

#### **C.6 Program Evaluation and Assessment**

*Measurable Goals: Annual evaluation surveys.*

Kendall County will evaluate their Illicit Discharge Detection and Elimination Program by having participants fill out an evaluation for using a tool such as Survey Monkey <sup>TM</sup>.

**C.7 Visual Dry Weather Screening**

*Measurable Goals: Track the number of illicit dischargers discovered and track removal process.*

Kendall County will identify, trace, and remove illicit discharges and non-stormwater discharges that are significant polluters of the County's MS-4. Kendall County will do periodic visual monitoring of outfalls during dry weather to determine non-stormwater discharges and their significance.

**D. Construction Site Runoff Control**

**D.1 Regulatory Control Program**

*Measurable Goals: Implementation of the Kendall County Stormwater Ordinance.*

Kendall County's Stormwater Management Ordinance includes revised regulations for stormwater management, plan reviews, and long-term maintenance. The County will continue implementation and compliance with the Stormwater Ordinance.

**D.2 Erosion and Sediment Control BMPs**

*Measurable Goals: Adoption of ordinance amendments as developed.*

Although the County currently has a Soil Erosion and Sediment Control (SESC) requirement within the Kendall County Stormwater Management Ordinance, the ordinance will be updated to incorporate additional BMPs and revisions to the Illinois Urban Manual as necessary.

**D.3 Other Waste Control Program**

*Measurable Goals: Adoption of ordinance amendments as developed.*

Although the County currently has a Soil Erosion and Sediment Control (SESC) requirement within the Kendall County Stormwater Management Ordinance, the ordinance will be updated to include regulations for waste control on construction sites as necessary.

**D.4 Site Plan Review Procedures**

*Measurable Goals: Adoption of ordinance amendments as developed.*

Although the County currently has a Soil Erosion and Sediment Control (SESC) requirement within the Kendall County Stormwater Management Ordinance, the ordinance will be updated to include enforcement procedures and a site inspection checklist as necessary.

**D.6 Site Inspection/Enforcement Procedures**

*Measurable Goals: Review enforceable procedures for construction site inspections and update as necessary.*

Although the County currently has a Soil Erosion and Sediment Control (SESC) requirement within the Kendall County Stormwater Management Ordinance, the ordinance will be updated to include revised enforcement procedures and a site inspection checklist as

necessary.

**D.7 Other Construction Site Runoff Controls**

*Measurable Goals: Soil Erosion and Sediment Control (SESC) inspections will be monitored and filed until final site acceptance by Kendall County.*

**Kendall County will document and enforce SESC requirements in the Kendall County Stormwater Management Ordinance.**

**The County will continue working with a consultant who will conduct SESC inspections at Kendall County construction sites. The County will also continue to work with the Kendall County Soil & Water Conservation District to conduct stormwater inspections.**

**E. Post-Construction Runoff Control**

**E.3 Long-Term O&M Procedures**

*Measurable Goals: Review Kendall County Stormwater Management Ordinance and update as necessary.*

**The Kendall County Stormwater Management Ordinance will include revised regulations for long term maintenance that will be updated as necessary. The County will monitor and enforce long term maintenance requirements of the Kendall County Stormwater Management Ordinance.**

**E.5 Site Inspections During Construction**

*Measurable Goals: Implementing ordinance amendments, as necessary.*

**Although the County currently has a Soil Erosion and Sediment Control (SESC) requirement within the Kendall County Stormwater Management Ordinance, the ordinance will be updated to include revised enforcement procedures and a site inspection checklist, as necessary.**

**The County will continue working with a consultant who will conduct SESC inspections at Kendall County constructions sites until final stabilization is achieved.**

**E.7 Other Post-Construction Runoff Controls**

*Measurable Goals: The County will evaluate relevant flood control techniques to determine the potential effects due to climate change.*

**Kendall County will collaborate with other MS4's in Kendall County and stakeholders, including the Kendall County Soil and Water Conservation District, to evaluate relevant flood control techniques to determine the potential effects due to climate change. In Year 3, the County will begin implementing strategies created by the collaboration effort.**

## **F. Pollution Prevention/Good Housekeeping**

### **F.1 Employee Training Program**

*Measurable Goals: Increased participation at workshops.*

The Health, PBZ, SWCD, and Highway Department personnel will participate in annual training programs, as available funding and opportunities allow. Training for County Staff and contractors on methods to prevent and reduce discharge of pollutants to the maximum extent practicable will be offered, as necessary. Training materials will be available to County Staff from the EPA and the State regarding prevention and reduction of stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance and deicing practices. In addition, training materials that explain how flood management projects impact water quality, non-point source pollution control, green infrastructure controls, and aquatic habitat will be made available to employees upon request by employees.

### **F.4 Municipal Operation Waste Disposal**

*Measurable Goals: Minimize the impact of County operations on stormwater run-off.*

In order to minimize the impact of County operations on stormwater run-off, the following actions will be taken:

- The Highway Department will continue to collect litter from County highways and track the amount of material collected and properly disposed of.
- The County will minimize discharge of pollutants from County owned vehicle washing by treating the wash water by collection in a sediment basin or using an inlet filter prior to discharge.
- The County will properly store County-owned building materials, building products, construction waste, trash, landscape materials, fertilizers, pesticides, herbicides, chemical storage tanks, deicing materials, detergents, and other materials to guard against exposure to precipitation and stormwater.
- The County has procedures in place to respond to spills and leaks to prevent exposure to stormwater infrastructure on County-owned property.
- The County will perform inspections to maintain the integrity of the County owned stormwater systems.
- The County will continue to store deicing material in the permanent Kendall County Highway Department salt storage facility.

### **F.5 Flood Management/Assess Guidelines**

*Measurable Goals: Incorporate revised floodplain guidelines and DFIRMS by reference, as necessary.*

Kendall County will incorporate the revised floodplain guidelines and DFIRMS from FEMA in the Kendall County Stormwater Management Ordinance to assist with flood related issues, as necessary.

### **F.6 Other Municipal Operations Controls**

*Measurable Goals: Evaluation of program as necessary.*

**Kendall County will continue to evaluate their Pollution Prevention/Good Housekeeping**

**program, as necessary.**



## **Part 5. Notice of Qualifying Local Program**

**Kendall County does not rely on any other government entity to satisfy permit obligations.**

## Part 6. Construction Projects Conducted During Year 2

(Provide a list of construction projects your entity has paid for during the reporting period)

Construction Project	Description
Ridge Road & Route 52 Intersection Reconstruction	This project is located at the intersection of Ridge Road and US Route 52. The project started in April 2022 and is ongoing. <b>Section No. 19-00152-00-TM</b>
Eldamain Bridge & Roadway Construction	The project is located along Eldamain Road from River Road to High Point Road and is 4.75 miles in length. The project consists of widening Eldamain Road south of River Road and constructing a 1,557' long steel plate girder bridge crossing the Fox River. It will also include adding installing a roundabout at the Eldamain Road intersection with the west leg of Fox Road. The project started in March 2021 and is ongoing. <b>Section No. 19-00153-00-BR</b>
Plattville Rd. & Pletcher Rd. Drainage	This project is located at the intersection near the intersection of Plattville Rd. & Pletcher Rd. in Lisbon Township. The project started in July 2022 and ended in November 2022. <b>Section No. 20-00160-00-DR</b>
Lisbon Rd. / Canal St. Drainage	This project is located along Lisbon Rd./Canal St. in Big Grove Township. The project started in March 2022 and ended in July 2022. <b>Section No. 19-00156-00-DR</b>

## **APPENDIX 1**

### **2022 NPDES ANNUAL EVALUATION SURVEY RESPONSES**

NPDES Annual Evaluation Survey Questions  
Kendall County

**Public Education and Outreach**

1. What topics are you interested in learning more about that the County could provide information on for the public? Please rank the following list from 1 to 3 with 1 being most interested and 3 being least interested.
  - A. How to properly store and dispose of common household products such as fuel, oil, paint, etc.  
Most Interested (2) Lisbon and Seward  
Middle Interested (2) Oswego and Bristol  
Least Interested
  - B. How to incorporate green infrastructure such as rain gardens, rain barrels, or permeable pavement onto my property to improve rainwater runoff.  
Most Interested (2) Oswego and Bristol  
Middle Interested  
Least Interested (1) Lisbon
  - C. How to compost to reduce the amount of waste my household generates.  
Most Interested  
Middle Interested (1) Lisbon  
Least Interested (2) Oswego and Bristol
2. Do you utilize the stormwater information listed on the County's website at <https://www.kendallcountyil.gov/departments/planning-building-zoning/npdes?>
  - A. Yes (2) Oswego and Seward
  - B. No (2) Lisbon and Bristol
3. Do you find the stormwater information listed on the County's website helpful?
  - A. Yes (2) Oswego and Seward
  - B. No
  - C. Do not utilize information on County Website (2) Lisbon and Bristol

**Public Participation/Involvement**

1. Do you think the County offers enough volunteer opportunities for members of the community?
  - A. Yes
  - B. No (1) Lisbon
  - C. Not familiar with County volunteer opportunities (3) Oswego, Seward, and Bristol

2. Do you utilize the volunteer opportunities information listed on the County's website at <https://www.kendallcountyil.gov/departments/administration-services/volunteer-opportunities>?
  - A. Yes
  - B. No (4) Oswego, Lisbon, Seward, and Bristol
3. Do you find the volunteer opportunities information listed on the County's website helpful?
  - A. Yes
  - B. No
  - C. Not familiar with County volunteer opportunities (4) Oswego, Lisbon, Seward, and Bristol
4. What volunteer opportunities would you be interested in in participating in in the future? Please rank the following list from 1 to 3 with 1 being most interested and 3 being least interested.
  - A. River clean-up
    - Most Interested
    - Middle Interested
    - Least Interested (2) Oswego and Lisbon
  - B. Electronic recycling
    - Most Interested (2) Lisbon and Bristol
    - Middle Interested (1) Oswego
    - Least Interested
  - C. Household waste (fuel, oil, paint, etc.) recycling
    - Most Interested (2) Oswego and Seward
    - Middle Interested (1) Lisbon
    - Least Interested

#### **Illicit Discharge Detection & Elimination**

1. If an illicit discharge is identified by a Township staff member or reported to the Township office, do you work with the County to get it removed?
  - A. Yes (2) Seward and Bristol
  - B. No
  - C. Have not identified illicit discharge. (2) Oswego and Lisbon
2. Do you feel the County is doing a sufficient job in identifying, tracking, and removing illicit discharges and non-stormwater discharges that are significant polluters within the County?
  - A. Yes (1) Lisbon
  - B. No

- C. There have not been illicit discharges identified within my Township. (3)  
Oswego, Seward, and Bristol
- 3. What can the County do to better identify and track illicit discharges?
  - A. Perform more visual inspections at outfalls throughout the County.
  - B. Once an illicit discharge is identified perform more grab samples downstream of the location.
  - C. Both of the above. (4) Oswego, Lisbon, Seward, and Bristol
  - D. None of the above.
  - E. Other:

### **Construction and Post-Construction Runoff Control**

- 1. Do you feel that the County does an adequate job inspecting soil erosion and sediment control on construction sites within your township?
  - A. Yes (3) Oswego, Lisbon, and Seward
  - B. No
  - C. There have not been construction projects within my Township during the past year. (1) Bristol
- 2. What can the County do to better monitor soil erosion and sediment control issues on construction sites?
  - No Response (1) Oswego
  - Enforce Rules (1) Lisbon
  - It seems adequate/ can't control weather (1) Seward

### **Pollution Prevention/Good Housekeeping**

- 1. Do you have a clear understanding of "Good Housekeeping" under the NPDES regulation?
  - A. Yes (1) Bristol
  - B. No (3) Oswego, Lisbon, and Seward
- 2. Do you feel you have adequate resources for training of your staff members to keep them informed on stormwater pollution prevention practices?
  - C. Yes (2) Seward and Bristol
  - D. No (2) Oswego and Lisbon
- 3. Do you feel the County is taking necessary measures to reduce flooding throughout the County?
  - A. Yes (1) Bristol
  - B. No (3) Oswego, Lisbon, and Seward

General comments or questions regarding Stormwater Management and/or NPDES requirements:

Concerned on accessible tree cleanup in creeks/rivers. Flooding seems automatic in Seward Township (1) Seward



---

Townships:

Oswego

Lisbon

Seward (Scott Cryder)

Bristol

## **APPENDIX 2**

### CONTINUING EDUCATION CERTIFICATES



Illinois Association for Floodplain and Stormwater Management

**Certificate of Training**

\_\_\_\_\_ has satisfactorily completed training during the

**2023 IAFSM Annual Conference**

Conducted by

**The Illinois Association for Floodplain and Stormwater Management**

Location: Tinley Park, Illinois  
Date: March 14<sup>th</sup> and 15<sup>th</sup>, 2023

PDH Credits: 11  
CEC Credits: 10

\_\_\_\_\_  
Diane Bouckaert, PE, CFM, CPESC  
Chair, Education Outreach Committee

