



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

AGENDA

Monday, April 8, 2024 – 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:

APPROVAL OF MINUTES: Approval of Minutes from March 11, 2024, Meeting

PUBLIC COMMENT:

EXPENDITURE REPORT: Review of Expenditures from March 2024

PETITIONS:

1. **Petition 23 – 35 – Tyler Arbeen on Behalf of Arbeen, LLC**
Request: Special Use Permit for a Landscaping Business and Variances to Section 7:01.G.2.b and 11:02.F.7.a of the Kendall County Zoning Ordinance to Allow Parking and Accessory Structures within Fifty-One Feet of the Center Line of Stewart Road
PIN: 03-24-400-011
Location: Between 3900 and 3716 Stewart Road on the East Side of Stewart Road, Oswego, in Oswego Township
Purpose: Petitioner Wishes to Operate a Landscaping Business and Have Parking and Accessory Structures Inside the Front Yard Setback; Property is Zoned A-1

NEW BUSINESS:

1. Approval to Change the May Planning, Building and Zoning Committee Meeting Date and Time
2. April 20, 2024, Code Official Open House in Oswego Township

OLD BUSINESS:

1. Update on Stormwater Permit at 13039 McKanna Road (PIN: 09-09-100-002) in Seward Township

REVIEW VIOLATION REPORT:

REVIEW PRE-VIOLATION REPORT:

UPDATE FROM HISTORIC PRESERVATION COMMISSION:

1. Recommendation for a Proclamation Declaring May Historic Preservation Month in Kendall County

REVIEW PERMIT REPORT:

REVIEW REVENUE REPORT:

CORRESPONDENCE:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

1. Review of Minutes of Meetings Lawfully Closed Under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21))

NEW BUSINESS:

1. Approval to Release the Executive Session Minutes of April 8, 2024

ADJOURNMENT:

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 March 11, 2024 – Unofficial until Approved

CALL TO ORDER

The meeting was called to order by Chairman Wormley at 6:30 p.m.

ROLL CALL

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

Committee Members Absent: Dan Koukol

Also Present: Matt Asselmeier, Wanda A. Rolf, Mike Cook, and Carlos Moreno

APPROVAL OF AGENDA

Chairman Wormley requested modification to the agenda to move the first item of Old Business, Update on Stormwater Permit at 13039 McKanna Road (Pin: 09-09-100-002) in Seward Township, to after the Expenditure Report.

Member Flowers made a motion, seconded by Member Shanley, to approve the modification of the agenda as proposed by Chairman Wormley.

The votes were as follows:

Yeas (4): Flowers, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (1) Koukol

APPROVAL OF MINUTES

Member Rodriguez made a motion, seconded by Member Flowers, to approve the minutes of the February 13, 2024, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the Expenditure Report from February 2024.

The Committee also reviewed the end of Fiscal Year 2023-2024 Expenditure Report.

OLD BUSINESS

Update on Stormwater Permit at 13039 McKanna Road (Pin: 09-09-100-002) in Seward Township

Mr. Asselmeier stated that the Petitioner received feedback from WBK Engineering. The Engineer of the Petitioner was working on a revised site plan. Carlos Moreno stated that the

plan is to excavate on the northeast side of the parking lot. Mr. Moreno does not have an updated site plan at this time. They responded to the letter from WBK Engineering.

Mr. Asselmeier asked Mr. Moreno if he was aware of obtaining a permit from the State of Illinois. Mr. Moreno responded that he was aware of the permit and will go through the Illinois Department of Natural Resources for the applicable permits.

An update will be provided at the April Planning, Building and Zoning Committee meeting.

PETITIONS

Petitions 24-01 and 24-02 Deb Chow on Behalf of Jade Restorations, Inc.

Mr. Asselmeier summarized the request.

On February 18, 2020, the County Board approved Ordinance 2020-01, granting a special use permit for a kennel and veterinary at the northeast corner of Ridge Road and Bell Road, now addressed as 949 Bell Road, Minooka. On February 21, 2023, the County Board approved Ordinance 2023-05, amending the site plan, landscaping plan, and photometric plan for the special use at the subject property.

The site plan attached to Ordinance 2020-01 showed a driveway extending from the northern end of the northeastern parking lot to the northern end of the special use permit area of the property. This driveway was not included in the site plan attached to Ordinance 2023-05. The Petitioner would like to add this twenty-four foot (24') wide driveway back into the site plan.

In addition to the driveway, the Petitioner would like to rezone the eastern approximately two point one more or less (2.1 +/-) acres of the special use permit area of the property to B-3 Highway Business District and rezone the northern approximately thirteen acres (13), which was not included in the special use permit area, to B-3 (see Petition 24-02). This map amendment would reduce the special use permit area from approximately eight point five (8.5) acres to approximately six point three (6.3) acres and will cause the site plan, landscaping plan, and photometric plan for the special use permit area to change to reflect the removal of the eastern portion of the special use area to the new zoning classification.

No specific information was provided, other than compliance with the Land Resource Management Plan, was given regarding the reason for the map amendment. The Petitioner likely will either pursue selling the property or pursue some type of commercial endeavor that is allowed in the B-3 District.

The application materials, aerial showing the proposed changes, topographic survey, plat showing the proposed rezoning, the proposed site plan, Ordinance 2020-01, and Ordinance 2023-05 were provided.

No changes are proposed to any of the business related conditions imposed by the previously approved ordinances. No changes are proposed to the landscaping or photometrics for the property that will retain the special use permit. Other than the addition of the proposed driveway addition, no other changes are proposed to site layout for the area that will retain the special use permit.

The property is located at 949 Bell Road, Minooka.

The property is approximately twenty (20) acres in total with approximately eight point five (8.5) acres in the original special use area and approximately six point three (6.3) acres in the proposed special use area.

The property is currently used as a kennel, veterinary, and agricultural.

The property is zoned A-1 with a special use permit.

The County's future land use map calls for the property to be Commercial. The Village of Shorewood's future land use map calls for the property to be Community Commercial.

Ridge Road is a County Road classified as an Arterial Road. Bell Road is a Township Road classified as a Minor Collector.

Minooka has a trail planned along Ridge Road. Shorewood has a trail planned along Bell Road.

There are no floodplains or wetlands on the property.

The kennel is located beyond the required setback to neighboring properties as defined in the Zoning Ordinance.

The adjacent land uses are agricultural, farmstead, and a landscaping business.

The adjacent properties are zoned A-1 and A-1 SU.

The County's future land use map calls for the area to be Commercial. The Village of Shorewood's future land use map calls for the area to be a mix of single- and multi-family residential.

Properties within one half (1/2) mile are zoned A-1, A-1 SU, and R-1.

There are approximately twelve (12) homes located within one half (1/2) mile of the subject property.

The special uses to the north and south are landing strips. The special use to the east is for natural gas compression. The special use to the west is for a landscaping business.

EcoCat submitted on December 13, 2022, and consultation was terminated.

A NRI application was submitted as part of the map amendment request. A NRI was prepared for the original special use permit. The LESA Score was 207 indicating a medium level of protection. NRI information was provided. A revised NRI was prepared for the proposed map amendment request showing a LESA Score of 180 indicating a low level of protection. This report was provided.

Seward Township was emailed information on January 26, 2024. The Seward Township Planning Commission met on February 5, 2024, and recommended approval of the proposal by a vote of three (3) in favor and zero (0) in opposition, with two (2) members absent. The Seward Township Board recommended approval of the proposal.

The Minooka Fire Protection District was emailed information on January 26, 2024. To date, no comments have been received.

The Village of Shorewood was emailed information on January 26, 2024. The Village of Shorewood submitted an email indicating they would like to annex the property when it becomes contiguous and wanted a restriction preventing uses not allowed in their B-3 Zoning District from occurring at the property. This email was included with the minutes from the ZPAC meeting. The Village of Shorewood submitted a second email on February 28, 2024, stating they would not object to the map amendment and no annexation agreement had been negotiated, but they were concerned about auto and truck repair businesses operating on the B-3 zoned portion of the property. This email was provided.

ZPAC reviewed the proposal at their meeting on February 6, 2024. ZPAC reviewed this proposal at their meeting on February 6, 2024. The Petitioner's Engineer was agreeable to working the Highway Department regarding access from Ridge Road for the northern portion of the property. No additional points of access would come from Bell Road. The Petitioner's Engineer wanted to evaluate Shorewood's request for an annexation agreement. A letter was placed into the record from WBK Engineering noting no objections to the proposed driveway extension in the special use permit amendment application. 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 this meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 28, 2024. The Petitioner's Engineer explained the history of the property. He noted that the County granted access from Ridge Road approximately one quarter (1/4) of a mile north of Bell Road. He discussed the potential of annexation with Shorewood; he noted that Shorewood had no services available to the subject property. No end user had been identified for the portion of the property proposed for rezoning. The rezoning was intended to tie into the widening of Ridge Road. He also explained the description of the wet bottom detention ponds and the ponds may need to be evaluated in the future depending on future uses on the portion proposed for rezoning. The Kendall County Regional Planning Commission 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 this meeting were provided.

The Kendall County Zoning Board of Appeals conducted a public hearing on the proposal on March 4, 2024. Other than the Petitioner's Engineer, no other members of the public testified at the public hearing. The Petitioner's Engineer stated there would not be any new road cuts off of Bell Road for the rezoned portion of the property. 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 were provided.

The findings of fact for the special use permit amendment were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The kennel and veterinary establishment are already in existence. The proposed driveway extension was originally planned in 2020 when the project was originally proposed. The special use portion of the site will retain the previously approved landscaping and photometric plans.

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. None of the lighting or landscaping installed at the site will be removed as part of this proposal. No evidence has been provided showing that use of the property as a kennel and veterinary establishment has negatively impacted property values or was injurious neighboring 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. This is true. Adequate ingress and egress has been provided off of Bell Road and the new driveway will help with traffic circulation when the northern portion of the property is commercially developed. The development of the site was in compliance with a County issued stormwater permit which included the proposed driveway extension.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true. The Petitioners are not proposing any changes related to the operation of the business allowed by the previously approved special use permit. Other than the driveway addition and rezoning of the land to the east, no other changes are proposed to physical layout of the site.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 9-21 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commerce and industry that provides a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents.” The Land Resource Management Plan calls for the subject property to be commercial.