## Association of State Floodplain Managers

8301 Excelsior Drive  
Madison, WI 53717

## CONTINUING EDUCATION CREDIT TRANSCRIPT

### CERTIFIED FLOODPLAIN MANAGER

Matthew H. Asselmeier  
812 S Center St  
Plano 60545-2011 IL  
US  
(630) 553-4139



DATE EARNED	EXPIRATION DATE	HOURS	TYPE	PROVIDER	VERIFIED	NOTES
10/26/2022	7/31/2024	1.00	Pre-approved Course	FEMA/EMI	True	web-Higher Standards
9/28/2022	7/31/2024	1.00	Pre-approved Course	Chapter	True	Resolving Violations



## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

### MEMORANDUM

To: Planning, Building and Zoning Committee  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: May 2, 2023  
Re: Enforcement of Special Use Conditions

Below please find updates on the unresolved special use permit cases:

1. Ordinance 2009-25-Special Use Permit for a Specialty Gift Store at 7275 Route 34  
Issue: Condition 1 requires an annual inspection. During site visits in 2021 and 2022 the business appeared to have ceased. Efforts to contact the property owner to see if they would like to retain the special use permit have been unsuccessful.  
How Department Became Aware of Potential Violation: Annual Inspection  
Current Status: Hearing to involuntarily revoke the special use permit held scheduled on May 1, 2023.
2. Ordinance 1987-25-Special Use Permit for a Church Camp at 1626 Route 31 (Camp Quarryledge)  
Issue: Various conditions require the use to be connected to a church camp use, including the name "Camp Quarryledge".  
How Department Became Aware of Potential Violation: Contacts from Potential Buyers of the Property  
Current Status: Property is pending annexation to the Village of Oswego as a health camp/education center; annexation likely will be complete in May or June 2023.
3. Ordinance 2005-37-Special Use Permit for a Landscaping Business at 5681 Whitewillow Rd  
Issue: Condition 6 requires a right-of-way dedication  
How Department Became Aware of Violation: Property owner submitted a special use permit for a craft fair.  
Current Status: Dedications signed on May 1, 2023. Staff is waiting for them to be recorded.
4. Ordinance 2014-04-Special Use Permit for a Compost Facility at 1270 E. Beecher Road  
Issue: Condition 8 requires property owner to reapply for special use permit prior July 1, 2023, or the special use permit shall be revoked on December 1, 2023.  
How Department Became Aware of Violation: Not presently a violation.  
Current Status: Property owner plans to renew special use permit. Property owner is also exploring having solar panels on the property; may annex to Yorkville.
5. Ordinance 2021-17-Special Use Permit for a Billboard at Southeast Corner of Route 34 and Hafenrichter  
Issue: Condition 2.C requires a renewal of the special use permit by August 17, 2023.  
How Department Became Aware of Violation: Not presently a violation.  
Current Status: Billboard company emailed on May 1, 2023.

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

MHA



8150 Schlapp rd Oswego

Friday • Apr 14, 2023 • 10:03 AM

[Adjust](#)





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## 2022 VIOLATIONS

[illegible]

9/19/2022	Count 5
	15/23

**PRE VIOLATION REPORT  
2023**

Date Opened	Parcel #	Address	Subdivision	Description of Complaint	Inspection Date	Comments	F/U/P	Closed
1/10/2023	03-05-432-001	3 Durango Rd Montgomery	Boulder Hill	Grass Parking/Inoperable Vehicle	1/13/2023	Inoperable vehicle in grass	2/17/2023	2/16/2023
1/10/2023	03-05-277-022	8 Bereman Rd Montgomery	Boulder Hill	Boat	1/13/2023	Boat in PT setback & non approved surface	3/20/2023	Citation
1/10/2023	03-09-102-008	41 Cayman Dr Montgomery	Boulder Hill	Grass Parking/Inoperable Vehicle	1/13/2023	Vehicle not present		1/17/2023
1/17/2023	01-01-301-003	1700 Little Rock Rd Plano	Snyder	Addition - No Permit & Farm Animals		15 Day inspection request	MONITORING	
1/18/2023	07-23-100-023	13625 Appaksha Rd, Newark		New Ag Buildings - No permits	2/1/2023	No New Structures observed		2/2/2023
1/20/2023	03-18-326-001	150 Osage Ct Oswego	Owners 2nd	Addition to Acc Bldg - No Permit				3/6/2023
1/20/2023	03-18-403-009	85 Osage Ct Oswego	The Highlands	Shed - No Permit				3/6/2023
1/20/2023	03-18-401-002	118 Osage Ct Oswego	Owners 2nd	Addition - No Permit				3/6/2023
1/23/2023	09-09-100-008	13100 McKanna Rd Minnoka		Pool - no Permit	GIS	30 Day Warning Notice Reg & Cert	2/23/2023	1/31/2023
1/26/2023	03-12-204-005	26 Gastville St Aurora	Gastville	Landscape business - debris - large trucks	2/1/2023		6/5/2023	
1/26/2023	03-12-203-011	29 Gastville St Aurora	Gastville	Landscape bus - Stormwater-pallet business	2/1/2023		6/5/2023	
1/26/2023	03-12-203-013	39 Gastville St Aurora	Gastville	Landscape business - debris - large trucks			6/5/2023	
1/26/2023	03-12-201-001	3 Council Ave Aurora	Gastville Resub	Landscape business - debris - large trucks	2/1 & 3/3/2023	30 Day Warning Notice Reg & Cert	6/5/2023	3/6/2023
1/31/2023	03-04-407-030	130 Beauwick Dr Montgomery	Boulder Hill	Junk & Debris	2/1/2023	30 Day Warning Notice Reg & Cert	3/3/2023	3/6/2023
2/7/2023	03-05-404-026	152 Boulder Hill Pass Montgomery	Boulder Hill	Multiple Violations	see dates on notice	30 Day Warning Notice Reg & Cert	4/23/2023	4/20/2023
2/15/2023	03-04-329-016	39 Whitney Way Montgomery	Boulder Hill	Multiple Violations			6/5/2023	
3/13/2023	02-24-252-004	3315 Minkler Rd, Oswego		Barn Fire			MONITORING	
3/14/2023	03-08-303-007	105 Dolores St. Oswego	Shore Heights	Multiple Violations	3/23 & 4/5/23		6/5/2023	
3/14/2023	03-08-303-001	117 Dolores St. Oswego	Shore Heights	Semi-Trucks & parking in grass	3/15/2023	No work being performed-applied for BP	6/5/2023	3/15/2023
3/14/2023	07-07-100-015	17900 Sheridan Rd, Newark		Building without permit	4/1/2023	Applied for BP		4/12/2023
3/14/2023	05-12-228-008	7130 Clubhouse Dr, Yorkville	Whitetail Ridge	Deck not finished and unsafe	3/15/2023	lumber business	4/19/2023-MA	4/25/2023
3/14/2023	09-24-100-010	15200 Ridge Rd, Minnoka		Possible business	3/15/2023	Not enough evidence to prove occupied		4/3/2023
3/14/2023	07-16-200-026	14360 Townhill Rd, Newark		See email - Big Grove Assessor	3/15/2023	Business out of residence-Box truck	6/5/2023	
3/15/2023	03-05-452-077	9 Hillcrest Ct Montgomery	Boulder Hill	Grass Parking/Junk & Debris	3/15/2023	Prohibited parking on grass	4/17/2023	4/25/2023
3/15/2023	03-05-452-076	7 Hillcrest Ct Montgomery	Boulder Hill	Grass Parking/Junk & Debris	3/15/2023	Prohibited parking on grass	4/17/2023	4/25/2023
3/15/2023	03-08-253-009	5 Hillcrest Ct Montgomery	Boulder Hill	Grass Parking/Junk & Debris	3/15/2023	Inoperable vehicle in grass	6/5/2023	4/20/2023
3/15/2023	03-05-402-010	12 Circle Dr E. Montgomery	Boulder Hill	Inoperable Vehicles	3/15/2023	Inoperable vehicle in grass	5/19/2023	
3/15/2023	03-04-154-024	4 Roullock Rd, Montgomery	Boulder Hill	Prohibited Parking	3-23 & 4-5-2023	30 Day Warning Notice Reg & Cert	6/5/2023	
3/15/2023	03-04-178-007	15 Ingleshire Rd, Montgomery	Boulder Hill	Prohibited Parking	3/23/2023	No Violation		4/12/2023
3/15/2023	03-04-251-029	200 Fernwood Rd, Montgomery	Boulder Hill	Prohibited Parking	3-23 & 4-3-2023	30 Day Warning Notice Reg & Cert	5/19/2023	
3/15/2023	03-04-176-006	90 Fernwood Rd, Montgomery	Boulder Hill	Prohibited Parking	3-23 & 4-5-2023	30 Day Warning Notice Reg & Cert	5/19/2023	
3/15/2023	03-04-281-007	56 Alton Dr. Montgomery	Boulder Hill	Prohibited Parking	3-23 & 4-5-23	Not present		4/25/2023
3/16/2023	02-36-106-002	292 Tallgrass Ln, Yorkville	Farm Colony	Prohibited Parking				
3/16/2023	06-03-251-002	2017 Devonshire Ct, Oswego	Southfield Estates	Acc Bld-No Permit/Vehicle pking / Junk & Debris	3/23/2023	30 Day Warning Notice Reg & Cert	5/3/2023	
3/16/2023	09-07-200-030	13315 D Grove Rd Minnoka	HighGrove	Rooster in R2 zoning	3/23/2023	30 Day Warning Notice Reg & Cert	5/3/2023	
3/20/2023	03-05-426-004	21 Briarcliff Rd	Boulder Hill	Chickens	3/23/2023	No evidence		4/3/2023
3/20/2023	03-17-103-008	2162 Route 31 Oswego	Herrins	Building without permit	4/14/2023		6/5/2023	
3/20/2023	03-09-102-008	41 Cayman Dr Montgomery	Boulder Hill	Inoperable Vehicles	4/14/2023	Applied for BP	6/5/2023	4/25/2023
3/27/2023	03-34-251-001	5290 Douglas Rd Oswego		Building without permit	4/14/2023			
3/28/2023	03-08-152-015	38 Boat Ln Oswego	Marina Village	Driveway w/o permit & Business operating	4/20/2023		PENDING	
3/28/2023	03-04-480-005	118 Saugatuck Rd, Montgomery	Boulder Hill	Grass Parking	4/20/2023	30 Day Warning Notice Reg & Cert	PENDING	
3/29/2023	03-08-278-009	4 Culver Rd, Montgomery	Boulder Hill	Trailer in Front yard setback	4/5/2023		5/19/2023	
3/29/2023	03-04-329-009	39 Whitney Way Montgomery	Boulder Hill	Boat/Trailer in Front yard setback	4/20/2023		PENDING	
3/29/2023	03-04-306-027	25 Whitney Way Montgomery	Boulder Hill	Junk & Debris	4/20/2023		PENDING	
3/29/2023	03-05-431-022	44 Hampton Way Montgomery	Boulder Hill	2 Trailers	4/20/2023		PENDING	
3/29/2023	03-04-305-022	16 Durango Rd, Montgomery	Boulder Hill	RV/Trailer in Front yard setback	4/20/2023		PENDING	
3/29/2023	03-08-253-016	3 Cebold Dr, Montgomery	Boulder Hill	Boat in F/V setback - new driveway-no permit	4/20/2023		PENDING	
3/30/2023	09-14-300-001	1910 Route 52 Minnoka	Boulder Hill	Built up berms, changed grade-flooding on Rt 52	4/20/2023		PENDING	
3/30/2023	03-04-354-004	64 Hampton Rd, Montgomery	Boulder Hill	Multiple Violations	4/20/2023		PENDING	
3/30/2023	03-09-152-019	14 Ridgefield Rd, Montgomery	Boulder Hill	Inoperable Vehicle	4/20/2023		PENDING	
3/30/2023	03-08-228-008	13 Brighton Way Montgomery	Boulder Hill	Inoperable Vehicle	4/5/2023	Removed		4/12/2023



**PRE VIOLATION REPORT  
2023**

3/30/2023	03-08-227-043	3 Brighton Way Montgomery	Boulder Hill	Boat / trailer parked in grass	4/14/2023		6/5/2023	
3/30/2023	03-04-307-001	62 Circle Drive E. Montgomery	Boulder Hill	Parking in grass/vehicle under tarp	4/14/2023		6/5/2023	
3/30/2023	03-04-436-001	3 Wembley Rd. Montgomery	Boulder Hill	Inoperable Vehicle	4/5/2023	present / operable	6/5/2023	4/12/2023
3/30/2023	03-04-178-009	21 Ingleshire Rd. Montgomery	Boulder Hill	Trailer in Front yard setback	4/14/2023		6/5/2023	
3/30/2023	03-09-153-004	40 Fieldpoint Rd. Montgomery	Boulder Hill	Trailer in Front yard setback	4/5/2023	30 Day Warning Notice Reg & Cert	5/19/2023	
3/30/2023	03-04-479-006	51 Eastfield Rd. Montgomery	Boulder Hill	Junk & Debris	4/14/2023		6/5/2023	
4/3/2023	03-04-306-005	59 Circle Drive East Montgomery	Boulder Hill	Semi Tractor Trailer	3/22 & 4/14/23	Removed	6/5/2023	4/20/2023
4/3/2023	03-03-351-005	71 Sonora Dr. Montgomery	Boulder Hill	Construction business, Junk & Debris, Proh Trailer	4/14/2023		6/5/2023	
4/3/2023	03-04-378-003	49 Pueblo Rd. Montgomery	Boulder Hill	Trailer parking, Addition - no permit	4/3/2023	30 Day Warning Notice Reg & Cert	5/6/2023	4/28/2023
4/3/2023	03-04-478-006	172 Heathgate Rd. Montgomery	Boulder Hill	Trailer	4/14/2023	removed	6/5/2023	4/20/2023
4/3/2023	0304-278-026	116 Heathgate Rd. Montgomery	Boulder Hill	Commercial Vehicle	4/14/2023		6/5/2023	
4/5/2023	03-17-103-008	2162 Route 31 Oswego		Construction - No permit	4/14/2023		4/19/2023	4/25/2023
4/6/2023	01-25-456-001	12331 Mitchell Dr. Plano	Schaefer Woods	Multiple Violations	4/14/2023	No Violation found		4/19/2023
4/11/2023	05-18-400-011	8756 E Highpoint Rd. Yorkville		Semi Parking / storage & Stormwater	4/14/2023	No Business - repairing parking lot	5/20/2023	4/19/2023
4/12/2023	03-05-279-021	42 Briarcliff Rd. Montgomery	Boulder Hill	Driveway - no Permit	4/14/2023	30 Day Warning Notice Reg & Cert	5/17/2023	
4/14/2023	05-21-300-006	9513 Walker Rd. Yorkville		Parking in ROW/Parking on adjoining property	4/20/2023		6/5/2023	
4/19/2023	01-08-200-008	1426 Creek Rd. Plano		Pond constructed w/o permit & possible floodplain		MA	5/17/2023	
4/19/2023	01-23-100-002	2970 C Rock Creek Rd. Plano		Train car in floodplain		MA	5/17/2023	
4/24/2023	04-01-401-001	21 Fox Ct.	Fox Station	Inoperable Vehicles(10+) & Junk & Debris	5/2/2023			
4/25/2023	02-24-177-004	6642 Sundown Ln Yorkville		Multiple Violations	4/20/2023			
4/27/2023	08-28-200-005	16296 Route 47 Newark		Inoperable vehicles and Boats				

# PRE VIOLATION REPORT 2022

Date Opened	Parcel #	Address	Subdivision	Description of Complaint	Inspection Date	Comments	F/U/P	Closed
12/2/2021	09-13-200-006	195 Route 52 Minooka		Inoperable Vehicles & Pile of dirt	12/13/2021	Ag Building - Backfill per MA		12/20/2021
12/2/2021	03-04-408-041	124 Longbeach Rd. Montgomery	Boulder Hill	Prohibited Trailer parked in front yard	12/22/2021	Truck in setback - trailer removed		12/20/2021
12/6/2021	03-04-378-039	43 Saugstuck Rd. Montgomery	Boulder Hill	Multiple Violations	12/11/2021	30 Day Warning Notice Reg & Cert		12/20/2021
12/7/2021	03-04-152-013	22 Greenbriar Rd. Montgomery	Boulder Hill	Multiple Violations	12/11/2021	Improvements 5/4/22 Junk&Debris & Trailer removed		6/8/2022
12/8/2021	03-04-477-038	80 Springfield Rd. Montgomery	Boulder Hill	Parking on lawn 8/22. Inspect of 2 motorcycles	12/11/2021	1/25 Warning Notice Reg & Cert.		9/15/2022
12/13/2021	03-05-430-019	42 S Bereman Rd. Montgomery	Boulder Hill	Prohibited Trailer parked in front yard	1/6/2022	30 day warning 1/24/2022		3/9/2022
12/16/2021	06-13-176-003	Anderson Tree Farm		Multiple Violations	10/7/2022	Requesting Meeting		5/1/2023
12/16/2021	03-05-429-031	37 S Bereman Rd. Montgomery	Boulder Hill	Prohibited Trailer parked in front yard	1/6/2022	Trailer removed		2/8/2022
12/16/2021	02-35-381-004	5879 Danielle Lane Yorkville	Fields of Farm Colony	3 trailers in front yard setback	1/6/2022	30 day warning 1/13/2022		2/18/2022
12/16/2021	03-05-430-026	158 Boulder Hill Pass Montgomery	Boulder Hill	Inoperable Vehicle	1/6/2022	30 day warning 1/24/2022		3/9/2022
12/20/2021	06-02-177-003	7 Cherokee Dr. Oswego	Oswego Plains	Building w/permit	12/20/2021	BP applied for #04-2022-029		1/5/2022
12/20/2021	03-18-402-003	19 N. Cherry Dr. Oswego	Owners 2nd Sub	Junk & Debris	1/6/2022, 1/23/2022	No change		9/30/2022
12/21/2021	03-04-428-011	162 Heathgate Rd. Montgomery	Boulder Hill	Junk & Debris	1/6/22, 5/24/22	No changes-Osw Code taking action		7/25/2022
12/28/2021	03-04-406-004	49 Winrock Rd. Montgomery	Boulder Hill	Prohibited Trailer parking	1/6/22, 1/23/22	No change		4/12/2022
12/29/2021	03-04-305-026	22 Wyrndham Dr. Montgomery	Boulder Hill	Junk & Debris	1/6/2022	Debris has been removed		4/12/2022
1/5/2022	03-09-152-019	14 Ridgefield Rd. Montgomery	Boulder Hill	Inoperable Vehicle	1/6/2022	Burnt car / trailer		1/19/2022
1/5/2022	03-08-227-036	23 Old Post Rd. Montgomery	Boulder Hill	Parking on non approved surface	1/6/2022	Gravel Drive Grandfathered in		1/19/2022
1/5/2022	02-34-204-004	80 Riverside St. Yorkville	Fox River Gardens	Tent	12/21/2021	Forwarded to Matt A for response		1/19/2022
1/6/2022	02-35-380-006	7796 Madeline Dr. Yorkville	FOC	RV parked in front yard since 12/10/2021	1/5/2021	RV still driveway - f/y setback		1/21/2022
1/11/2022	03-04-253-010	44 Inglethorpe Rd. Montgomery	Boulder Hill	Junk & Debris	1/23/2022	House seems empty		4/12/2022
1/13/2022	02-35-380-006	5703 Fields Dr. Yorkville	FOC	Trailer in Front yard setback	2/28/2022	Removed		3/7/2022
1/13/2022	05-18-226-002	8115 E. Highpoint. Rd.		Trucking Business	1/23/2022	Several Trucks Parked		2/3/2022
1/14/2022	05-03-200-027	8250 Route 71 Yorkville		Drive Lane not hard surface per SU approval	1/18/2022	Forwarded to Matt A for response		4/3/2023
1/18/2022	01-19-200-009	17660 Sedgewick Rd. Sandwich		Possible residence in Barn	1/18/2022	Building permit applied for		2/28/2023
1/19/2022	05-04-300-033	9600 Route 71		Junk & Debris	1/19/2022	Unable to observe blowing 1 & D		1/20/2022
1/26/2022		behind 421 Hazeltine Way		Junk & Debris	1/27/2022	No Debris or Garbage observed		1/27/2022
2/3/2022	03-05-401-003	81 Boulder Hill Pass	Boulder Hill	Occupying a struction w/o C of O	2/9/2022	Applied for Permit		3/8/2022
2/4/2022	03-08-278-010	102 Circle Drive W Montgomery	Boulder Hill	Prohibited RV parking	3/9/2022	No RV on site		3/9/2022
2/7/2022	03-04-256-020	51 Hunter Dr. Montgomery	Boulder Hill	Possible Auto repair business	2/12/2022	No Evidence of auto shop		2/15/2022
2/7/2022	03-05-402-008	8 Circle Dr East Montgomery	Boulder Hill	Possible Auto repair business	2/12/2022	Tow vehicle, trailers,cars, hauler		4/13/2022
2/7/2022	03-04-378-019	83 Pueblo Rd. Montgomery	Boulder Hill	Possible Auto repair business	2/12/2022	No Evidence of auto shop		4/13/2022
2/16/2022	02-24-228-001	8 Riverview Ct. Oswego	Riverview Heights	Remodel bathroom w/o permit	2/18/2022	No Evidence of violation		2/18/2022
2/22/2022	05-03-200-027	8250 Route 71 Yorkville		Driveway not asphalted per Ord. 2014-21		MA		5/1/2023
2/24/2022	02-35-301-003	339 Austin Ct. Yorkville	Fields of Farm Colony	Box truck	3/7/2022	30 day warning		4/14/2022
2/24/2022	03-08-202-008	54 Circle Dr. W Montgomery	Boulder Hill	Prohibited RV parking	3/9/2022	No RV on site		3/9/2022
2/24/2022	03-05-453-007	141 Boulder Hill Pass Montgomery	Boulder Hill	POD in driveway	3/9/2022	No POD on site		3/9/2022
2/28/2022	02-36-300-014	5626 Minkler Rd. Yorkville	Squaw Valley	Trailer in setback	3/7/2022	No violation		3/7/2022
3/1/2022	02-21-151-005	30 Patricia Ln. Yorkville	Richard Blackberry Estates	Inoperable Vehicle-green truck	3/7/2022			4/13/2022
3/7/2022	03-04-154-002	37 Woodridge Rd. Montgomery	Boulder Hill	Junk & Debris	3/9/2022	30 day warning		4/12/2022
3/7/2022	02-28-403-005	804 McHugh Rd. Yorkville		Multiple Violations	3/7/2022	Moved from setback and used for family time		4/14/2022
3/7/2022	03-04-329-016	39 Whitney Way Montgomery	Boulder Hill	Multiple Violations	3/9/2022	30 day warning		4/14/2022
3/9/2022	03-04-351-001	25 Hampton Rd. Montgomery	Boulder Hill	Illegal POD in driveway	5/23/2022	Removed		5/23/2022
3/10/2022	03-05-402-008	8 Circle Dr East Montgomery	Boulder Hill	Possible Auto repair business	2/12 & 3/9	Tow vehicle, trailers,cars, hauler		4/10/2023
3/11/2022	07-07-200-022	13297 Fennel Rd. Newerk		Possible barndominium	3/15/2022	Single family home BP# 01-00-160		3/16/2022
3/16/2022	03-04-181-010	48 Pembroke Rd. Montgomery	Boulder Hill	Possible Boarding house	4/12/2022	Not enough evidence		4/12/2022
3/23/2022	03-04-458-001	3 Wembley Rd. Montgomery	Boulder Hill	Trailer Parking	4/12/2022			4/12/2022
3/23/2022	02-15-302-001	2 South Street Bristol		Multiple Violations	9/30/2022	30 Day Warning Notice Reg & Cert		11/19/2022
3/29/2022	09-28-300-008	16924 O'Brien Rd Minooka		Possible Landscaping business	4/12/2022	Not enough evidence		8/12/2022
4/1/2022	03-05-404-028	7 Greenfield Rd. Montgomery	Boulder Hill	Multiple Violations	4/12/2022	Numerous warning notices		8/23/2022
4/8/2022	03-04-306-001	51 Circle Drive E. Montgomery	Boulder Hill	Junk & Debris	4/13/2022	30 day warning		5/18/2022
4/8/2022	03-35-200-003	1126 Simons Rd. Oswego		Short term rental- banquet facility	4/25/2022	30 day warning		5/25/2022