Staff recommended approval of the requested amendments to the existing special use permit for a kennel and veterinary establishment subject to the following conditions and restrictions:

1. Condition 2.A of Ordinance 2020-01 and Condition 2.A of Ordinance 2023-05 are hereby repealed in their entirety and are replaced with the following:

“The site shall be developed substantially in accordance with the attached site plan. The landscaping plan and photometric plan attached to Ordinance 2023-05 shall remain valid except on those portions of the property not zoned A-1.”
2. The remaining conditions and restrictions contained in Ordinance 2020-01 and Ordinance 2023-05 shall remain valid and effective.
3. 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.
4. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

5. These major amendments to an existing special use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Regarding the map amendment, no specific type of business was listed as a proposed use of the site.

No buildings were proposed for the site. Any buildings proposed for the site would have to meet applicable building codes and site plan approval by ZPAC would be required prior to site development.

Applicable permits would be required for a new well and septic system on the site.

The topographic survey shows two (2) wet detention ponds north of the existing kennel and veterinary. Depending on the nature of development, a stormwater permit might be required when the site is developed.

The property fronts Bell Road and Ridge Road.

Parking requirements will be determined by the specific uses of the site.

Lighting will be determined by specific uses of the site.

Signage will be determined by specific uses of the site and the signage requirements for the B-3 District contained in the Zoning Ordinance.

Landscaping will be determined when the site is developed.

Noise control will be determined when the site is developed.

The refuse plan will be determined when the site is developed.

There are two (2) pipeline easements, one (1) eighty feet (80') in width and one (1) seventy-five feet (75') in width located on the subject property. Development of the site will have to take these easements into account.

The findings of fact for the map amendment were as follows:

Existing uses of property within the general area of the property in question. A portion of the property is presently used as a kennel and veterinary with related parking and landscaping while the majority of the property is presently used as an agricultural field. Surrounding properties are used fields, farmsteads, and a landscaping business.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or A-1 with various special uses including a landscaping business, landing strips, and natural gas compression.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioner did not provide a specific proposed land use. A variety of uses allowed in the proposed B-3 Highway Business District could be placed on the property.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its

present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural, farmstead, retail and service type uses.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Commercial and the four corners of the intersection of Ridge and Bell Roads as Commercial. The Village of Shorewood's Future Land Use Map calls for the property to be Community Commercial. The requested map amendment is consistent with the Land Resource Management Plan.

Staff recommended approval of the requested map amendment rezoning the area identified as Parcel 2 on the submitted zoning plat to B-3 Highway Business District.

The draft ordinances were provided.

Member Rodriguez made a motion, seconded by Member Flowers, to recommend approval of the major amendment to an existing special use permit with the conditions proposed by Staff and the map amendment.

The votes were as follows:

Yeas (4): Flowers, Rodriguez, Shanley, and Wormley
Nays (0): None
Abstain (0): None
Absent (1) Koukol

The motion carried.

The proposals go to the March 20, 2024, County Board meeting on the consent agenda.

Petition 24-03 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Due to market conditions, the Kendall County Comprehensive Land Plan and Ordinance Committee considered proposing changes to the Future Land Use Map for properties located south of Yorkville on both sides of Route 47 in Kendall Township.

In particular, the Committee explored the idea of changing the classification of the following properties between 7775 A/B and 8175 Route 47 from Transportation Corridor to Mixed Use Business:

05-09-300-015, 05-09-376-002, 05-09-400-006, 05-09-400-010, 05-09-400-011, 05-16-100-006, 05-16-200-008, 05-16-200-013, 05-16-200-014

The properties connected with 8115 Route 47 were not included in the proposal because the owner and contract purchaser of the property were already going through the reclassification

process. The County Board approved the reclassification of these properties on February 20, 2024.

An aerial showing the subject properties of the original proposal was attached. The subject properties were colored gray in the aerial.

In addition to changing the Future Land Use Map, a table in the Land Resource Management Plan would be updated to reflect the reclassifications.

At their meeting on January 24, 2024, the Comprehensive Land Plan and Ordinance Committee voted to forward the proposal to the Kendall County Regional Planning Commission.

At their meeting on January 24, 2024, the Kendall County Regional Planning Commission voted to initiate the amendment to the Future Land Use Map and text of the Land Resource Management Plan.

Notice of hearing were sent to property owners on January 29, 2024.

Petition information was sent to Kendall Township and the United City of Yorkville on January 26, 2024. The Yorkville City Council met on February 13, 2024, and expressed no concerns regarding the proposal. An email to that effect was provided. The Kendall Township Supervisor submitted an email on February 26, 2024, expressing no objections. This email was provided.

The Kendall County ZPAC reviewed the proposal at their meeting on February 6, 2024. Discussion occurred regarding the definitions of Transportation Corridor and Mixed Use Business. 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 the meeting were provided.

The Kendall County Regional Planning Commission held a public hearing on this proposal on February 28, 2024. Gerald Johnson, Property Owner, testified at the hearing and requested that the properties on the east side of Route 47 be removed from the proposal and remain classified as Transportation Corridor. He noted that businesses were presently located on the west side of Route 47 and he did not want to change the residential use of his property. It was noted that the properties on the east side of Route 47 were proposed for reclassification consistency purposes. The Kendall County Regional Planning Commission recommended approval of the proposal with an amendment by removing the properties located on the east side of Route 47 from the proposed reclassification by a vote of nine (9) in favor and zero (0) in opposition, with one (1) member absent. The minutes of the hearing were provided.

If the proposal is approved as recommended by the Kendall County Regional Planning Commission, the parcels on the west side of Route 47 (PINs: 05-09-300-015, 05-09-376-002, and 05-16-100-006) would be reclassified to Mixed Use Business and the parcels on the east side of Route 47 (PINs: 05-09-400-006, 05-09-400-010, 05-09-400-011, 05-16-200-008, 05-16-200-013, and 05-16-200-014) would remain classified as Transportation Corridor.

The Kendall County Zoning Board of Appeals reviewed the proposal at their meeting on March 4, 2024. Discussion occurred regarding the implications of excluding the properties on the east side of Route 47 from the proposal and the reason why the property owner on the east side of Route 47 wanted their properties removed from the proposal. The Kendall County Zoning

Board of Appeals recommended approval of the proposal with the deletion of the properties on the east side of Route 47 from the proposal by a vote of six (6) in favor and zero (0) in opposition, with one (1) member absent. The minutes of the meeting were provided.

Yorkville's Future Land Use Map was provided for reference.

The draft resolution was provided.

Member Flowers requested clarification on the definition of Mixed Use Business. Mr. Asselmeier stated that Mixed Use Business is light manufacturing on a smaller scale and not retail.

It was noted that the property owners on the east side of Route 47 could request a reclassification in the future.

Member Rodriguez made a motion, seconded by Member Flowers, to recommend approval of the amendment with the deletion of the properties on the east side of Route 47.

The votes were as follows:

Yeas (4): Flowers, Rodriguez, Shanley, and Wormley
Nays (0): None
Abstain (0): None
Absent (1) Koukol

The motion carried.

The proposal goes to the March 20, 2024, County Board meeting on the consent agenda.

NEW BUSINESS

Approval of a Refund of an Unused Solar Panel Permit at 90 Longbeach Road in the Amount of \$350.00

Approval of a Refund of an Unused Solar Panel Permit at 1135 Woolley Road in the Amount of \$200.00

Member Rodriguez made a motion, seconded by Member Shanley, to approve both refunds as requested.

It was noted that the County had not expended Staff time regarding these projects.

The Committee reviewed the number of solar permits issued by the County in the current fiscal year.

The votes were as follows:

Yeas (4): Flowers, Rodriguez, Shanley, and Wormley
Nays (0): None
Abstain (0): None
Absent (1) Koukol

The motion carried.

OLD BUSINESS

Short-Term Rental Renewal Update

Mr. Asselmeier provided a list of short-term rentals. Three (3) properties did not renew their licenses for 2024.

REVIEW VIOLATION REPORT

The Committee reviewed the report. Discussion occurred regarding the Department's procedures for taking violations to court.

REVIEW PRE-VIOLATION REPORT

The Committee reviewed the report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Follow-Up from the February 21, 2024, Kendall County Historic Preservation Commission Annual Meeting

Mr. Asselmeier reported approximately twenty (20) people attended the meeting.

The application window for the historic preservation awards closed on February 28, 2024. There were five (5) nominees. The Commission will be reviewing those applications at the March meeting.

REVIEW PERMIT REPORT

The Committee reviewed the report.

REVIEW REVENUE REPORT

The Committee reviewed the report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Rodriguez made a motion, seconded by Member Flowers, to adjourn. With a voice vote of four (4) ayes, the motion carried.

Chairman Wormley adjourned the meeting at 7:02 p.m.

Minutes prepared by Wanda A. Rolf, Administrative Assistant

Enc.



Kendall County Agenda Briefing

Meeting Type: Planning, Building and Zoning
Meeting Date: 4/8/2024
Subject: Approval of Petition 23-35, Special Use Permit for a Landscaping Business Between 3900 and 3716 Stewart Road
Prepared by: Matthew H. Asselmeier, AICP, CFM
Department: Planning, Building and Zoning

Action Requested:

Approval of Petition 23-35, A Request from Tyler Arbeen on Behalf of Arbeen, LLC for a Special Use Permit for a Landscaping Business at the Property Located Between 3900 and 3716 Stewart Road on the East Side of Stewart Road (PIN: 03-24-400-011) Oswego, in Oswego Township; Property is Zoned A-1

Previous Board/Committee Review:

ZPAC-Approval (9-0-1) of the Original Proposal on January 2, 2024

Kendall County Regional Planning Commission-Approval of Revised Proposal (9-0-1) on February 28, 2024

Kendall County Zoning Board of Appeals-Approval of Revised Proposal (6-0-1) on March 4, 2024

Fiscal impact:

N/A

Background and Discussion:

The Petitioner would like a special use permit to operate a landscaping business at the subject property.