# PRE VIOLATION REPORT 2022

4/12/2022	09-35-200-005	17045 Ridge Rd. Minnooka		Multiple Violations		4/20/2022	30 day warning	7/5/2022	6/2/2022
4/12/2022	03-04-376-003	76 Circle Dr. E. Montgomery	Boulder Hill	Junk & Debris		4/14/2022	No violation		4/14/2022
4/12/2022	02-11-101-007	65 E Larkspur Ln. Bristol	Willowbrook	Pool-open pit in backyard		4/20/2022	30 Day warning notice	7/5/2022	7/6/2022
4/12/2022	03-04-478-022	52 Eastfield Rd. Montgomery	Boulder Hill	Junk & Debris		4/12/2022	30 day warning		5/25/2022
4/12/2022	03-04-479-032	52 Sonora Dr. Montgomery	Boulder Hill	Ambulance parked in driveway		4/12/2022	Removed	5/12/2022	4/25/2022
4/13/2022	06-08-101-011	7126 Roberts Ct. Oswego	Grove Estates	Zoning Violation - Airbnb		4/13/2022	MA - 30 day warning	5/16/2022	4/29/2022
4/20/2022	03-04-303-029	40 Marnel Rd. Montgomery	Boulder Hill	Unsafe Structure		4/22/2022	No Property Maintenance Code		4/22/2022
4/25/2022	01-16-201-003	15416 Miller Rd. Plano		Multiple Violations		4/27/2022	Not enough evidence		4/28/2022
4/25/2022	04-13-277-005	8450 W Highpoint Rd. Yorkville		Junk & Debris		5/4/2022	Onsite meeting 5/17/22	8/1/2022	8/3/2022
4/25/2022	04-13-226-004	61 Cotswold Dr. Yorkville	Cotswold FEN	Inoperable Vehicle		5/4/2022	Can't prove inoperable		5/27/2022
4/26/2022	06-02-177-001	73 Oswego Plains Dr. Oswego	Oswego Plains	2 Horses		4/27/2022	No Horses		4/28/2022
4/27/2022	03-04-151-010	62 Fernwood Rd. Montgomery	Boulder Hill	Fence debris after storm		5/3/2022	No violation		5/3/2022
5/3/2022		Fernwood Rd. Montgomery	Boulder Hill	Semi tractor trailer		5/3/2022	Using to move		5/3/2022
5/4/2022	05-08-403-002	12 Ronhill Rd. Yorkville	Ronhill	Pool - No fence		5/6/2022	BP 12-2022-092 in progress		5/9/2022
5/5/2022	03-04-378-039	43 Saugatuck Rd. Montgomery	Boulder Hill	Fence in ROW		5/10/2022	Deferred to Osw Twin Hwy/Dept		5/10/2022
5/5/2022	03-04-477-024	52 Springdale Rd. Montgomery	Boulder Hill	Fence in ROW		5/10/2022	Deferred to Osw Twin Hwy/Dept		5/10/2022
5/5/2022	03-04-306-024	38 Hampton Rd. Montgomery	Boulder Hill	Fence in ROW		5/10/2022	Deferred to Osw Twin Hwy/Dept		5/10/2022
5/5/2022	02-35-382-008	5812 Danielle Ln. Yorkville	FOFC	Trailer in F-yard setback		5/10/2022	No violation		5/10/2022
5/9/2022	03-05-430-031	9 Seneca Dr. Montgomery	Boulder Hill	Fence in ROW		5/17/2022	Deferred to Osw Twin Hwy/Dept		5/10/2022
5/10/2022	04-16-351-005	8942 Wilcox Ct. Millbrook	Estates of Millbrook	Pool encroachment		5/17/2022	Pool is min. 5" from property line		5/24/2022
5/10/2022	09-18-300-017	British Rd. Minnooka		Illegal dumping		5/16/2022	Removed		5/16/2022
5/10/2022	01-10-301-003	1700 Little Rock Rd. Plano	Snyder	Banquet Facility		Several	No Evidence - Neighbor will monitor		6/1/2022
5/11/2022	03-08-278-010	102 Circle Drive W Montgomery	Boulder Hill	RV parked in F-yard setback		5/10/2022	30 Day warning notice		7/11/2022
5/18/2022	03-04-180-002	115 Fernwood Rd. Montgomery	Boulder Hill	Driveway - No Permit		5/31/2022	No violation		5/31/2022
5/18/2022	03-08-227-036	23 Old Post Rd. Montgomery	Boulder Hill	Parking on non approved surface		5/25/2022	ZBA allowed parking on gravel		5/25/2022
5/18/2022	03-09-152-019	14 Ridgeland Rd. Montgomery	Boulder Hill	Trailer Parking		5/25/2022	30 Day warning notice	7/1/2022	7/7/2022
5/18/2022	03-05-404-009	118 Boulder Hill Pass	Boulder Hill	RV Parked in grass		5/25/2022	30 Day warning notice	7/1/2022	7/7/2022
5/18/2022	03-04-352-002	21 Durango Rd. Montgomery	Boulder Hill	Landscape business in R-6 zoning		5/25/2022	30 Day warning notice	8/11/2022	8/31/2022
5/18/2022	03-04-477-002	99 Longbeach Rd. Montgomery	Boulder Hill	Inoperable Vehicle		5/25/2022	30 Day warning notice	7/1/2022	7/7/2022
5/18/2022	03-04-305-025	20 Wyndham Dr. Montgomery	Boulder Hill	Junk & Debris		5/25/2022	30 Day warning notice	1/9/2023	1/17/2023
5/19/2022	03-08-227-032	15 Old Post Rd. Montgomery	Boulder Hill	Driveway-no permit		5/25/2022	Driveway permit not required		8/12/2022
5/20/2022	03-04-408-035	112 Longbeach Rd. Montgomery	Boulder Hill	Inoperable Vehicle		5/25/2022	30 Day warning notice	10/7/2022	10/20/2022
5/20/2022	03-04-252-003	55 Ingleshire Rd. Montgomery	Boulder Hill	Possible remodel w/o permit		5/26/2022		7/1/2022	5/30/2022
5/20/2022	03-04-307-025	34 Longbeach Rd. Montgomery	Boulder Hill	Commercial Vehicle		5/25/2022	30 Day warning -wrong address		10/5/2022
5/20/2022	03-17-102-011	2245 Route 31 Oswego	Herrons Riverview Add	Sealcoating business		5/25/2022	Unable to locate commercial vehicle		6/9/2022
5/24/2022	03-05-454-013	7 Curtmar Ct. Montgomery	Boulder Hill	Trailer in F-yard setback		5/25/2022	Met w/owner - Home Occupation		6/8/2022
5/24/2022	03-04-180-004	121 Fernwood Rd. Montgomery	Boulder Hill	Trailer in F-yard setback		5/23/2022	30 Day warning notice	6/23/2022	6/24/2022
5/24/2022	03-04-256-026	138 Fernwood Rd. Montgomery	Boulder Hill	Camper parked in F-yard setback		5/23/2022	30 Day warning notice	6/23/2022	6/24/2022
5/24/2022	03-04-376-039	50 Sierra Rd. Montgomery	Boulder Hill	Parking on non approved surface		5/23/2022	30 Day notice for parking	6/23/2022	6/24/2022
5/24/2022	03-04-428-011	162 Heathgate Rd. Montgomery	Boulder Hill	Junk & Debris		5/23/2022	30 Day warning notice	6/23/2022	
5/24/2022	02-35-380-001	7796 Madeline Dr. Yorkville	FOFC	RV Parked in FV setback		Multiple			Closed
5/24/2022	03-05-404-028	7 Greenfield Rd. Montgomery	Boulder Hill	Trailer in Front yard setback		5/23/2022	30 Day warning notice	6/23/2022	Citation 7/11/22
5/26/2022	03-04-478-005	51 Springdale Rd. Montgomery	Boulder Hill	Mechanic Shop		5/25/2022	Site visit w/owner-business not operational		6/8/2022
5/31/2022	08-11-227-002	13205 Church Rd. Minnooka	Platville	Investigate per June		8/3/2022	No Violation found		8/3/2022
5/31/2022	09-12-103-006	6772 Chicago Rd. Yorkville	Platville	Investigate per June		8/3/2022	No Violation found		8/3/2022
5/31/2022	08-01-451-005	6363 Chicago Rd. Yorkville	Platville	Investigate per June		8/3/2022	No Violation found		8/3/2022
5/31/2022	03-07-402-014	168 Dolores St. Oswego	Shore Heights	Car Repair business		6/7/2022	No evidence found of auto repair		6/9/2022
5/31/2022	05-09-300-015	7789 Route 47 Yorkville	Walz	Remodel & Change of Occup w/o permit		6/14/2022	Met w/owner-Prop for sale	8/19/2022	9/27/2022
5/31/2022	03-05-432-010	24 Seneca Dr. Montgomery	Boulder Hill	Trailer in F-yard setback		5/25/2022	30 Day warning notice	7/1/2022	7/7/2022
5/31/2022	03-05-476-020	15 Codorus Rd. Montgomery	Boulder Hill	Boat in F-yard setback		5/25/2022	30 Day warning notice	7/1/2022	7/7/2022
5/31/2022	08-01-452-019	6366 Chicago Rd. Yorkville		Junk & Debris		8/3/2022	30 Day warning notice	9/4/2022	9/13/2022
5/31/2022	08-12-103-001	6986 Chicago Rd. Minnooka		Junk & Debris		8/3/2022	30 Day warning notice		
6/2/2022	03-04-479-023	113 Saugatuck Rd. Montgomery	Boulder Hill	Landscape business		6/21/2022	30 Day warning notice		Citation coming 7/7/2022

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6/6/2022	03-08-278-009	4 Culver Rd. Montgomery	Boulder Hill	Rooster	6/9/2022	Sent email for location to view or hear	6/21/2022
6/6/2022	03-05-454-031	9 Creve Ct. Montgomery	Boulder Hill	Pool - No Permit	6/8/2022	30 day warning notice	8/25/2022
6/6/2022	02-28-301-002	207 Georgiana St. Yorkville	Countryside	Junk & Debris	6/13/2022	People moving-waiting for garbage p/u	6/13/2022
6/6/2022	03-04-477-038	80 Springdale Rd. Montgomery	Boulder Hill	Multiple Violations	5/25/2022	30 day warning notice	Closed
6/6/2022	03-08-278-009	4 Culver Rd. Montgomery	Boulder Hill	Rooster	6/21/2022	Unable to see or hear rooster	6/21/2022
6/10/2022	09-18-300-017	Brisbin Rd. Minooka	Boulder Hill	Fill / Debris	6/14/2022	Dirt fill placed-SW permit not required	6/15/2022
6/12/2022	03-17-102-011	2245 Route 31 Oswego	Herrons Riverview Add	Chickens/Rooster in R-6	6/21/2022	2nd notice 7/27/2022	8/27/2022
6/13/2022	03-04-376-023	102 Circle Drive W Montgomery	Boulder Hill	Fire - 2 apartments & out building RV parked in F-yard setback	6/13/2022	Letter to contact for Fire Rest. Permit	1/9/2023
6/16/2022	02-21-178-001	3416 N Route 47 Yorkville		Tall grass	5/10/2022	30 Day warning notice	7/13/2022
6/24/2022	05-04-101-002	324 Austin Ct. Yorkville	FOFC	Pool- fence still not finished	6/27/2022	Referred to Bristol Township	6/17/2022
6/24/2022	03-02-152-004	45 Fernwood Rd. Montgomery	Boulder Hill	Sheds - No Permit	6/24/2022	Fence being installed	6/28/2022
6/24/2022	02-15-157-003	8 Grove St. Bristol	Vill of Huntsville	Porch addition w/o permit	6/24/2022	30 Day Warning	8/3/2022
7/1/2022	03-23-277-004	3428 Roth Rd. Oswego		Condition 10 Special Use	6/24/2022	10 day final warning	9/12/2022
7/1/2022	04-16-129-001	8 N Hudson St. Millbrook	Vil of Millbrook	Repair-Used car business	8/3/2022	Letter to discuss conditions/unable to det violation	5/1/2023
7/1/2022	03-04-152-013	22 Greenbriar Rd. Montgomery	Boulder Hill	Landscaped Business	7/19/2022	Vehicle operable/RV not occupied	8/19/2022
7/1/2022	03-09-153-015	31 Pickford Rd. Montgomery	Boulder Hill	Grass Parking	7/26/2022	30 Day warning notice	8/27/2022
7/1/2022	03-05-401-003	67 Boulder Hill Pass Montgomery	Boulder Hill	Change of Occupancy	7/7/2022	No grass parking observed	7/7/2022
7/1/2022	03-09-153-014	10 Ingleshire Rd. Montgomery	Boulder Hill	Landscaped business	7/7/2022	Change of Occupancy - No Permit	8/11/2022
7/1/2022	03-05-404-026	29 Pickford Rd. Montgomery	Boulder Hill	Grass Parking	7/7/2022	30 Day warning notice	8/11/2022
7/6/2022	03-04-177-020	152 Boulder Hill Pass Montgomery	Boulder Hill	Boat in F-yard setback	7/7/2022	30 Day warning notice	8/12/2022
7/7/2022	03-04-306-005	10 Ingleshire Rd. Montgomery	Boulder Hill	Landscaped business in R-6 zoning	7/7/2022	No evidence	7/8/2022
7/8/2022	05-02-102-002	59 Circle Dr. E Montgomery	FOFC	Multiple Violations	7/7/2022	30 Day Warning Notice	11/28/2022
7/11/2022	02-16-228-012	317 Fields Dr. Yorkville		Trailer in F-yard setback	7/13/2022	30 Day Warning Notice	8/15/2022
7/11/2022	09-15-300-016	43 West St. Bristol		Roosters in R-3 zoning	7/11/2022	Not able to find evidence of rooster	7/11/2022
7/11 & 10/31/2022	09-22-200-016 / 030	14565 Jughandle Rd. Minooka		Residence in R-3 zoning	10/28/2022	A-1 Home occupation-see notes	10/28/2022
7/11/2022	09-22-200-004	2325 Bell Rd. Minooka	Fran-Shir Acres	Tree Business - R-1 zoning	8/3/2022	Incorrect PIN#	12/1/2022
7/12/2022	03-04-306-004	57 Circle Dr. E Montgomery	Aux Sable Oaks	Residence in Barn	7/20/2022	Hobby Shop-not residence	10/28/2022
7/12/2022	03-04-306-001	51 Circle Drive E Montgomery	Boulder Hill	Multiple Violations	8/3/2022	Eviction process started	1/9/2023
7/12/2022	03-04-352-020	170 Boulder Hill Pass Montgomery	Boulder Hill	Tattoo business	7/20/2022	No Evidence	7/20/2022
7/12/2022	03-05-404-018	136 Boulder Hill Pass Montgomery	Boulder Hill	Rec Trailer in F/Y setback	7/20/2022	30 Day warning notice	8/27/2022
7/13/2022	03-08-303-007	105 Dolores St. Oswego	Shore Heights	Boat in F-yard setback	7/20/2022	30 Day warning notice	8/27/2022
7/13/2022	03-04-307-025	34 Longbeach Rd. Montgomery	Boulder Hill	Fire on 7/12/2022	7/15/2022	Remodel - cosmetic only	10/29/2022
7/18/2022	02-35-301-001	330 Austin Ct. Yorkville	FOFC	Box Truck-Commercial Vehicle	10/21/2022	30 Day Warning Notice Reg & Cert	11/28/2022
7/20/2022	09-27-200-004	2511 Wilby Rd. Minooka		Trailer in F-yard setback	7/19/2022	30 Day warning notice	8/27/2022
7/20/2022	03-04-306-027	44 Hampton Rd. Montgomery	Boulder Hill	Fill in Floodplain	7/20/2022	Matt- email - Brian notes	5/15/2023
7/20/2022	03-04-305-022	14 Wyndham Rd. Montgomery	Boulder Hill	Business - Tanale stand	9/22/2022	KCHHD is investigating	7/20/2022
7/20/2022	03-04-306-005	59 Circle Dr. E Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	No Semi Truck	9/22/2022
7/20/2022	03-04-326-005	52 Marnel Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	Not on site	9/22/2022
7/20/2022	03-04-329-019	45 Whitney Way Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	Not on site	9/22/2022
7/20/2022	03-04-408-003	106 Tealwood Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	8/31/2022	30 Day Warning Notice Reg & Cert	10/26/2022
7/20/2022	03-05-428-020	39 Longbeach Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	Owner changed - Removed	8/31/2022
7/20/2022	03-05-428-010	20 Hampton Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	30 Day Warning Notice Reg & Cert	11/5/2022
7/20/2022	03-05-402-008	4 Knollwood Dr. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022
7/25/2022	03-02-400-003	8 Circle Dr East Montgomery	Boulder Hill	Trailer in F-yard setback	7/26/2022	30 Day warning notice	8/27/2022
7/25/2022	03-04-428-015	1250 Route 34 Oswego		Noise - Disco club or trucking company	8/4/2022	No Violation	8/23/2022
7/25/2022	03-04-302-004	32 Sonora Dr. Montgomery	Boulder Hill	Junk & Debris	7/26/2022	30 Day warning notice	10/3/2022
7/26/2022	07-21-300-001	24 Hampton Rd. Montgomery	Boulder Hill	Parking on non approved surface	7/25/2022	30 Day warning notice	8/27/2022
7/26/2022	04-31-452-008	135919 Route 52 Newark		Multiple Violations	10/21/2022	Removed all violations	10/21/2022
7/26/2022	03-04-152-004	11850 Fox River Dr. Newark		Poss residence in portable home	8/8/2022	30 Day warning notice	1/20/2023
7/28/2022	03-04-152-004	45 Fernwood Rd. Montgomery	Boulder Hill	Chickens - Weeds	7/26/2022	No chickens/no permit req for rubbermaid shed	3/1/2023
7/28/2022	03-12-204-005	26 Gastville Aurora	Gastville Acreage	Business in R-3 Zoning	See notes	Business in R-3 Zoning	10/4/2022