The Petitioner's original request included variances to allow parking the front yard setback and to have temporary buildings in the front yard setback. These requests were withdrawn at the Kendall County Regional Planning Commission meeting.

At the Kendall County Zoning Board of Appeals hearing, the neighbor to the south requested a fifteen foot (15') tall buffer, either a fence or combination fence and berm, along the south side of the property. The Petitioner is currently planning for an 8-foot fence on a three-foot berm.

Staff Recommendation:

Approval with Conditions

Attachments:

Memo Dated April 4, 2024

INVOICE ENTRY PROOF LIST

CLERK: pherber BATCH: 4403

NEW INVOICES

VENDOR	REMIT NAME	INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE	CHK/WIRE
HELD INVOICES								
1849	00001 VERIZON	9959665690-1			42.28	.00	.00	
CASH 000008	2024/04	INV 03/28/2024	SEP-CHK: Y	DISC: .00		131505 62070	42.28	1099:
ACCT 1Y210	DEPT 19	DUE 03/28/2024	DESC:ECON CELL PHONE					
CONDITIONS THAT PREVENT POSTING INVOICE 1849/51907								
* Invoice must be approved or voided to post.								
1849	00001 VERIZON	9959665690			126.84	.00	.00	
CASH 000008	2024/04	INV 03/28/2024	SEP-CHK: Y	DISC: .00		11001902 62070	126.84	1099:
ACCT 1Y210	DEPT 19	DUE 03/28/2024	DESC:PBZ CELL PHONES					
CONDITIONS THAT PREVENT POSTING INVOICE 1849/51908								
* Invoice must be approved or voided to post.								
2063	00000 RUNCO OFFICE SUP	935379-0			82.66	.00	.00	
CASH 000008	2024/04	INV 03/28/2024	SEP-CHK: Y	DISC: .00		11001902 62000	82.66	1099:
ACCT 1Y210	DEPT 19	DUE 03/28/2024	DESC:OFFICE SUPPLIES					
CONDITIONS THAT PREVENT POSTING INVOICE 2063/51909								
* Invoice must be approved or voided to post.								
3 HELD INVOICES					TOTAL	251.78		
0 INVOICE(S)					REPORT POST TOTAL	.00		
REPORT TOTALS						.00		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-35

Tyler Arbeen on Behalf of Arbeen, LLC

A-1 Special Use Permit for Landscaping Business and Variances

Related to Parking in the Front Yard

Setback and Accessory Structures in the Front Yard

INTRODUCTION

The Petitioner is seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They originally sought variances to Section 7:01.G.2.b and Section 11:02.F.7.a to allow accessory structures in the front yard setback and to allow outdoor parking in the front yard setback, thus reducing the front yard setback from one hundred fifty feet (150') as measured from the centerline of Stewart Road to fifty-one feet (51') as measured from the centerline of Stewart Road. However, these items were removed from the required setback in the revised site plan (Attachment 3A).

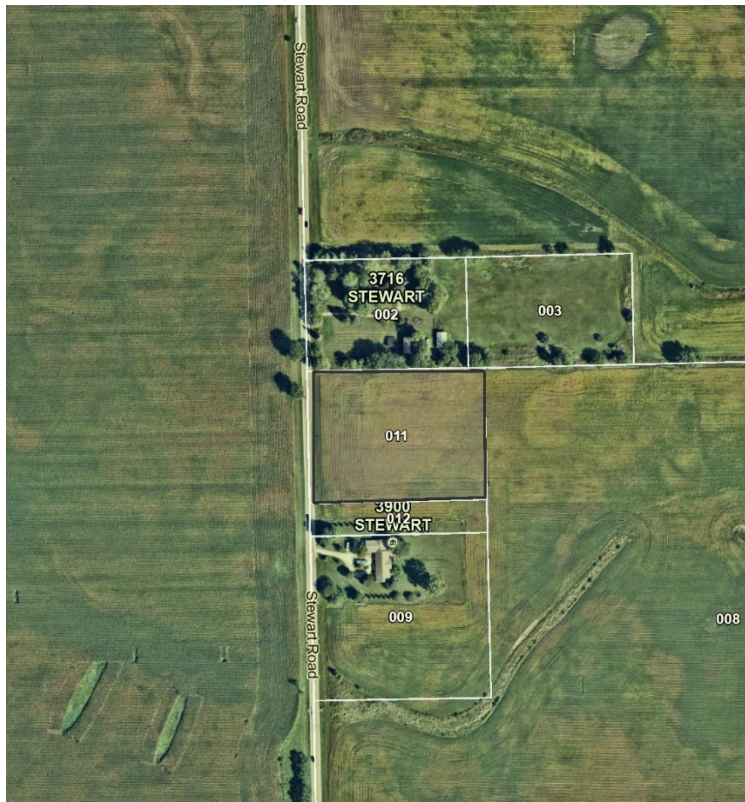
The application materials are included as Attachment 1. The original site plan is included in Attachment 3. The landscaping plan is included as Attachment 4. Pictures of the property and vicinity are included as Attachments 7-10.

SITE INFORMATION

PETITIONER: Tyler Arbeen on Behalf of Arbeen, LLC

ADDRESS: Between 3900 and 3716 Stewart Road, Oswego

LOCATION: Approximately 0.2 Miles North of Scotch Road on the East Side of Stewart Road



TOWNSHIP: Oswego

PARCEL #: 03-24-400-011

LOT SIZE: 4.0 +/- Acres

EXISTING LAND
USE: Agricultural

ZONING: A-1

LRMP:	Future Land Use	Mixed Use Business (County) Residential (Oswego)
	Roads	Stewart Road is a Major Collector maintained by Oswego Township.
	Trails	The Village of Oswego and the County have a trail planned along Stewart Road.
	Floodplain/ Wetlands	There are no floodplains or wetlands on the property.

REQUESTED
ACTIONS: Special Use Permit for a Landscaping Business

APPLICABLE
REGULATIONS: Section 7:01.D.32 – A-1 Special Uses
Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural/Farmstead	A-1	Mixed Use Business (County) Residential (Oswego)	A-1, A-1 SU, and R-1 (County) PUD for Ag Uses (Oswego)
South	Agricultural/Farmstead	A-1	Mixed Use Business (County) Residential (Oswego)	A-1
East	Agricultural	A-1	Mixed Use Business (County) Residential (Oswego)	A-1
West	Agricultural	A-1	Mixed Use Business (County) Mix Commercial (Oswego)	A-1

The A-1 special use permit to the north is for a horse training and boarding business. The A-1 special use

permit to the northwest is for a landscaping business.

Approximately twelve (12) houses are located within a half mile (0.5) miles of the subject property.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report was submitted on October 19, 2023, and consultation was terminated, see Attachment 1, Pages 22 and 23.

NATURAL RESOURCES INVENTORY

The LESA Score for the property was 186 indicated a low level of protection. The NRI Report is included as Attachment 2.

ACTION SUMMARY

OSWEGO TOWNSHIP

Petition information was sent to Oswego Township on December 22, 2023. Prior to formal application submittal, Oswego Township submitted an email requesting a thirty-five foot (35') deep right-of-way dedication from the center of Stewart Road. This email is included as Attachment 11.

VILLAGE OF OSWEGO

Petition information was sent to the Village of Oswego on December 22, 2023. On February 21, 2024, the Village of Oswego submitted a letter stating that the proposal will not impact the WIKADUKE Trail. This letter was included at Attachment 16.

OSWEGO FIRE PROTECTION DISTRICT

Petition information was sent to the Oswego Fire Protection District on December 22, 2023. The Oswego Fire Protection District submitted an email dated December 27, 2023, outlining sprinkling requirements. This email was included as Attachment 12.

ZPAC

ZPAC reviewed the proposal with the original site plan at their meeting on January 2, 2024. The Petitioner's Attorney requested that the deadline to install landscaping be extended to September 1, 2024. Discussion occurred regarding the number of people that might come onto the property in relation to well regulations and septic system location; more information would be provided after the stormwater engineer reviewed the site. Discussion occurred regarding the history and need for front yard setback regulations; concerns were expressed regarding setting a precedent if the variances were granted. ZPAC recommended approval of the proposal with the conditions proposed by Staff (approval of the special use permit and denial of the variances requested at the time of the meeting) with the amendment to the deadline for installing landscaping by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were included as Attachment 13.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on January 24, 2024. Discussion occurred regarding drainage at the property. It was noted that the site was small compared to the Petitioner's intended land use. Discussion occurred regarding the requested variances related to parking and temporary structures in the front yard setback. Concerns were expressed regarding setting a precedent. Concerns were also expressed that the site plan was not finalized. The proposal was laid over at the Petitioner's request in order to revise the site plan to address drainage and setback concerns. The minutes of the meeting are included as Attachment 19.

The Kendall County Regional Planning Commission reviewed the proposal with the revised site plan and updated stormwater information at their meeting on February 28, 2024. The neighbor to the south expressed concerns related to drainage and the impact of the proposed use on the burn pile on the neighboring property. The stormwater plans were still under review. The Petitioner has no plans to install a wall along the south property line and the Petitioner cannot control what adjoining property owners do on neighboring property. The Petitioner's Attorney stated the Petitioner's intent was always to operate a landscaping business at the subject property. Discussion occurred regarding the impact of the County changing their regulations to allow parking and temporary buildings in the front yard

setback. The Kendall County Regional Planning Commission recommended approval of the revised proposal with the conditions proposed by Staff and an amendment allowing the Petitioner to place parking and temporary structures in the front yard setback without the need of obtaining an amendment to the special use permit, if the County amended the Zoning Ordinance in the future to allow these types of uses in the front yard setback by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were included as Attachment 20.

ZBA

The Kendall County Zoning Board of Appeals initiated a public hearing on this proposal on January 29, 2024. The hearing was continued to March 4, 2024, at the Petitioner's request. The information related to the January 29, 2024 and March 4, 2024 hearing is included as Attachments 15 and 15A. At the hearing, a neighbor requested a 15 foot fence be required in the site plan. The Petitioner's attorney noted that the Petitioner is in discussion with the neighbor but requested that the a 15-foot high fence not be a condition for the project. The ZBA approved the findings of fact in a 6-0 vote (1 abstention). ZBA Chairman Mohr noted the Attorney for the Petitioner would verify the 15-foot fence along the southern property line but stated it was not a condition.

GENERAL INFORMATION

Per Section 7:01.D.32 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.

FINDINGS OF FACT-SPECIAL USE PERMIT

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

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. Numerous landscaping businesses have been approved throughout unincorporated Kendall County. The proposed use is along Stewart Road, which is classified as a major collector. Reasonable restrictions can be placed in the special use permit to ensure the health, safety, and general welfare of the area are protected.

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. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners from being negatively impacted by the proposed use.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal identifies locations for the future well and septic field. Two

(2) points of ingress/egress are proposed. The proposed use likely will generate little traffic onsite and adequate space exists for parking for customers and employees of the proposed use. The proposal will have to obtain a stormwater permit to address drainage concerns. Adequate space exists for storage of equipment and materials related to the proposed uses.

The special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true if the hoop houses and landscape material storage bins are located at least ten feet (10') from the southern property line.

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 proposal is also consistent with a goal and objective found on page 6-34 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "Encourage opportunities for locally owned business." In addition, the future land use map calls for this property to be Mixed Use Business. Similar types of uses were planned for the subject property and properties in the vicinity of the subject property.

RECOMMENDATION

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

1. The site shall be developed substantially in accordance with the attached revised site plan (Attachment 3A) and landscaping plan (Attachment 4). One (1) wood post farm fence with wire mesh shall be installed around the enter perimeter of the site expect at the two (2) entrances to the property. The fence shall be six feet (6') in height maximum. The landscaping shall be installed between the fence and Stewart Road.
2. **The owners of the business allowed by this special use permit may place parking and temporary structures in the front yard setback without the need of obtaining an amendment to the special use permit, if the County amends the Zoning Ordinance in the future to allow these types of uses in the front yard setback. (Added at RPC)**
3. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land thirty-five feet (35') in depth along the western property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
4. Equipment and vehicles related to the business allowed by the special use permit may not be stored outdoors at the subject property when the business is closed.
5. 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.
6. 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.
7. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
8. 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 revised site plan (Attachment 3A). The maximum height of the piles of landscaping related material shall be ten feet (10') in height.
9. A maximum of twenty-five (25) 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.

10. The hours of operation of the business allowed by this special use permit shall be daily from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.
11. 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.
12. One (1) sign as described in the sign description (Attachment 5) may be installed along Stewart Road at the subject property. The sign shall not be illuminated.
13. Only lighting related to security may be installed outdoors at the subject property.
14. Damaged or dead plantings described on the landscaping plan (Attachment 4) shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
15. The materials and vegetation described in the landscaping plan (Attachment 4) shall be installed **within six (6) months of the approval of the special use permit by September 1, 2024**. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation. Materials and vegetation stored in the nursery stock storage areas and landscaping material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan. **(Amended at ZPAC)**
16. No landscape waste generated off the property can be burned on the subject property.
17. 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 homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.
18. 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.
19. The dumpster area shall be fenced with board-on-board fencing as shown by the image provided (Attachment 6). The maximum height of the fence shall be eight feet (8').
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. 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.
22. 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.

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

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

ATTACHMENTS

1. Application Materials (Including Petitioner's Findings of Fact, and EcoCat)
2. NRI Report
3. Original Site Plan
- 3A. Site Plan Dated January 30, 2024.
4. Landscaping Plan
5. Sign Description
6. Refuse Fencing Plan
7. Looking Northeast
8. Looking Southeast
9. Looking Northwest
10. Looking West
11. October 30, 2023, Oswego Township Email
12. December 27 Oswego Fire Protection District Email
13. January 2, 2024, ZPAC Meeting Minutes (This Petition Only)
14. January 4, 2024, WBK Engineering Letter
15. January 29, 2024, Kendall County Zoning Board of Appeals Items
- 15A. March 4, 2024, Kendall County Zoning Board of Appeals Items (continued hearing)
16. February 21, 2024, Village of Oswego Letter
17. Stormwater Site Development Plans
18. Stormwater Report
19. January 24, 2024, Kendall County Regional Planning Commission Meeting Minutes (This Petition Only)
20. February 28, 2024, Kendall County Regional Planning Commission Meeting Minutes (This Petition Only)



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name) Arbeen, LLC		
CURRENT LANDOWNER/NAME(s) Arbeen, LLC		
SITE INFORMATION ACRES 4 acres	SITE ADDRESS OR LOCATION 4 acres vacant land adjacent to 3900 Stewart Road Oswego, Illinois 60543	ASSESSOR'S ID NUMBER (PIN) part of 03-24-400-005 when just purchased New PIN 03-24-400-011
EXISTING LAND USE Agricultural -farming	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP A-1
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT Daniel J. Kramer	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER #(Cell, etc.)
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. 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 [REDACTED]		DATE 10/17/2023

FEE PAID: \$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME ABREEN, LLC

FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)

ABREEN, LLC, an Illinois limited Liability Company

CURRENT LANDOWNER/NAME(s)

ARBEEN, LLC, An Illinois Limited Liability Company

SITE INFORMATION

SITE ADDRESS OR LOCATION

ASSESSOR'S ID NUMBER (PIN)

ACRES

4

4 acres adjacent to 3900 Stewart Road, Oswego,
Illinois 60543

03-24-400-011

EXISTING LAND USE

Agricultural

CURRENT ZONING

A-1

LAND CLASSIFICATION ON LRMP

A-1

REQUESTED ACTION (Check All That Apply):

☐ SPECIAL USE☐ MAP AMENDMENT (Rezone to _____)☒ VARIANCE☐ ADMINISTRATIVE VARIANCE☐ A-1 CONDITIONAL USE for: _____☐ SITE PLAN REVIEW☐ TEXT AMENDMENT☐ RPD (☐ Concept; ☐ Preliminary; ☐ Final)☐ ADMINISTRATIVE APPEAL☐ PRELIMINARY PLAT☐ FINAL PLAT☐ OTHER PLAT (Vacation, Dedication, etc.)☐ AMENDMENT TO A SPECIAL USE (☐ Major; ☐ Minor)

PRIMARY CONTACT

Daniel J. Kramer

PRIMARY CONTACT MAILING ADDRESS

PRIMARY CONTACT EMAIL

PRIMARY CONTACT PHONE #

PRIMARY CONTACT FAX #

PRIMARY CONTACT OTHER #(Cell, etc.)

ENGINEER CONTACT

ENGINEER MAILING ADDRESS

ENGINEER EMAIL

ENGINEER PHONE #

ENGINEER FAX #

ENGINEER OTHER # (Cell, etc.)

I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.

I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. **THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE APPLICATION DATE.**

SIGNATURE OF APPLICANT

DATE

12/18/2023

FEE PAID:\$ _____

CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

Form **LLC-5.5****Illinois
Limited Liability Company Act
Articles of Organization****FILE # 13292612**

Secretary of State Alexi Giannoulias
 Department of Business Services Limited
 Liability Division
 www.ilsos.gov

Filing Fee: \$150**Approved By: MAG****FILED****MAY 23 2023**

Alexi Giannoulias
Secretary of State

1. Limited Liability Company Name: ARBEEN, LLC
2. Address of Principal Place of Business where records of the company will be kept:
2410 COLLINS ROAD
OSWEGO, IL 60543
3. The Limited Liability Company has one or more members on the filing date.
4. Registered Agent's Name and Registered Office Address:
 TYLER ARBEEN
 2410 COLLINS RD
 OSWEGO, IL 60543-9705
5. Purpose for which the Limited Liability Company is organized:
 "The transaction of any or all lawful business for which Limited Liability Companies may be organized under this Act."
6. The LLC is to have perpetual existence.
7. Name and business addresses of all the managers and any member having the authority of manager:

ARBEEN, TYLER

**8. Name and Address of Organizer**

I affirm, under penalties of perjury, having authority to sign hereto, that these Articles of Organization are to the best of my knowledge and belief, true, correct and complete.

Dated: MAY 23, 2023

TYLER ARBEEN



1. Attached to this response is our Client's Business Plan, including number of employees and hours of operation. In the early spring through late fall his operation consists totally of the landscaping business. In the winter months they supplement their operations by doing some limited snow plowing with a greatly reduced staff. He lists his current number of employees as 15 at the peak but I would suggest we use 25 as a maximum in that the business could grow and we certainly don't want to interfere with economic development in the County.
2. We are providing attached here to the legal description in "Word" Format.
3. There will be a new well and septic.
4. There are no easements of record on the property.
5. We have always in the past and will continue to honor a Township Right of Way Request as long as it is reasonable in width and not greater than other required dedications.
6. We know the issue with the Oswego Fire Protection District. They have passed an Ordinance many years ago that we believe beyond their authority under the Illinois Fire Code. They require or at least request fire suppression sprinkling in all commercial buildings regardless of size and regardless of whether rural or a municipal water system which would support a sprinkler is available.
We have been down this road before and as you know unless you have a very expensive pressurized tank like a golf course that has a restaurant and other facilities, or a water tower a sprinkle system simply does not function. We will do the courtesy request asking for a waiver which at times they have granted and other times not. The long and short is we would have to have every farm building of this type of pole structure sprinkled out in the country which of course has not been what is traditionally happened. If they will not vary from their Ordinance, it would be their burden to try and enforce and we would simply ask that the County not include their Ordinance requirement or request as a condition of the Special Use.
7. We will have the handicap spaces highlighted. They do not have a great deal of drop in traffic. Most of their landscaping is contracted right with the business or homeowner and the Owner of the Company literally goes out to sites to work with the Homeowner.
8. We would like to vary in the Special Use that condition of no parking in front. If you drive in any of the municipalities or throughout the County parking is in front of the buildings and does maintain a setback off of the lot line but we would loose given that the ownership of the property owner is to the center of the road line with 150 foot setback request that is an unreasonable taking without compensation of not being able to use that much front area of the building.
9. The maximum height in the storage areas would not exceed the Ordinance Requirement. Typically speaking it would be no more than 10 foot in height.
10. The areas would be either grass or in limited drive areas asphalt screenings. There would not be solid paving or concrete except around the apron of the building for the sidewalk area and the two handicap parking spots.
11. Let me know your decision.
12. Again, the hoop houses are temporary structures and we would suggest perhaps a 30 foot to 50 foot setback. We would like to vary the 150 foot, again for the same reason above. It is an unreasonable taking without compensation since you are asking for such a huge setback along County Road Ways that is simply going to be grass area and not actual road or ditches.
13. We would keep any hoop houses which are temporary structures at least 10 feet off the property line and since they are not permanent structures we believe the Ordinance Requirement would only be 5 feet.
14. There will be no illuminated signage but the Owner would put a ground-level landscape sign that you see on various landscaping areas that would blend in with the stone and plantings along Stewart Road.