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7/28/2022	05-02-202-002	6018 Audley Ave. Yorkville	Rosehill	Structure roofed - pergola	8/2/2022	15 day notice to contact office	9/6/2022	10/24/2022
8/1/2022	03-05-404-016	132 Boulder Hill Pass Montgomery	Boulder Hill	Commercial Vehicle (Semi Tractor)	9/22, 9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022	10/20/2022
8/1/2022	03-04-327-012	39 Surrey Rd. Montgomery	Boulder Hill	Commercial Vehicle (Semi Tractor)	7/29, 9/22, 9/27	30 Day Warning 2 addresses - reg & cert	11/5/2022	11/15/2022
8/1/2022	03-18-428-005	5200 US Hwy 34 Oswego	Owners	Multiple Violations	8/4/2022	30 Day warning - reg & cert	9/10/2022	10/4/2022
8/2/2022	03-04-151-010	62 Fernwood Rd. Montgomery	Boulder Hill	Fence	8/2/2022	Fence - debris	9/5/2022	8/2/2022
8/3/2022	03-07-402-014	13524 C Hale Rd. Plano	Shore Heights	Building w/o permit	8/5/2022	30 Day warning notice-reg & cert	9/5/2022	8/31/2022
8/4/2022	03-12-204-005	168 Dolores St. Oswego	Gastville Acreage	Auto Repair business	8/8/2022	Unable to confirm business	9/5/2022	8/8/2022
8/5/2022	03-04-328-008	31 Chatham Pl. Montgomery	Boulder Hill	4 Violations	8/5/2022	30 Day warning notice-reg & cert	9/5/2022	8/8/2022
8/12/2022	01-16-476-004	31 S. Linden Dr. Plano	Meyerbrook	Chickens	8/8/2022	Unable to confirm chickens	9/5/2022	8/8/2022
8/16/2022	06-02-226-001	1210 Plainfield Rd. Oswego	Courty Clerks	Poss Garage rento to living quarters	8/29/2022	Did not observe any PBZ violations	9/16/2022	8/29/2022
8/22/2022	01-16-427-001	N Linden Dr. Plano	Meyerbrook	Dirt Piles	8/29/2022	Void-Not a violation of stormwater	9/16/2022	9/16/2022
8/23/2022	03-07-403-006	177 Dolores St. Oswego	Shore Heights	Multiple Violations	8/31/2022	Did not observe any PBZ violations	9/30/2022	8/31/2022
8/23/2022	03-05-429-031	37 S Berenham Rd. Montgomery	Boulder Hill	Semi tractor trailer	8/30/2022	No Truck	9/30/2022	9/30/2022
8/23/2022	01-09-428-003	23 Coffman Ln. Plano		Trail in F/Y setback	8/30/2022	Met w/ owner-agreed to apply BP & HO	11/21/2022	11/23/2022
8/23/2022	03-05-429-004	10 Greenfield Rd. Montgomery	Boulder Hill	Poss Business & Building w/o permit	8/30/2022	30 Day Warning Notice Reg & Cert	9/30/2022	9/6/2022
8/24/2022	01-35-429-005	64 Blackhawk Springs Dr. Plano	Blackhawk Springs	Boat in F/Y & on non approved surface	8/29/2022	30 Day Warning Notice Reg & Cert	9/30/2022	8/29/2022
8/24/2022	01-35-429-002	70 Blackhawk Springs Dr. Plano	Blackhawk Springs	Abandoned property	8/29/2022	Did not observe any PBZ violations	9/30/2022	8/29/2022
8/24/2022	03-08-280-032	14 Barclay Ct. Montgomery	Boulder Hill	Shed - Remodel to living qtrs	8/30/2022	Did not observe any PBZ violations	9/30/2022	9/22/2022
8/25/2022	03-16-176-006	Wolfs Crossing Rd. Oswego	Fox Bend Estates	Construction	8/26/2022	Determined not be a violation	9/30/2022	9/22/2022
8/26/2022	03-04-306-001	51 Circle Drive E. Montgomery	Boulder Hill	Trash		Did not observe any PBZ violations	8/30/2022	8/30/2022
8/29/2022	01-29-101-003	157 Woodland Dr. Plano	Sugar Brook	Building w/o Permit	9/14/2022	Referred to HHS	9/14/2022	8/31/2022
8/29/2022	03-05-280-017	6111 Audley Ave Yorkville	Rosehill	Dump Truck, trailer & bobcat in F/Y & junk		No Evidence of construction	9/14/2022	9/14/2022
9/1/2022	No address - blh	12 Greenbriar Rd. Montgomery	Boulder Hill	Possible AirBnB		Not a violation	9/8/2022	9/8/2022
9/1/2022	03-20-400-018	3842 Grove Rd. Oswego	Boulder Hill	Junk & Debris	9/14/2022	Removed	10/16/2022	9/8/2022
9/7/2022	05-09-154-001	7344 Route 47 Yorkville		Illegal Pool business	9/8/2022	30 Day Warning Notice Reg & Cert	10/16/2022	10/20/2022
9/7/2022	05-21-300-006	9513 Walker Rd. Yorkville		Illegal Training facility Business	9/8/2022	30 Day Warning Notice Reg & Cert	10/16/2022	9/27/2022
9/8/2022	03-04-307-001	62 Circle Dr. E. Montgomery	Boulder Hill	Cars parked in setback		Cars not parked in ROW	1/13/2023	10/17/2022
9/8/2022	03-04-305-023	16 Wyndham Dr. Montgomery		Inoperable Vehicle	9/8/2022	30 Day Warning Notice Reg & Cert	1/13/2023	10/17/2022
9/12/2022	06-04-400-005	6909 Schapp Rd. Oswego	Boulder Hill	Junk & Debris	9/27/2022	Requesting Meeting	1/13/2023	Citation coming
9/13/2022	05-09-152-001	33 Bonnie Lane Yorkville	Willmans	Trucking Business		MA		Closed
9/13/2022	03-04-351-006	39 Hampton Rd. Montgomery	Boulder Hill	Possible AirBnB	9/22/2022	Requesting Meeting	10/26/2022	9/23/2022
9/14/2022	06-07-129-007	5753 Whitetail Ridge Dr.	Whitetail Ridge	Commercial Vehicle	9/22/2022	30 Day Warning Notice Reg & Cert	10/26/2022	10/28/2022
9/14/2022	06-07-129-007	7386 Fairway Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	06-07-130-019	7102 Golfview Ct. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-277-004	7372 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-277-005	7221 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/31/2022	11/2/2022
9/14/2022	06-06-450-004	5537 Whitetail Ridge Dr.	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-276-004	7509 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-276-003	7485 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-276-002	7461 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-276-001	7437 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	03-04-451-015	13 Pomeroy Dr. Montgomery	Boulder Hill	No Silt fence or Vegetation filter	9/19/2022	Certified letter sent 9/14/2022	9/21/2022	9/21/2022
9/14/2022	03-04-307-001	62 Circle Dr. E. Montgomery	Boulder Hill	Inoperable Vehicle	10/7 & 10/18	30 Day Warning Notice Reg & Cert	10/23/2022	Closed
9/14/2022	08-19-300-005	Route 52-Lisbon Rd Newark	Boulder Hill	Stormwater - MA	9/17/2022	30 Day Warning Notice Reg & Cert	MA 10/21/2022	2/7/2023
9/15/2022	05-02-201-005	6111 Audley Ave Yorkville	Rosehill	Multiple Violations	9/19/2022	30 Day Warning Notice Reg & Cert	10/22/2022	Closed MA
9/16/2022	03-05-276-010	28 N Berenham Rd. Montgomery	Boulder Hill	RV in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022	Closed
9/16/2022	03-05-229-004	24 Fernwood Rd. Montgomery	Boulder Hill	Trail in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022	Closed
9/16/2022	03-05-229-006	28 Fernwood Rd. Montgomery	Boulder Hill	Trail in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	12/16/2022	12/21/2022
9/16/2022	03-04-376-003	76 Circle Dr. E. Montgomery	Boulder Hill	Junk & Debris	9/19/2022	30 Day Warning Notice Reg & Cert	1/13/2023	2/7/2023
9/16/2022	03-04-408-014	128 Tealwood Rd. Montgomery	Boulder Hill	Boat in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022	10/28/2022
9/16/2022	06-02-226-001	1210 Plainfield Rd. Oswego	County Clerks	Fill being placed in creek	9/16/2022	30 Day Warning Notice Reg & Cert	Matt A 10/14/22	10/14/2022
9/19/2022	02-35-380-006	5703 Fields Dr. Yorkville	FOFC	Multiple Violations	9/22 & 9/27	30 Day Warning Notice Reg & Cert	10/30/2022	11/2/2022
9/19/2022	03-19-176-004	5505 Route 71 Oswego		Site Dev in Floodplain&wetlands-No Permit	9/16/2022	MA 30 Day Warning Notice Reg & Cert	MA 4/26/2023	

W. L. King on 10/10/2022



**PRE VIOLATION REPORT  
2022**

9/19/2022		4160 Stream Mill Ct. Oswego		Possible remodel w/o permit		No permit required at this time		10/4/2022
9/19/2022	03-04-456-004	82 Saugatuck Rd. Montgomery	Boulder Hill	Junk & Debris	9/22/2022	30 Day Warning Notice Reg & Cert	10/26/2022	10/28/2022
9/20/2022	03-08-201-012	63 Circle Dr W. Montgomery	Boulder Hill	Junk & Debris	9/22/2022	Debris has been removed	10/27/2022	9/23/2022
9/20/2022	02-15-251-006	23 N Royal Oaks Dr. Bristol	Woods of Blackberry oaks	Inoperable Vehicle	9/22/2022	30 Day Warning Notice Reg & Cert	10/27/2022	10/28/2022
9/21/2022	01-23-200-028	13349 A Faxon Rd. Plano		Construction w/o permit	9/22/2022	Additional added 2014-16-4g Exempt - No Violation	11/28/2022	9/22/2022
9/21/2022	06-04-400-005	6909 Schlopp Rd. Oswego		Trucking Business	9/27/2022	15 day notice to contact office	11/28/2022	11/28/2022
9/21/2022	06-09-400-004	E. Schoolhouse Rd.		Site Dev - Fill - No permit	9/27/2022	MA - 30 day warning	11/5/2022	11/17/2022
9/21/2022	03-08-227-036	23 Old Post Rd. Montgomery	Boulder Hill	Trailer in F/Y setback & non approved surface	9/27/2022	No Violation present	11/5/2022	9/27/2022
9/21/2022	03-04-456-001	3 Wembley Rd. Montgomery	Boulder Hill	Parking on non approved surface	9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/15/2022
9/22/2022	03-04-429-001	23 Sonora Dr. Montgomery	Boulder Hill	Boat & Trailer in ROW	9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/15/2022
9/23/2022	03-04-428-001	162 Heathgate Rd. Montgomery	Boulder Hill	Multiple Violations	9/27/2022	30 Day Notice for Junk & Debris	1/16/2023	Citation coming
9/23/2022	03-08-278-010	102 Circle Drive W Montgomery	Boulder Hill	RV Parking	9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/15/2022
9/26/2022	03-04-306-005	59 Circle Dr. E. Montgomery	Boulder Hill	Semi tractor trailer	9/26/2022			Closed
9/26/2022	03-04-306-028	46 Hampton Rd. Montgomery	Boulder Hill	Construction Business	9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/15/2022
9/26/2022	03-05-430-046	39 Seneca Dr. Montgomery	Boulder Hill	Commercial Veh, Inoper Veh & Junk & Debris	9/27/2022	30 Day Warning Notice Reg & Cert	5/1/2023	5/1/2023
9/28/2022	02-34-151-005	82-84 Quinsey Lane Yorkville	Nelson J Quinsey	Abandoned property- Junk & debris	9/30/2022	Not occupied-no prop maintenance code	11/21/2022	10/5/2022
9/29/2022	04-27-100-003	14886 Walker Rd. Newark		Storage Business & Billboard	9/30/2022	Certified letter sent 10/20/2022- MA	11/21/2022	11/23/2022
9/29/2022	01-14-177-001	8 Schomer Ln. Plano	Schomer Estates	Landscaping Business	9/30/2022	30 Day Warning Notice Reg & Cert	11/19/2022	11/23/2022
9/29/2022	02-13-478-007	20 Center Dr. Oswego	Riverview Heights	Construction Equipment in Front yard	10/21/2022	Excavator removed	11/21/2022	10/21/2022
9/29/2022	03-08-227-006	58 Cadorus Rd. Montgomery	Boulder Hill	RV parked in Front yard setback	10/7/2022	30 Day Warning Notice Reg & Cert	11/12/2022	11/17/2022
9/29/2022		Audrey Ave Yorkville	Fields of Farm Colony	Construction - fill behind houses	9/30/2022	Septic Repair per HHS	11/12/2022	10/4/2022
9/30/2022	03-22-400-002	2292 Wooley Rd. Oswego		Landscaping Business	10/7/2022	No Business	4/10/2023	10/7/2022
10/3/2022	03-04-376-040	52 Sierra Rd. Montgomery	Boulder Hill	Container in Front yard setback	10/7/2022	30 Day Warning Notice Reg & Cert	4/10/2023	3/30/2023
10/3/2022	03-05-428-013	6 Hampton Rd. Montgomery	Boulder Hill	Inoperable Vehicle	10/7/2022	30 Day Warning Notice Reg & Cert	11/12/2022	11/17/2022
10/3/2022	03-04-306-028	46 Hampton Rd. Montgomery	Boulder Hill	Trailer in Front yard setback				Closed
10/4/2022	03-04-451-015	13 Pomeroy Dr. Montgomery	Boulder Hill	Inoperable vehicle being used as shed	9/27/2022	30 Day Warning Notice Reg & Cert	11/18/2022	12/12/2022
10/6/2022	03-05-430-046	39 Seneca Dr. Montgomery	Boulder Hill	Multiple Violations	10/7/2022	Requesting Meeting	11/30/2022	11/28/2022
10/6/2022	06-13-300-007	547 Wheeler Rd. Plainfield		Auto Repair business	10/7/2022	30 Day Warning Notice Reg & Cert	11/28/2022	11/28/2022
10/6/2022	06-13-300-004	609 Wheeler Rd. Plainfield		Parking Lot - No Permit	10/13/2022	Tree Ordinance does not exist	2/1/2023	2/3/2023
10/12/2022		37 S Berenman Rd. Montgomery	Boulder Hill	Property Damage Inspection	10/18/2022	30 Day Warning Notice Reg & Cert	wrong address	10/27/2022
10/12/2022	03-04-378-019	83 Pueblo Rd. Montgomery	Boulder Hill	Auto Repair business	10/18/2022	30 Day Warning Notice Reg & Cert	11/26/2022	12/12/2022
10/12/2022	03-04-251-029	200 Fernwood Rd. Montgomery	Boulder Hill	RV Parking	10/18/2022	Boat is parked in permitted location	ON HOLD MA	10/21/2022
10/13/2022	03-09-103-008	51 Old Post Rd. Montgomery	Boulder Hill	Boat in Front yard setback	10/18/2022	30 Day Warning Notice Reg & Cert		11/18/2022
10/13/2022	06-18-200-011	5022 Route 126 Yorkville		Landscaping Business w/o Spec Use - MA	10/17/2022	No Access - Not habitable		
10/14/2022	03-04-326-004	50 Marnell Rd. Montgomery	Boulder Hill	Fire - Structure	10/17/2022	30 Day Warning Notice Reg & Cert		
10/14/2022	03-04-325-010	44 Ingleshire Rd. Montgomery	Boulder Hill	Inoperable Vehicle	10/18/2022	30 Day Warning Notice Reg & Cert		
10/18/2022	03-05-404-046	43 Greenfield Rd. Montgomery	Boulder Hill	Inoperable Vehicle	10/17/2022	30 Day Warning Notice Reg & Cert		
10/18/2022	03-04-327-007	29 Surrey Rd. Montgomery	Boulder Hill	Inoperable Vehicle	10/21/2022	30 Day Warning Notice Reg & Cert		
10/20/2022	04-27-100-003	14886 Walker Rd. Newark		Inoperable Vehicle	10/21/2022	30 Day Warning Notice Reg & Cert	11/28/2022	1/17/2023
10/20/2022	03-04-278-024	112 Heathgate Rd. Montgomery	Boulder Hill	Billboard and storage business	9/30/2022	Certified letter sent MA	11/21/2022	Closed MA
10/20/2022	03-04-277-023	2 Affon Dr. Montgomery	Boulder Hill	Construction Business	10/21/2022	30 Day Warning Notice Reg & Cert	11/28/2022	11/29/2022
10/26/2022	03-09-152-016	8 Ridgfield Rd. Montgomery	Boulder Hill	Trailer parked in Front Yard setback	10/21/2022	30 Day Warning Notice Reg & Cert	various	1/17/2023
10/26/2022	03-09-152-017	10 Ridgfield Rd. Montgomery	Boulder Hill	Trailer in Front yard setback	10/21/2022	30 Day Warning Notice Reg & Cert	11/28/2022	11/29/2022
10/26/2022	03-09-152-019	14 Ridgfield Rd. Montgomery	Boulder Hill	Trailer in Front yard setback	10/21/2022	30 Day Warning Notice	11/28/2022	11/29/2022
10/26/2022	03-04-278-026	116 Heathgate Rd. Montgomery	Boulder Hill	Trailer parked in Front yard setback/Inop Veh	10/21/2022	30 Day Warning Notice Reg & Cert	1/13/2023	2/7/2023
10/26/2022	02-22-426-002	19 Timberview Ln Yorkville	Timber Ridge	Commercial Vehicle parking	10/21/2022	30 Day Warning Notice Reg & Cert	11/28/2022	11/29/2022
10/26/2022	02-13-479-003	19 Center Dr Oswego	Riverview Heights	Pool being drained into retention area	10/26/2022	30 Day Warning Notice Reg & Cert		11/29/2022
10/27/2022	03-04-306-005	59 Circle Dr. E. Montgomery	Boulder Hill	Storing Vehicles, junk & debris& tall grass	2/1/2022	or a Violation of KC Ordln. Civil matter	6/5/2023	10/26/2022
10/27/2022	09-24-100-010	15200 Ridge Rd. Minooka	Boulder Hill	Semi tractor trailer	11/2/2022	No Change		4/25/2023
10/31/2022	03-05-430-026	358 Boulder Hill Pass Montgomery	Boulder Hill	Possible business-landscaping or lumber	10/31/2022	MA 30 Day Warning Notice Reg & Ce	5/1/2023	Closed MA
10/31/2022	03-04-378-018	81 Pueblo Rd. Montgomery	Boulder Hill	Commercial Vehicle Parking	11/2/2022	30 Day Warning Notice Reg & Cert	12/3/2022	12/12/2022
11/2/2022	09-22-200-030	15476 Lughandle Rd. Minooka		Camper parked in F-yard setback	11/2/2022	30 Day Warning Notice Reg & Cert	12/8/2022	12/12/2022
11/2/2022	02-34-227-001	8027 Van Emmon Rd. Yorkville	Wending	Walsh Tree Service	11/2/2022	Orig. 7/11/22-2325 Bell Rd.	11/2/2022	11/15/2022
				Possible shed converted to living quarters	11/3/2022	-30 Day letters req meeting reg & ce	6/5/2023	



**PRE VIOLATION REPORT  
2022**

11/3/2022	03-05-430-026	158 Boulder Hill Pass, Montgomery	Boulder Hill	Commercial vehicle - box trucks	11/2/2022	30 Day Warning Notice Reg & Cert	12/3/2022	Closed
11/3/2022	01-34-300-008	14824 Millhurst Rd.		Pool - No Permit	11/9/2022	Applied for Permit		11/23/2022
11/3/2022	09-15-200-005	14021 Arbetter Rd Minnoka		Building-No Permit/Business in A-1	11/9/2022	30 Day Warning Notice Reg & Cert	1/13/2023	Citation Coming
11/9/2022	03-04-256-026	138 Fernwood Rd. Montgomery	Boulder Hill	RV Parking	11/12/2022	30 Day Warning Notice Reg & Cert	12/5/2022	12/12/2022
11/9/2022	03-04-430-008	164 Tealwood Rd. Montgomery	Boulder Hill	Trailer parking	11/17/2022	30 Day Warning Notice Reg & Cert	1/13/2023	2/17/2023
11/10/2022	03-09-156-007	306 Boulder Hill Pass, Montgomery	Boulder Hill	Building w/o Permit	11/17/2022	30 Day Warning Notice Reg & Cert	12/21/2022	12/8/2022
11/10/2022	03-04-406-004	49 Winrock Rd. Montgomery	Boulder Hill	Inoperable Vehicle	11/17, 11/23	30 Day Warning Notice Reg & Cert	12/9/2022	12/12/2022
11/14/2022	03-04-478-012	65 Springdale Rd. Montgomery	Boulder Hill	Trailer in front yard setback	11/17/2022	30 Day Warning Notice Reg & Cert	12/21/2022	12/21/2022
11/15/2022	02-31-477-005	4 Poplar Rd. Yorkville	Foxlawn	Rooster & chickens	11/17/2022	30 Day Warning Notice Reg & Cert	12/21/2022	12/21/2022
11/16/2022	09-21-100-009	3527 Bell Rd. Minnoka		Possible building without permit	11/23/2022	Email		11/28/2022
11/18/2022	03-04-152-012	24 Greenbriar Rd. Montgomery	Boulder Hill	Semi tractor trailer	11/23/2022	Not present-removed		11/23/2022
11/21/2022	03-05-427-003	9 S. Greenbriar Rd. Montgomery	Boulder Hill	Chickens	11/23/2022	30 Day Warning Notice Reg & Cert	HOLD - PBZ	
11/21/2022	03-08-227-006	58 Codorus Rd. Montgomery	Boulder Hill	Chickens	11/23/2022	30 Day Warning Notice Reg & Cert	HOLD - PBZ	12/14/2022
11/23/2022	03-04-151-008	58 Fernwood Rd. Montgomery	Boulder Hill	Chickens	11/29/2022	30 Day Warning Notice Reg & Cert	HOLD - PBZ	
11/23/2022	03-08-227-006	58 Codorus Rd. Montgomery	Boulder Hill	Chickens				
11/23/2022	03-05-427-003	9 S Greenbriar Rd. Montgomery	Boulder Hill	Chickens				
11/23/2022	03-04-304-025	28 Spring Garden Dr. Montgomery	Boulder Hill	Chickens	11/29/2022	No evidence of chickens		11/29/2022
11/28/2022	02-26-476-003	36 Oak Creek Dr. Yorkville	Oak Creek	Driveway Expansion & grading change,Shed	12/9/2022	Permit not req.for driveway replace		12/13/2022
11/28/2022	03-24-100-008	640 B Rance Rd. Oswego		Dumping and burning items brought onto prop		Referred to HHS		11/30/2022
11/28/2022	03-24-100-009	640 D Rance Rd. Oswego		Dumping and burning items brought onto prop		Referred to HHS		11/30/2022
11/30/2022	03-09-101-002	21 Cayman Dr. Montgomery	Boulder Hill	Chickens	12/9/2022	30 Day Warning Notice Reg & Cert	4/3/2023	
12/1/2022	03-04-326-006	54 Marnel Rd. Montgomery	Boulder Hill	Semi tractor trailer	12/9/2022	30 Day Warning Notice Reg & Cert	3/6/2023	3/14/2023
12/7/2022	03-05-430-004	12 S Bereman Rd. Montgomery	Boulder Hill	Trailer parking	12/9/2022	Not enough evidence		12/14/2022
12/7/2022	06-15-100-007	8150 S Schlapp Rd. Plainfield		Piles of Dirt - MA		Owner spoke with MA	4/3/2023	4/1/2023
12/9/2022	03-28-100-004	3601 Plainfield Rd. Oswego		Building w/o Permit	12/20/2022	30 Day Warning Notice Reg & Cert	3/2/2023	3/6/2023
12/14/2022	09-14-300-001	1910 Route 52 Minnoka		Possible non-ag activities on property	12/20/2022	No Evidence that this is not AG		12/21/2022
12/15/2022	02-26-400-023	7405 Route 71 Yorkville		Piles of Dirt - MA	12/20/2022	No Violation		12/21/2022
12/19/2022	03-27-402-005	35 Royce Rd. Oswego	Ring-Neck	Remodel w/o permit	12/20/2022	No Evidence		12/28/2022
12/21/2022	03-04-478-005	51 Springdale Rd. Montgomery	Boulder Hill	Mechanic Shop	1/13/2023	Not enough evidence	1/13/2023	1/17/2023
12/21/2022	03-19-180-001	5951 Route 71 Oswego		Large Construction sign	12/28/2022	Exempt from permit		12/28/2022
12/27/2022	03-04-155-016	2 Surrey Rd. Montgomery	Boulder Hill	Trailer parking on non-approved surface	1/13/2023	30 Day Warning Notice Reg & Cert	2/17/2023	3/6/2023
12/27/2022	03-03-352-001	132 Saugatuck Rd. Montgomery	Boulder Hill	Commercial Vehicle	1/13/2023	30 Day Warning Notice Reg & Cert	2/17/2023	2/16/2023