15. There would be no physical barrier like in a cyclone fence but the Applicant does plan on putting a decorative rail wood fence around the perimeter of the entire site.
16. N additional lighting
17. The dumpster site would enclosed with board on board fence.
18. Petitioner will install landscaping on the front area adjacent to the road. See attached example.
19. Indoors as far as equipment parking.
20. No objection whatsoever to the right to farm clause and Petitioner will comply with that Ordinance.
21. The official Applicant is Arbeen, LLC, an Illinois limited Liability Company which is the Owner and Record Title Holder to the subject Property. The Landscaping business on-site would be operated by Arbeen Landscaping, LLC, and Illinois Limited Liability Company. Tyler Arbeen is the Sole Member of each entity.

LAW OFFICES
OF

Daniel J. Kramer

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

DANIEL J. KRAMER

KELLY A. HELLAND
D.J. KRAMER

November 16, 2023

Matt Asselmeier
Kendall County Building & Zoning
111 W. Fox St.
Yorkville, IL 60560

Via E-mail: masselmeier@kendallcountvil.gov

Re: Arbeen, LLC Special Use Application

Dear Mr. Asselmeier:

In response to your most recent e-mail, a copy of which I am attaching I will respond by numbers to your questions.

1. It would be less than 5 potential customers or existing customers a week. Nearly all of the client contact is at the site of existing or prospective customers or email or telephone contact.
2. The type of business-related equipment stored at Site would be small trailers to transport lawn mowers, bobcats, skid steers, end loaders, and similar landscaping equipment. There also would be a large amount of hand tools, and it is anticipated the storage will be indoors for all.
3. There definitely could be equipment brought back after 5:00 pm although the Applicant generally does not require his workers to work after that time. We would certainly be willing to have the evening operation hours extended to 6:00 pm to cover a late arrival. There would not be work conducted on on-premises after that time.
4. Understood it is an on-going issue and we simply note the past position of Oswego Fire Protection District and ask that the Special Use Request not be held up by any action of the Oswego Fire Protection District. In other words, let them set their own regulations and leave the County out of the middle.
5. I understand your question or comment about the other setbacks. However, that front setback from the Road is artificially set for future Right-of-Way Dedication which given the traffic counts on Stewart Road does not look to be practical in the near term. Again, we get into a taking without compensation issue. If you drive down Route 47 or Route 34 which are major thoroughfares none of the municipalities require a setback that big without permitting landscaping or parking in the same. It seems to me a very practical result in that the building truly will be setback 150 feet from the centerline of the roadway. However, there is absolutely no harm in having landscaping or parking in that area which readily removable if in fact there were some super highway put through the area. Again, the Applicant/Owner is not suggesting putting any landscaping or parking lot in the additional Right-of-Way that the Applicant/Owner


is willing to dedicate to Oswego Township at no cost.

That is important because there is a BP Amoco Case that came out of the Addison/Bartlett Area in the Second Appellate District that held that a Governmental Body cannot condition a Special Use on dedicating Right-of-Way at compensation because it violates the takings clause of both the Federal and the State of Illinois Constitution. I am not trying to be unduly contentious but that is a good back drop for why we ask for as part of our Special Use this variation in being able to use the front setback for landscaping and parking. Since it is a Special Use I believe that it can be contained in the conditions and does not require a separate variance application. I believe theoretically the only need for a variance would be if it was a straight zoning change of Zoning District as opposed to a Special Use or PUD.

6. Attached please find the Stormwater Management Application. Yes, please use the overage submitted toward this Application.
7. Attached please find a copy of the Landscaping Plan, signage plan, and dumpster fencing plan. Also, attached is the revised site plan denoting 2 handicap spaces.
8. Enclosed please find a copy of the Sign Plan.
9. Enclosed please find a copy of my client's Landscape Plan.
10. Given past history I would think the Oswego Township would want a dedication of 35 feet from center line on my Client's Real Property. In other word they would ultimately want a 70-foot Right-of-Way where now my Client owns to the centerline of the road adjacent to our property.

I would ask that based on this correspondence answering and the revised Landscape Plan, Sign Plan, Sight Plan, and dumpster plan that we be put on the December 5, 2023 ZPAC, December Regional Plan Commission and Special Use Hearing Officer/ZBA. Should you have any questions please feel free to call my office.

Very truly yours,


Daniel J. Kramer
Attorney at Law

DJK/cth
Enclosures



1. Can you send me a Business Plan with the proposed hours of operation, number of employees, and what the site will be used for?

- Arbeen Landscaping is a full-service Landscape Maintenance, Landscape Construction and Snow and Ice Management provide in the west suburbs. We intend to store equipment, raw materials, and plants on site. In the morning hours site will be used for employees to park their personal vehicles, change in to uniform and take a company vehicle to service locations for the day to work. Hours of operation in the summer months are 6:00am-5:00pm and winter hours are 8:00am-3:30pm (During snow events we need to access the facility 24hrs as needed to load trucks with salt to service customers) Arbeen Landscaping currently has 15 employees.

2. A sketch of what landscaping you will do along Stewart Road

- Landscape Buffer to include a variety of pine trees, ornamental trees, native shrubs and natural stone to enhance curb appeal.





3. A picture of the type of building you are considering building



4. Are you do any additional light on the property besides battery lighting on the building? If so, you will need to contact an electrician to do a Photometric Plan for you.
- No additional lighting
5. If you are planning on doing any fencing on the property what type of fencing and where?
- 6' wood post farm fence with wire mesh. The fence is to surround the entire property. Excludes the (2) entrances

The Petitioner is requesting a Variance permitting parking and portable hoop houses for growing plants located within the front setback area both of which would be permitted within the 150 foot front yard setback line as defined in the Kendall County A-1 Zoning Ordinance East of the centerline of Stewart Road which would decrease the 150 foot front yard setback to 51 feet.

The Petitioner/Owner agrees that no permanent structures shall be located within the 105 foot front yard setback and no permanent structures shall be erected within 75 feet from the centerline east interfering with the Wi Ka Du centerline recorded right-of-way document.

No additional right-of-way shall be dedicated at this time to any governmental body. Petitioner agrees to leave adequate setback in the event a governmental body seeks additional right-of-way its will be required to obtain an Eminent Domain for roadway taking purposes.

The Northerly 360.0 feet of the Westerly 484.01 feet (as measured along the Westerly and Northerly Lines thereof) of the South Half of the Southeast Quarter of Section 24, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township, Kendall County, Illinois.

202300009241

DEBBIE GILLETTE
 RECORDER - KENDALL COUNTY, IL
 RECORDED: 8/17/2023 10:17 AM
 REC FEE: 57.00 RHSPS: 19.00
 STATE TAX: 260.00
 COUNTY TAX: 130.00
 PAGES: 4

1/2
 TRUSTEE'S DEED
 ILLINOIS STATUTORY

23CSA620602 YK
 CM

THE GRANTOR(S), Gordon C. Plohr, as Trustee of the Gordon C. Plohr Trust dated October 23, 2019 and Judith K. Plohr, as Trustee of the Judith K. Plohr Trust dated October 23, 2019, of the [REDACTED] [REDACTED] [REDACTED] for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration in hand paid, CONVEY(S) and WARRANT(S) to Arbeen LLC, an Illinois Limited Liability Company all interest in the following described Real Estate situated in the County of Kendall in the State of Illinois, to wit:

~~THE NORTHERLY 360.0 FEET OF THE WESTERLY 484.01 FEET (AS MEASURED ALONG THE WESTERLY AND NORTHERLY LINES THEREOF) OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS.~~

See attached legal

SUBJECT TO:

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

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number(s): 03-24-400-005

Address(es) of Real Estate: 3900 Stewart Road
 Oswego, Illinois 60543

Dated this July day of 21, 2023

By: [REDACTED]
 Gordon C. Plohr, as Trustee of the Gordon C. Plohr Trust dated October 23, 2019

Dated this July day of 21, 2023

By: [REDACTED]
 Judith K. Plohr, as Trustee of the Judith K. Plohr Trust dated October 23, 2019

Chicago Title

STATE OF ILLINOIS, COUNTY OF Kendall SS

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Gordon C. Plohr and Judith K. Plohr, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal this 21st day of July, 20 23.



Notary Public

Prepared by:
Law Office of Lisa A. Coffey, P.C.
98 Miller Drive, Suite 102
North Aurora, Illinois 60542

Mail to:
Arbeen LLC, an Illinois Limited Liability Company

Name and Address of Taxpayer: GRANKES Address:

Arbeen LLC, an Illinois Limited Liability Company
2410 Collins Rd.
Oswego Il. 60573

LEGAL DESCRIPTION OF 5.0000-ACRE TRACT CONVEYED FROM PLOHR TO ARBEEN:

The Northerly 450.0 feet of the Westerly 484.01 feet (as measured along the Westerly and Northerly Lines thereof) of the South Half of the Southeast Quarter of Section 24, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township, Kendall County, Illinois.