# Permit Summary by Category Kendall County

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	4	\$935,894	\$11,983	\$8,133
Garage	2	\$70,000	\$200	\$0
Accessory Buildings	3	\$54,000	\$798	\$0
Additions	2	\$53,000	\$279	\$0
Remodeling	1	\$25,000	\$460	\$0
Barns/Farm Buildings	6	\$506,100	\$0	\$0
Swimming Pools	6	\$414,730	\$1,000	\$0
Decks	2	\$67,000	\$200	\$0
Demolitions	7	\$161,400	\$600	\$0
Electrical Upgrades	2	\$6,100	\$150	\$0
Driveway	1	\$20,000	\$200	\$0
Generator	2	\$22,422	\$220	\$0
Solar	7	\$167,478	\$1,450	\$0
	45	\$2,503,123	\$17,540	\$8,133

April 2022 - 2 House  
36 Total Permits

YTD 2022 - 10 Houses  
119 Total Permits

# Permit Summary by Category by Month

## Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	9	0	0	5	4	0	0	0	0	0	0	0	0
Garage	2	0	0	0	2	0	0	0	0	0	0	0	0
Accessory Buildings	13	1	2	7	3	0	0	0	0	0	0	0	0
Additions	2	0	0	0	2	0	0	0	0	0	0	0	0
Remodeling	4	0	2	1	1	0	0	0	0	0	0	0	0
Commercial - B Zone	3	0	0	3	0	0	0	0	0	0	0	0	0
Barns/Farm Buildings	10	2	1	1	6	0	0	0	0	0	0	0	0
Signs	1	0	0	1	0	0	0	0	0	0	0	0	0
Swimming Pools	11	0	0	5	6	0	0	0	0	0	0	0	0
Decks	3	0	1	0	2	0	0	0	0	0	0	0	0
Demolitions	9	0	0	2	7	0	0	0	0	0	0	0	0
Electrical Upgrades	6	2	0	2	2	0	0	0	0	0	0	0	0
Change in Occupancy	1	0	1	0	0	0	0	0	0	0	0	0	0
Driveway	1	0	0	0	1	0	0	0	0	0	0	0	0
Generator	6	3	1	0	2	0	0	0	0	0	0	0	0
Solar	27	5	5	10	7	0	0	0	0	0	0	0	0
	108	13	13	37	45	0	0	0	0	0	0	0	0

# Permit Approval Date Report

## Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category	Permit ID					
3/28/2023	012023044 01 House	012023044	09-23-300-026	RESENDIZ PHILIP AND JENNIFER	15801 HARE ROAD MINOOKA, IL. 60447		NRK CONNOR CARPENTRY BY CONTRACT
4/12/2023	012023075 01 House	012023075	05-02-126-003	KEWENIG MATTHEW & JAMIE	7579 AUDREY AVENUE YORKVILLE, IL. 60560	ROSEHILL	MWK CONSTRUCTION INC.
3/13/2023	012023053 01 House	012023053	02-06-100-010	KONICEK MICHAEL A DEC OF TRUST & KONICEK ANICEL A M	11843 GALENA RD PLANO, IL 60545-		
4/17/2023	012023098 01 House	012023098	05-02-100-005	REES GINGER	6611 MINKLER RD YORKVILLE, IL. 60560		
3/22/2023	012023058 01 House	012023058	07-07-100-015	HERMANN RICHARD A	17900 SHERIDAN RD NEWARK, IL 60541-		WILLMAN-GROESCH GENERAL CONTRACTORS
4/25/2023	012023069 01 House	012023069	06-07-373-004	MORENO ABBY L	5883 CHAMPIONSHIP CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	ED SALGADO DESIGN BUILD
4/11/2023	012023068 01 House	012023068	05-18-250-005	BRYAN, PERCY LEE & JERRI	11353 BRIGHTON OAKS DR YORKVILLE, IL 60560-	BRIGHTON OAKS ESTATES	SAME
3/17/2023	012022375 01 House	012022375	09-29-400-008	KAY ROLLIN MATTHEW & KAREN MELANIE	16901 OBRIEN ROAD MINOOKA, IL. 60447		MEDOWS CONSTRUCTION
4/17/2023	022023095 02 Garage	022023095	07-15-400-003	RUTKAS MICHAEL & JENNIFER	14633 BIG GROVE RD NEWARK, IL 60541-		
4/25/2023	022023109 02 Garage	022023109	03-34-251-001	LUNN ALLEN E	5290 DOUGLAS RD OSWEGO, IL 60543-		
3/13/2023	032023048 03 Accessory Buildings	032023048	02-28-453-017	GENTILE FRANK D & JENNIFER G	606 WACKER DR YORKVILLE, IL 60560-	WACKERLIN SUB	

# Permit Approval Date Report

## Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category	Owner Name					
3/13/2023	032023043	03 Accessory Buildings	02-26-476-003	WADE, KATHRYN A & DAVIS, MICHAEL D	36 OAK CREEK DR YORKVILLE, IL 60560-	OAK CREEK SUB UNIT 2	
4/18/2023	032023091	03 Accessory Buildings	02-11-252-002	GARCIA CHRISTOPHER	62 W HIGHLAND DR BRISTOL, IL 60512-	STORYBOOK HIGHLANDS UNIT 2	BOB LEE CONSTRUCTION
2/10/2023	032023027	03 Accessory Buildings	02-35-312-002	VOIRIN TIMOTHY L & CRISTINA V	7768 MADELINE DR YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 3	
1/31/2023	032023018	03 Accessory Buildings	04-16-376-010	STAWIARSKI RAFAL & TERESA	8750 WILCOX CT NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 1	
3/21/2023	032023049	03 Accessory Buildings	01-03-352-003	STEVENS ZACHARY & LAUREN	26 DAWN AVE PLANO, IL 60545-	STAINFIELD SUB	PF BUILDERS
4/18/2023	032023090	03 Accessory Buildings	02-27-327-023	EPPERSON RAYMOND & VALERIE	26 N PARK DR YORKVILLE, IL 60560-	IL BAKERS SUB	BOB LEE CONSTRUCTION
4/25/2023	032023107	03 Accessory Buildings	02-36-102-009	ANDERSON MICHAEL J & SANDRA M	429 COUNTRY RD YORKVILLE, IL 60560-	FARM COLONY	SILHOUETTE BUILDERS INC.
2/8/2023	032023024	03 Accessory Buildings	06-16-300-007	JAGOW KRISTIAN J & TREAT HEATHER M	3805 WHEELER RD YORKVILLE, IL 60560-		
3/30/2023	032023046	03 Accessory Buildings	02-35-386-002	HIGHLAND BRADLEY M STEPHANIE L	5672 FIELDS DR YORKVILLE, IL 60560-		
3/17/2023	032023054	03 Accessory Buildings	01-19-200-009	RAMIREZ JORGE & RY PROPERTY MANAGEMENT CORP	17660 SEDGEWICK RD SANDWICH, IL 60548-		
3/13/2023	032023050	03 Accessory Buildings	02-35-380-011	BANACH LUKASZ & HELENA	7562 MADELINE DR YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 2	

# Permit Approval Date Report

## Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category	Permit Number					
3/1/2023	032023036	03 Accessory Buildings	01-29-377-002	UNIVERSAL RESOURCE INC	16395 C GRISWOLD SPRINGS RD PLANO, IL 60545-		
4/20/2023	042023076	04 Additions	09-04-100-004	RUELAS ALBERTICO FERNANDEZ & SANCHEZ ALVARADO	12130 MCKANNA RD MINOOKA, IL 60447-		
4/17/2023	042023094	04 Additions	07-15-400-003	RUTKAS MICHAEL & JENNIFER	14633 BIG GROVE RD NEWARK, IL 60541-		
2/28/2023	052023032	05 Remodeling	02-06-102-003	WICKTER LAWRENCE D JR & DEBORAH H	17 MASHE RD SUGAR GROVE, IL 60554-		T-Square Construction
2/16/2023	052023030	05 Remodeling	03-24-201-011	HULVA GREG A & PEREZ CYNTIA GARCIA	12 PIONEER CT OSWEGO, IL EAST KENDALL ESTATES 60543-		BMF REMODELING LLC
3/14/2023	052023051	05 Remodeling	04-15-300-001	SUN JELLY CHICAGO RV LLC	8574 MILLBROOK RD NEWARK, IL 60541-		CJ Bella Builders Inc
4/24/2023	052023105	05 Remodeling	05-06-226-002	LITCHFIELD JACQUELINE T	11040 FOX RD YORKVILLE, IL 60560-		ABSOLUTE CONSTRUCTION INC.
4/12/2023	072023070	07 Commercial - B Zone	03-34-100-027	RAMIREZ LYDIA	5438 SCHLAPP ROAD OSWEGO, IL. 60543		DIVISION ONE PAINTING
3/29/2023	072023066	07 Commercial - B Zone	08-21-300-002	LISBON TOWNSHIP HIGHWAY DEPT	15759 ROUTE 47 NEWARK, IL 60541-		WALTERS BUILDINGS
3/15/2023	072023047	07 Commercial - B Zone	09-13-200-012	GOPROBALL, LLC% Jason Shelley	14285 B COUNTY LINE RD SHOREWOOD, IL 60404-		SCI DESIGN INC. BOB SANFRATELLO
4/25/2023	082023113	08 Barns/Farm Buildings	08-24-400-014	SCHUDA JOHN	15731 BRISBIN RD. MINOOKA, IL. 60447		



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	Permit Category	Permit Number					
1/31/2023	082023019	08 Barns/Farm Buildings	06-08-200-012	UNDERHILL PATRICK L & PATRICIA	7169 GROVE RD OSWEGO, IL 60543-		
1/6/2023	082023010	08 Barns/Farm Buildings	05-03-300-009	BAUER TEMPLIN FAMILY TRUST	6670 WING RD YORKVILLE, IL 60560-		
2/28/2023	082023033	08 Barns/Farm Buildings	01-09-428-004	PLANO ROTARY CLUB	1701 LITTLE ROCK RD PLANO, IL 60545-		
4/17/2023	082023084	08 Barns/Farm Buildings	03-12-476-001	MAURICIO LOUIS E & MENDOZA ALICIA	139 WOLF RD OSWEGO, IL 60543-		
4/11/2023	082023082	08 Barns/Farm Buildings	07-20-200-005	BROMELAND ANDREW J & JENNIFER L	15375 ROODS RD NEWARK, IL 60541-		
4/11/2023	082023077	08 Barns/Farm Buildings	03-34-400-011	RICKER DAVID LEE & VICTORIA M	2051 PLAINFIELD RD OSWEGO, IL 60543-		
4/4/2023	082023074	08 Barns/Farm Buildings	03-19-180-001	HAMMAN JAMES & LAURA	5951 ROUTE 71 OSWEGO, IL 60543-		
3/17/2023	092023057	09 Signs	03-02-227-008	U STOR IT #2	184 ROUTE 30 AURORA, IL 60504-		
4/25/2023	122023114	12 Swimming Pools	01-10-301-005	MCQUADE ROBERT & DIANE	1594 LITTLE ROCK RD PLANO, IL 60545-	BERNS FIRST SUB	
3/22/2023	122023060	12 Swimming Pools	05-06-351-005	WINNINGER PATRICK R	6 HILLSIDE DR YORKVILLE, IL 60560-		
4/12/2023	122023093	12 Swimming Pools	01-32-101-002	AVENARIUS DAVID & LAURIE H	16700 GRISWOLD SPRINGS RD PLANO, IL 60545-	SANDY BLUFF DUTCH ACRES	