Debbie Gillette
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)

)SS

COUNTY OF KENDALL)

Gordon C. Plohr, as Trustee of the Gordon C. Plohr Trust dated October 23, 2019 and Judith K. Plohr, as Trustee of the Judith K. Plohr Trust dated October 23, 2019, being duly sworn on oath, states that affiant resides at 3900 Stewart Rd., Oswego, IL 60543. 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 part of a larger tract of land; or

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

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

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

SUBSCRIBED AND SWORN BEFORE ME

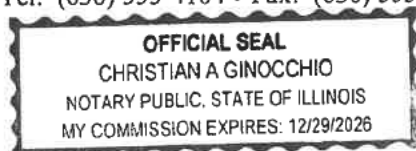
This 21st day of July, 2023

Signature of Notary Public

Signature of Affiant

111 West Fox Street, Yorkville IL 60560-1498

Tel: (630) 553-4104 • Fax: (630) 553-4119 • Email: Dgillette@co.kendall.il.us



202300009242

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL
RECORDED: 8/17/2023 10:17 AM
REC FEE: 57.00 RHSPS: 19.00
PAGES: 4

2/2
QUIT CLAIM DEED
Statutory (Illinois)

THE GRANTOR
ABREEN, LLC,
AN ILLINOIS LIMITED LIABILITY
COMPANY
of The Village of Oswego
in the County of Kendall,
and State of Illinois,

for and in consideration of Ten Dollars in hand paid, CONVEYS and QUIT CLAIMS to:

Gordon C. Plohr, as Trustee of the Gordon C. Plohr Trust dated October 23, 2019 and Judith K. Plohr, as
Trustee of the Judith K. Plohr Trust dated October 23, 2019

whose address is: 3900 Stewart Road, Oswego, Illinois 60543

all interest in the following described Real Estate situated in the County of Kendall, in the State of
Illinois to wit:

See attached legal description

SUBJECT TO: Existing easements, covenants, and restrictions of record and 2023 and
Subsequent years real estate taxes.

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the
State of Illinois.

Permanent Real Estate Index Number: part of 03-24-400-005

Address of Real Estate: 1 acre of vacant land adjacent to 3900 Stewart Road, Oswego, Illinois 60543


Dated this 21st day of July, 2023.

23C59620602YK
CM

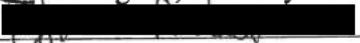
Chicago Title

ARBEEN, LLC
AN ILLINOIS LIMITED LIABILITY COMPANY

BY:


Tyler Arbeen, Manager

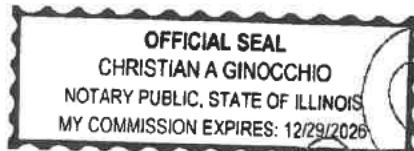
STATE OF ILLINOIS)
) ss.
COUNTY OF KENDALL)

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

Given under my hand and notarial seal this 21st day of July, 2023.




Notary Public



THIS TRANSACTION EXEMPT UNDER
PROVISIONS OF 35 ILCS 305/4 E.

Dated: July 21, 2023

Signed: 

Grantees' Address:

Send subsequent tax bills to:

After Recording, Return To:

Gordon C. Plohr, as Trustee of the Gordon C. Plohr Trust dated October 23, 2019 and Judith K. Plohr, as Trustee of the Judith K. Plohr Trust dated October 23, 2019



This Document Prepared By:
Attorney Daniel J. Kramer



LEGAL DESCRIPTION OF 1.0000-ACRE TRACT RETURNED TO PLOHR FROM ARBEEN:

The Southerly 90.0 feet of the Northerly 450.0 feet of the Westerly 484.01 feet (as measured along the Westerly and Northerly Lines thereof) of the South Half of the Southeast Quarter of Section 24, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township, Kendall County, Illinois.

Unofficial



Debbie Gillette
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
)SS
COUNTY OF KENDALL)

Daniel J. Kramer, being duly sworn on oath, states that affiant resides at
Yorkville, Illinois. 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 part of a larger tract of land; or
B. ☒ That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons:
(please circle the appropriate number)

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

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

SUBSCRIBED AND SWORN TO BEFORE ME

This 21st day of July, 2023.

Signature of Notary Public

Signature of Affiant



111 West Fox Street, Yorkville IL 60560-1498
Tel: (630) 553-4104 • Fax: (630) 553-4119 • Email: Dgillette@co.kendall.il.us

1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630) 553-1580

Philip D. Young and Associates, Inc.
LAND SURVEYING - 2020
Attachment 1 - 2020
Lic. # 184-002775

JOB NO.	23086
JOB NAME	ATTY. KRAMER
DWG FILE	23086



LEGAL DESCRIPTION:

The Northernly 360.0 feet of the Westerly 484.01 feet (as measured along the Westerly and Northernly Lines thereof) of the South Half of the Southeast Quarter of Section 24, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township, Kendall County, Illinois.

State of Illinois) ss
County of Kendall)

I, Andrew R. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements upon the above described tract as shown by the plat hereon drawn which is a representation of said survey. Field work completed June 27, 2023. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated June 28, 2023 at Yorkville, Illinois

(Expires 11/30/24)

Andrew K. Young
Illinois Professional Land Surveyor No.

KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Arbeen, LLC
 Address 2410 Collins Road
 City Oswego State IL Zip 60543
2. Nature of Benefit Sought _____
3. Nature of Applicant: (Please check one)
 - ☐ Natural Person (a)
 - ☐ Corporation (b)
 - ☐ Land Trust/Trustee (c)
 - ☐ Trust/Trustee (d)
 - ☐ Partnership (e)
 - ☐ Joint Venture (f)
 - ☒ Limited Liability Company
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:
Manager of Limited Liability Company
+ Sole Member of LLC
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
<u>Tyler Arbeen</u>	[REDACTED]	<u>100%</u>
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
Same as above

I, David J. Keener, VERIFICATION, 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 17th day of October, A.D. 2023

(seal)



Notary Public



Applicant: Arbeen, LLC
Contact: ATTORNEY DANIEL J. KRAMER
Address: [REDACTED]

IDNR Project Number: 2405940
Date: 10/19/2023

Project: Arbeen, LLC
Address: 4 acres vacant land on Stewart Road, Oswego

Description: operate a landscaping business and tree nursery

Natural Resource Review Results

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

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

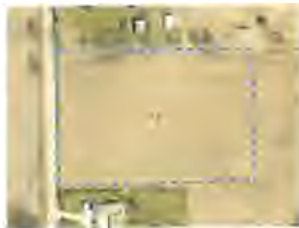
Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented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

Location

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

County: Kendall

Township, Range, Section:
37N, 8E, 24



IL Department of Natural Resources
Contact
Bradley Hayes
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kendall County Planning, Building, and Zoning
Matt Asselmeier
111 W. Fox Street
Yorkville, Illinois 60560

Disclaimer

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

IDNR Project Number: 2405940

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.

Special Use Findings of Fact

1. The operation of the Special will not endanger any public health, safety, morals, comfort or general welfare. To the contrary it will provide the orderly expansion of allowing nursery stock and a local landscaping business that hires local Kendall County Employees in a quasi-agricultural endeavor to promote economic success for both the applicant and Kendall County and adjoining County customers.
2. The Special Use will not substantially be injurious to the use and enjoyment of surrounding properties. The property immediately adjoining is a residential use in an agricultural area that sold this subject property of the Special Use Applicant knowing full well the intended use. There are many agricultural/landscaping/nursery businesses scattered in the agricultural zoning throughout the County.
3. Stewart Road is a hard surface Road and provides adequate ingress and egress for all vehicles entering and leaving the subject property. There are not heavy ingress and egress uses with only employees arriving in the morning, leaving for jobs and returning in the late afternoon. The Applicant may do some snowplowing with lesser amount of employees in the winter. Drainage is easily handled on the subject property.
4. Applicant fully expects to comply with all applicable regulations and Kendall County Zoning Applications for the anticipated Special Use.
5. The Application for the Special Use is totally consistent with the purpose and objectives of the Land Resource Management Plan as set out in the answer to the first paragraph above.

1) The property setback requirements for A-1 results in an inverse condemnation in taking without compensation which is against Illinois and Federal Constitutions when no public interest is being adversely effect. If it was a reasonable distance, Petitioner would cooperate. Petitioner has in no way created this difficulty.

2) Actually if there were other similar landscape use in A-1 areas on seldom traveled low volume traffic roads, there would be no need for 150 foot setback. A drive through Kendall County bot rural and in incorporated municipalities, show businesses, Government Office Buildings, and homes much closer to rad rights-of-way so there is no articulable health or safety needs justifying not allowing parking and landscaping improvements in a front setback area. If there ever was a condemnation or a voluntary taking as long as there are not permanent improvements the taking can take place without causing additional government expense for permanent improvement acquisition costs.

3) The property setback requirements for A-1 results in an inverse condemnation in taking without compensation which is against Illinois and Federal Constitutions when no public interest is being adversely effect. If it was a reasonable distance, Petitioner would cooperate. Petitioner has in no way created this difficulty.

4) The request has no impact whatsoever on surrounding property owners. The parking and hoop houses will be setback further than the adjacent landowners residential homes and are well of the right-of way requirements in any other uses.

5) The request has no impact whatsoever on surrounding property owners. The parking and hoop houses will be setback further than the adjacent landowners residential homes and are well of the right-of way requirements in any other uses

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 Arbeen, LLC
 Owner: Address [REDACTED]
 Phone [REDACTED]
 Agent: Name Attorney Daniel J. Kramer
 Address [REDACTED]
 Phone [REDACTED]
 Site: Address or Location 5 acres vacant land Stewart Road
 Tax Parcel # 03-24-400-011
 Zoning/Land Use/Acres A-1 5 acres

Proposed Development:
A-1 Special Use to operate Landscaping Business

Attachments: Plat X Submitted Construction Plans _____
 Soils _____ Landscaping X Submitted
 Grading _____ Phasing _____
 Other Engineer will submit calculations

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

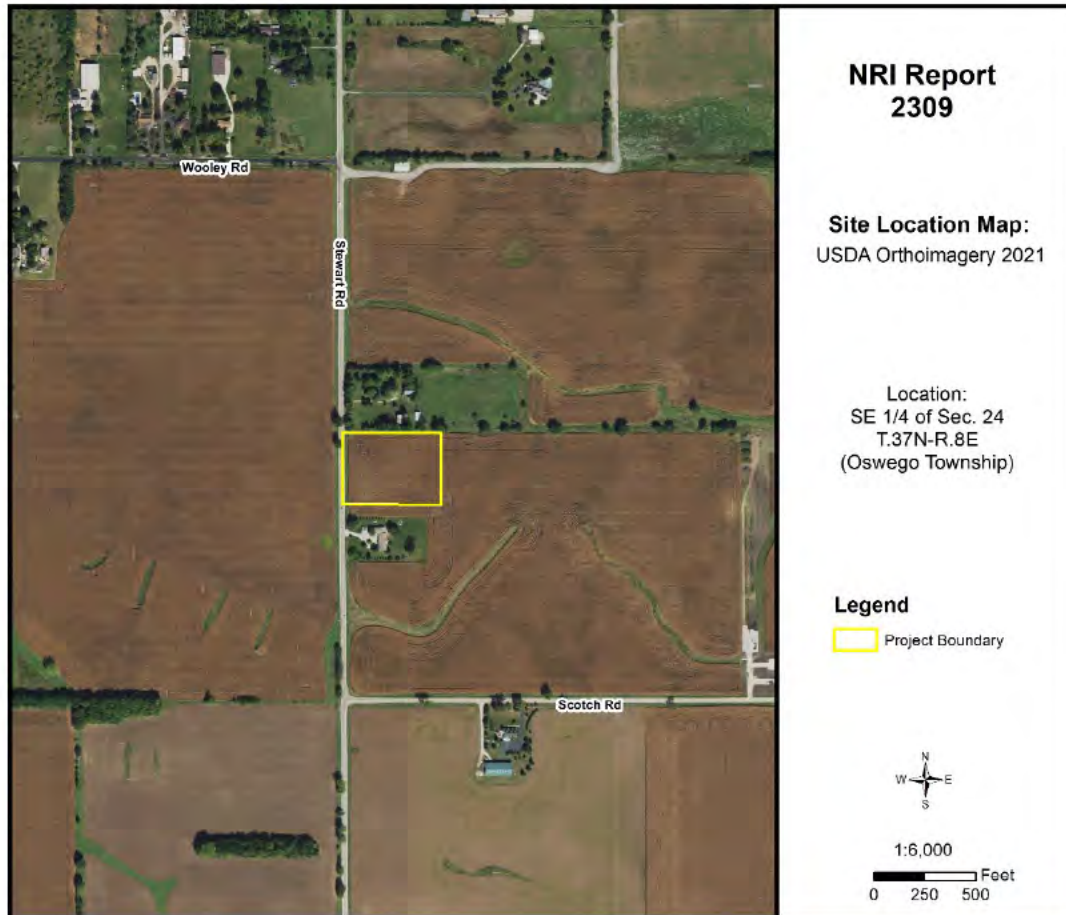
Staff will contact Applicant regarding schedule and reviews.

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) [REDACTED] Date _____
 Agent's Signature (Including Middle Initial) _____ Date 11/16/23

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

NATURAL RESOURCE INFORMATION (NRI) REPORT: #2309



Nov.
2023

Petitioner: Arbeen, LLC
Contact: Attorney Daniel J. Kramer

Prepared By:



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

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

Natural Resource Information Report Number	2309
Date District Board Reviews Application	November 2023
Applicant's Name	Arbeen, LLC
Size of Parcel	4.00 acres
Current Zoning & Use	A-1 Agricultural; Agricultural field
Proposed Zoning & Use	A-1 Agricultural Special Use; Landscaping Business
Parcel Index Number(s)	03-24-400-011
Contact Person	Attorney Daniel J. Kramer

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

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

PURPOSE AND INTENT

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

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

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

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

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

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

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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2309
Petitioner	Arbeen, LLC
Contact Person	Attorney Daniel J. Kramer
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SE ¼ of Section 24, Township 37 North, Range 8 East (Oswego Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Arbeen Landscaping
Existing Zoning & Land Use	A-1 Agricultural; Agricultural field
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	Not indicated
Size of Site	4.00 acres
Land Evaluation Site Assessment (LESA) Score	186 (Land Evaluation: 87; Site Assessment: 99)

NATURAL RESOURCE CONSIDERATIONS

SOIL INFORMATION

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this project area contains the soil types shown in Figure 1 and Table 1. 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.

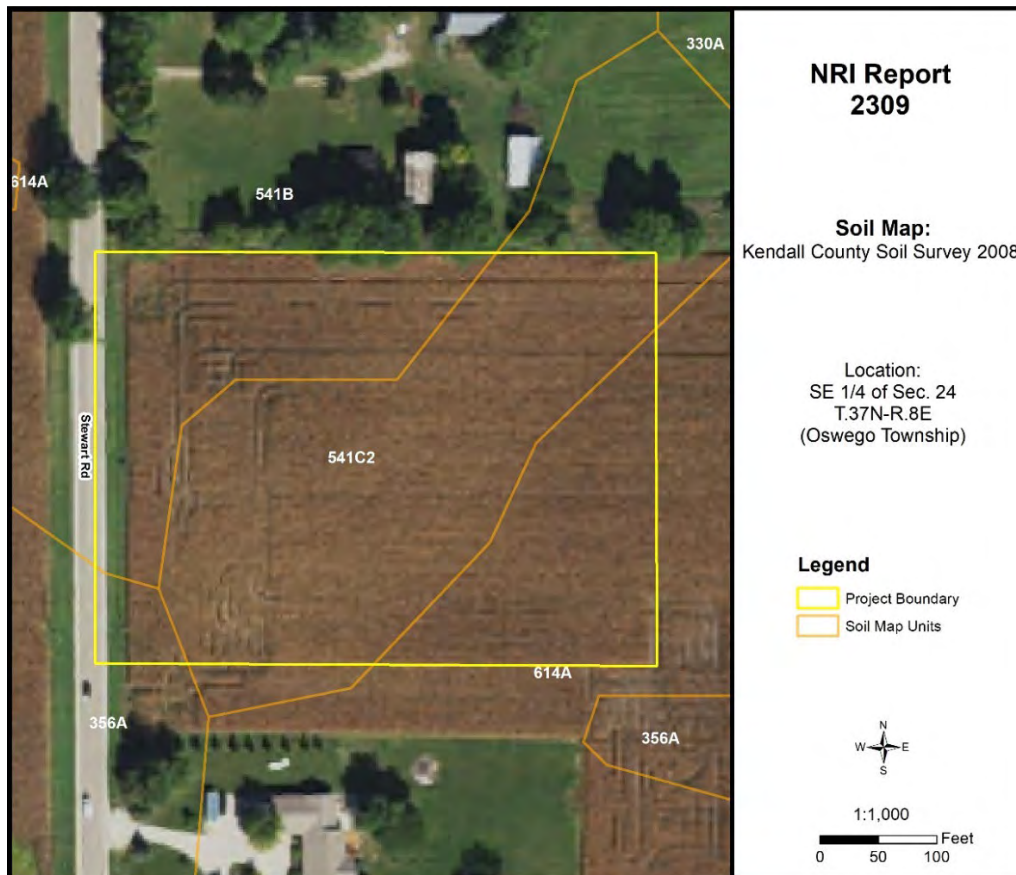


Figure 1: Soil Map

Table 1: Soils Information

Soil Type	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation	Acres	% Area
356A	Elpaso silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained	0.1	3.1%
541B	Graymont silt loam, 2-5% slopes	Moderately Well Drained	C	Non-Hydric with Hydric Inclusions	Prime Farmland	1.2	29.5%
541C2	Graymont silt loam, 5-10% slopes, eroded	Moderately Well Drained	C	Non-Hydric with Hydric Inclusions	Farmland of Statewide Importance	1.9	48.3%
614A	Chenoa silty clay loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric with Hydric Inclusions	Prime Farmland	0.8	19.1%

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.

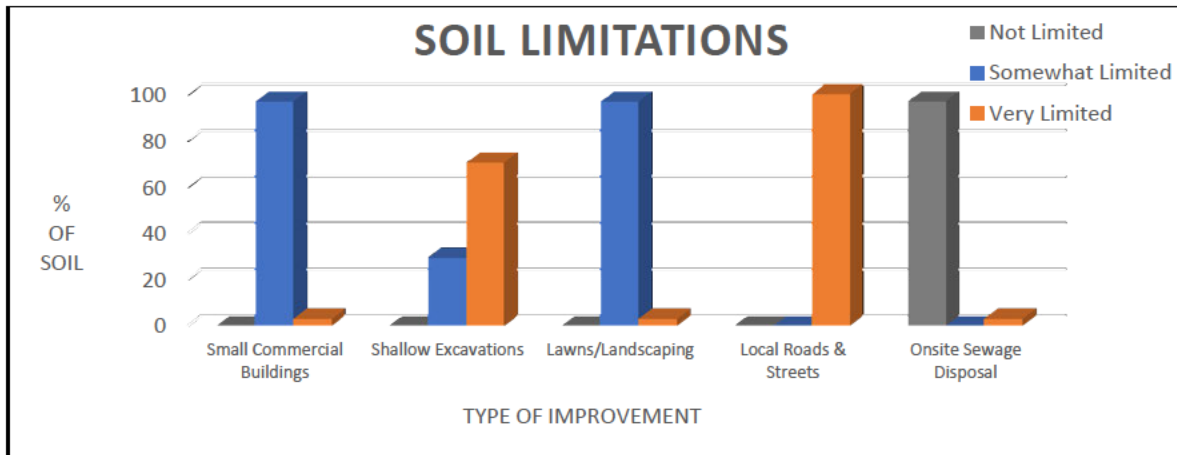
Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions 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 (356A Elpaso silty clay loam) and three are classified as non-hydric soils with hydric inclusions likely (541B Graymont silt loam, 541C2 Graymont silt loam, and 614A Chenoa silty clay loam).

Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, three are designated as prime farmland or prime farmland if drained (356A Elpaso silty clay loam, 541B Graymont silt loam, and 614A Chenoa silty clay loam) and one does not meet the criteria for prime farmland and is considered farmland of statewide importance (541C2 Graymont silt loam).