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## Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category						
4/17/2023	122023099	12 Swimming Pools	02-34-471-001	BASSO JAMES C & REBA P	8182 SHADOW CREEK LN YORKVILLE, IL 60560-	SHADOW CREEK SUB	MUELLNER CONSTRUCTION INC.
4/13/2023	122023097	12 Swimming Pools	02-22-476-003	RAMIREZ OSCAR JR & JACQUELINE	39 TIMBER VIEW LN YORKVILLE, IL 60560-	TIMBER RIDGE SUB UNIT 2	ALL PROPERTY SERVICES INC.
4/13/2023	122023096	12 Swimming Pools	05-12-277-016	STEFANI PETER L & JENNIFERA	5891 LEGACY CIR YORKVILLE, IL 60560-	WHITETAIL RIDGE	FOX POOL CHICAGO
4/12/2023	122023079	12 Swimming Pools	04-08-400-011	LEITNER BRYAN SR & SHAUNA	16154 ROGERS RD NEWARK, IL 60541-		
3/29/2023	122023065	12 Swimming Pools	02-35-382-002	HERBER JASON J & PAMELA A	5968 DANIELLE LN YORKVILLE, IL 60560-	FIELDS OF FARM COLONY SUNCO POOLS UNIT 2	
3/27/2023	122023064	12 Swimming Pools	01-14-177-002	BECKER CRAIG & PAMELA	14 SCHOMER LN PLANO, IL 60545-	SCHOMERS ESTATES	
3/31/2023	122023059	12 Swimming Pools	02-35-279-001	DETERDING BRENT & CHALYCE	232 TALLGRASS LN YORKVILLE, IL 60560-		SWIM SHACK
4/17/2023	132023085	13 Decks	03-12-476-001	MAURICIO LOUIS E & MENDOZA ALICIA	139 WOLF RD OSWEGO, IL 60543-		
2/28/2023	132023034	13 Decks	03-28-100-004	SONNYBOY LLC	3601 PLAINFIELD RD OSWEGO, IL 60543-		Cannavino Construction
4/12/2023	132023092	13 Decks	05-12-228-008	SHARAR SHAHID	7130 CLUBHOUSE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	
4/12/2023	142023080	14 Demolitions	02-28-278-001	PRAIRIE CREEK TRUST	9120 ROUTE 34 YORKVILLE, IL 60560-		RISER

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Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category						
3/17/2023	142023055	14 Demolitions	02-03-200-001	RY PROPERTY MANAGEMENT CORPORATION	8218 ROUTE 30 BRISTOL, IL 60512-		
3/13/2023	142023052	14 Demolitions	02-06-100-010	KONICEK MICHAELA DEC OF TRUST & KONICEK ANICEL A M	11843 GALENA RD PLANO, IL 60545-		
4/17/2023	142023100	14 Demolitions	02-22-126-004	LEIFHEIT ELMER B & NANCY	26 LAKEVIEW DR YORKVILLE, IL 60560-	BRISTOL LAKE SUB	
4/14/2023	142023089	14 Demolitions	03-13-100-003	VILLAGE OF OSWEGO	809 WOLF RD OSWEGO, IL 60543-		ALPINE DEMOLITION SERVICES LLC
4/14/2023	142023088	14 Demolitions	03-13-200-001	VILLAGE OF OSWEGO	500 WOLF RD OSWEGO, IL 60543-		ALPINE DEMOLITION SERVICES LLC
4/14/2023	142023087	14 Demolitions	03-13-200-002	VILLAGE OF OSWEGO	460 WOLF RD OSWEGO, IL 60543-		ALPINE DEMOLITION SERVICES
4/14/2023	142023086	14 Demolitions	03-13-200-003	VILLAGE OF OSWEGO	340 WOLF RD OSWEGO, IL 60543-		ALPINE DEMOLITION SERVICES, LLC
4/11/2023	142023083	14 Demolitions	07-20-200-005	BROMELAND ANDREW J & JENNIFER L	15375 ROODS RD NEWARK, IL 60541-		
3/29/2023	152023067	15 Electrical Upgrades	03-04-155-009	BUUCK DAVID J & AMY L	14 PEMBROOKE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 29	KAPITAL ELECTRIC
1/5/2023	152023011	15 Electrical Upgrades	06-05-400-019	CHRISTINA TYRELL	6735 GROVE RD OSWEGO, IL 60543-		R&K ELECTRICAL
3/17/2023	152023056	15 Electrical Upgrades	01-36-100-025	KUTER HERBERT C & CAROL	13010 A RIVER RD PLANO, IL 60545-		MIK SOLUTIONS INC.%MAX KOLODII

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## Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
1/31/2023	152023020	15 Electrical Upgrades	09-09-300-009	PADILLA JOSE L	13916 MCKANNA RD MINOOKA, IL 60447-		YVONNE GREER
4/18/2023	152023101	15 Electrical Upgrades	03-06-476-002	SALGADO JORGE ERIC & SALGADO GERARDO	971 ROUTE 31 OSWEGO, IL 60543-		
2/14/2023	172023023	17 Change in Occupancy	03-18-403-015	MERCHANTS NATIONAL	5375 ROUTE 34 OSWEGO, IL 60543-		
4/11/2023	182023078	18 Driveway	03-08-176-008	DANIEL/CHICAGO TITLE CROSS JAVAN J & SELENA M MONTANEZ	24 MARINA DR OSWEGO, IL 60543-	MARINA VILLAGE RESUB	
4/25/2023	232023108	23 Generator	05-12-220-008	FUGLESTAD ALAN & KIM	7341 CLUBHOUSE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	
4/24/2023	232023104	23 Generator	06-13-151-004	CHICAGO TITLE LAND TRUST COMPANY	8422 OLD RIDGE RD PLAINFIELD, IL 60586-		BAKER ELECTRIC & GENERATORS
2/15/2023	232023029	23 Generator	06-05-393-007	BAGEANIS GUS JR & ARELIS	4695 WAAKEESHA DR YORKVILLE, IL 60560-	HEARTLAND IN YORKVILLE UNIT 2	BAKER ELECTRIC & GENERATORS
1/31/2023	232023021	23 Generator	01-25-454-009	SLEEZER GARY & AMY	12406 ANDREW ST PLANO, IL 60545-	SCHAEFER WOODS NORTH UNIT 3	360 ELECTRIC
1/6/2023	232023014	23 Generator	02-27-153-006	TROTSKY ALAN L & PATRICIA M	4410 TUMA RD YORKVILLE, IL 60560-	WACKERLINS 2ND SUB	LEE LEGLER CONSTRUCTION & FINISHING
1/6/2023	232023013	23 Generator	04-02-230-005	DEPARIS HENRY L JR & DEBORAH JO	6100 RED GATE LN YORKVILLE, IL. 60560	THE WOODS OF SILVER SPRINGS	LEE LEGLER CONSTRUCTION & FINISHING
2/1/2023	242023022	24 Solar	03-05-276-003	GRAEBER SHARON	44 N BEREMAN RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 15 REUSB	REVOLUTION SOLAR, INC.

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## Kendall County

Issue Date	Permit ID	Permit		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
		Category	Number					
1/13/2023	242023017 24 Solar			05-07-201-002	MATLOCK DOUGLAS G & RHONDA L	7425 PAVILLION RD YORKVILLE, IL 60560-		SUNRUN INSTALLATION SERVICE
1/19/2023	242023016 24 Solar			03-23-277-006	ADAMS SEAN & AMANDA K	1135 WOOLLEY RD OSWEGO, IL 60543-		FREEDOM FOREVER IL LLC
1/6/2023	242023015 24 Solar			03-05-279-012	STIEHM MARK JAMES	60 BRIARCLIFF RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 13	BRIGHT PLANET SOLAR
1/5/2023	242023012 24 Solar			03-07-402-017	KOHLER NICHOLAS W	162 DOLORES ST OSWEGO, IL 60543-	SHORE HEIGHTS UNIT 2	BRIGHT PLANET SOLAR
3/23/2023	242023062 24 Solar			03-08-281-005	FOMBY, JAMAL & WALSH, LISA	107 CIRCLE DR MONTGOMERY, IL 60538-		SUNRUN INSTALLATION SERVICE
3/23/2023	242023061 24 Solar			05-03-300-009	BAUER TEMPLIN FAMILY TRUST	6670 WING RD YORKVILLE, IL 60560-		SUNRUN INSTALLATION SERVICE
3/13/2023	242023045 24 Solar			06-02-102-002	HANEY RYAN P & THOMAS DANA R	6145 SOUTHFIELD LN OSWEGO, IL 60543-	SOUTHFIELD ESTATES	ALLEY SOLAR ELECTRIC
3/6/2023	242023042 24 Solar			05-03-200-031	TORRES ARNULFO S & RUFINA	8110 B ROUTE 71 YORKVILLE, IL 60560-		
3/1/2023	242023039 24 Solar			05-19-100-008	JOHNSON LOIS A REV LVG TRUST	9374 LISBON RD YORKVILLE, IL 60560-		Revolution Solar
4/25/2023	242023112 24 Solar			03-08-352-004	SKURKA JEROME J & DEBRA R	40 CENTURY DR OSWEGO, IL 60543-	WORMLEYS CENTURY ESTATES	SUNRUN INSTALLATION SERVICE
4/25/2023	242023111 24 Solar			03-04-277-041	LEWIS ALGINON M SR	38 AFTON DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 26	SUNRUN INSTALLATION SERVICE

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Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category	Permit ID					
2/14/2023	24 Solar	242023028	03-04-406-003	HURST CAREN L	47 WINROCK RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 27	BRIGHT PLANET SOLAR
4/25/2023	24 Solar	242023110	03-04-181-013	THRASHER JENNIFER	33 INGLESHERE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 29	SUNRUN INSTALLATION
4/25/2023	24 Solar	242023106	03-05-430-010	SAMSON PARRISH & LATESHIA	24 S BEREMAN RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 6	SUNRUN INSTALLATION
2/9/2023	24 Solar	242023026	02-36-400-006	PIEPER RONALD R & KAREN E	6520 RESERVATION RD YORKVILLE, IL 60560-		SUNRUN INSTALLATION
4/19/2023	24 Solar	242023102	08-16-100-007	SMITH ERIC & EMMA	9635 CHICAGO RD NEWARK, IL 60541-		ADT SOLAR
4/3/2023	24 Solar	242023072	03-04-406-015	KELLOGG PAUL E & KELLOGG CAROLYN DITTO BOB & ANNE WOODWARD JOHN	107 TEALWOOD RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 27	RETHINK ELECTRIC
2/9/2023	24 Solar	242023025	05-08-301-001		7595 E HIGHPOINT RD YORKVILLE, IL 60560-		SUNRUN INSTALLATION
4/3/2023	24 Solar	242023071	03-09-108-007	BEYER JORDAN L	140 CIRCLE DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 25	ADT SOLAR
3/23/2023	24 Solar	242023063	03-04-354-006	GALLARDO ALBERTO	68 HAMPTON RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	SUNRUN INSTALLATION



# PLANNING BUILDING & ZONING RECEIPTS 2023

DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 23	TOTAL FY 23	MONTHLY FY 22	TOTAL FY 22
December	\$5,767.80	\$1,266.00	\$8,020.26	\$1,000.00	\$16,054.06	\$16,054.06	\$32,122.24	\$32,122.24
January	\$4,380.00	\$50.00	\$3,162.98	\$1,000.00	\$8,592.98	\$24,647.04	\$11,644.18	\$43,766.42
February	\$3,030.00	\$50.00	\$0.00	\$0.00	\$3,080.00	\$27,727.04	\$7,433.47	\$51,199.89
March	\$7,265.95	\$1,962.00	\$3,441.25	\$0.00	\$12,669.20	\$40,396.24	\$30,294.30	\$81,494.19
April	\$16,494.34	\$50.00	\$15,633.11	\$1,000.00	\$33,177.45	\$73,573.69	\$16,538.38	\$98,032.57
May							\$21,056.55	\$119,089.12
June							\$9,828.89	\$128,918.01
July							\$18,978.87	\$147,896.88
August							\$25,754.63	\$173,651.51
September							\$26,794.38	\$200,445.89
October							\$48,857.45	\$249,303.34
November							\$15,184.61	\$264,487.95
YR END TOTAL	\$36,938.09	\$3,378.00	\$30,257.60	\$3,000.00	\$73,573.69			