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	Small Commercial Buildings	Shallow Excavations	Lawns/Landscaping	Local Roads & Streets	Onsite Sewage Disposal
356A	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited
541B	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Not Limited
541C2	Somewhat Limited	Very Limited	Somewhat Limited	Very Limited	Not Limited
614A	Somewhat Limited	Very Limited	Somewhat Limited	Very 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 **87**, 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 **99**.

The LESA Score for this site is **186** out of a possible **300**, which indicates a **low level of protection** for the proposed project site. Selecting the project site with the lowest total points will generally protect the best

farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

WETLANDS

The U.S. Fish & Wildlife Service's National Wetlands Inventory map does not indicate the presence of 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. 17093C0070G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the site is in Zone X, an area of minimal flood hazard determined to be outside of the 0.2% annual chance floodplain.

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 as 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 Arbeen, LLC. The petitioner is requesting a Special Use Permit on one parcel (Parcel Index Number 03-24-400-011) to operate a 4.00-acre landscaping business within Oswego Township of Kendall County, IL located in Section 24, Township 37N, and Range 8E of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.


The Kendall County SWCD has always had the opinion that prime farmland soils should be preserved whenever feasible due to their highly productive qualities for growing agriculturally important grain and fiber crops in our community. Of the soils found onsite, 51.7% are designated as prime farmland or prime farmland if drained. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored a 87 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA score for this site is 186 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are considered very limited for roads/streets, 70.5% are very limited for shallow excavations, and 3.1% are very limited for small commercial buildings and lawns/landscaping. The remaining soils are considered somewhat limited for these types of uses. Additionally, 3.1% of the soils are considered unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

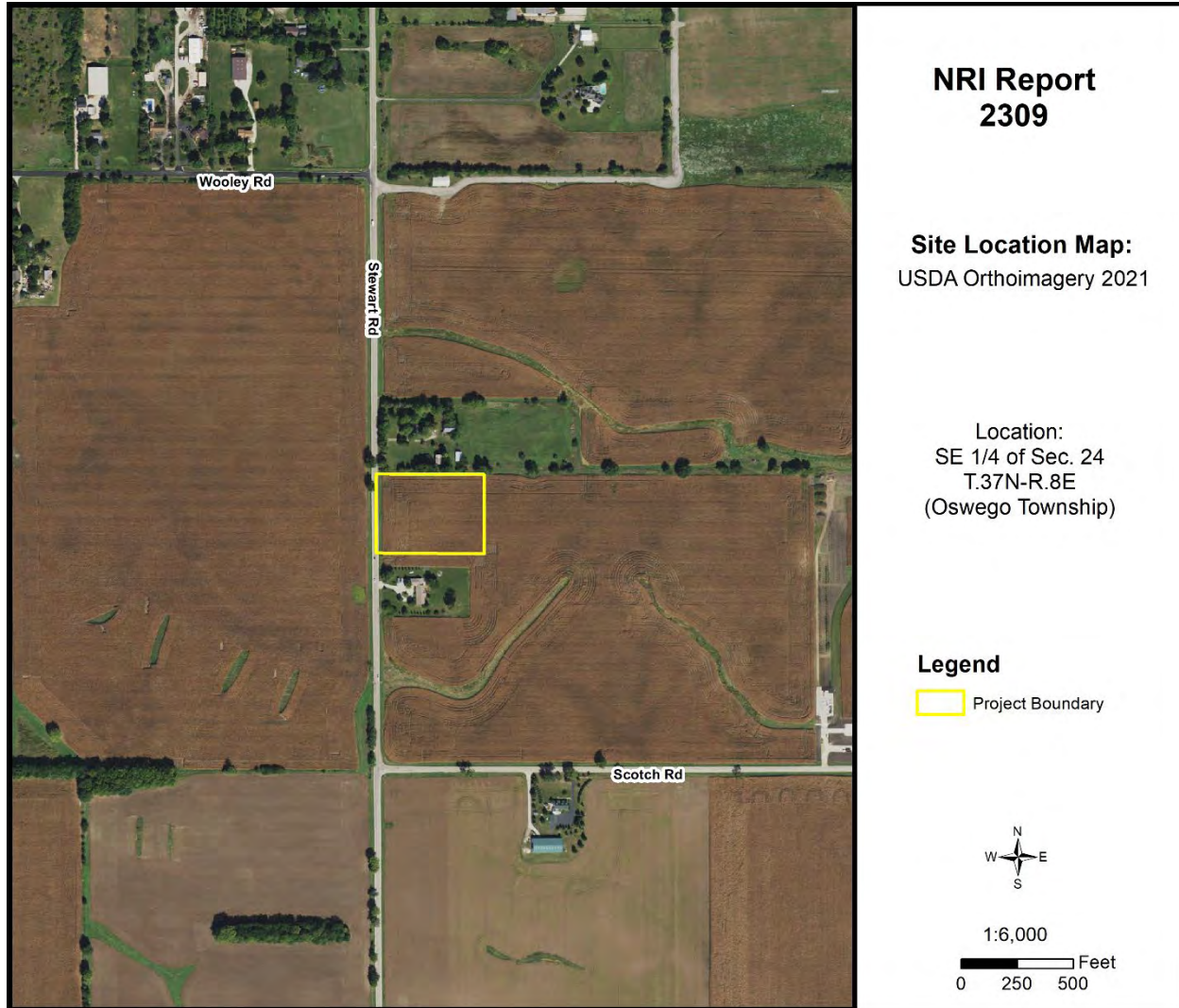
This site is located within the Des Plaines River watershed and the Middle DuPage River sub watershed. This development should include a soil erosion and sediment control plan to be implemented during construction. It is critical to have vegetative cover during and after construction to protect the soil 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

11/13/23
Date



ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION

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

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

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

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

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

ECOLOGICALLY SENSITIVE AREAS

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

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

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

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

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

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

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

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

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

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

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

BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL

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

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

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

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

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

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

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

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

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

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

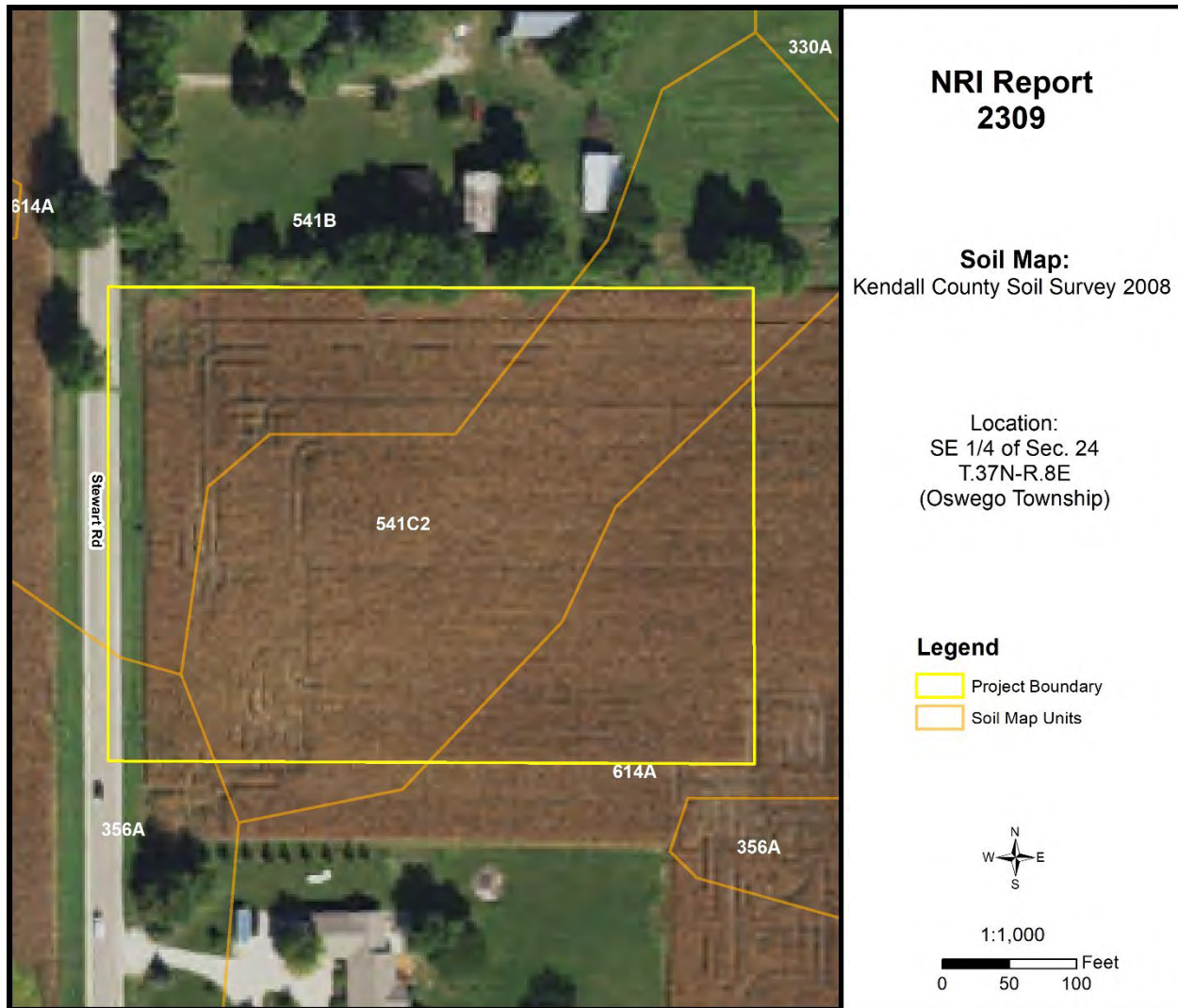


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Soil Type	Soil Name	Acres	Percent
356A	Elpaso silty clay loam, 0-2% slopes	0.1	3.1%
541B	Graymont silt loam, 2-5% slopes	1.2	29.5%
541C2	Graymont silt loam, 5-10% slopes, eroded	1.9	48.3%
614A	Chenoa silty clay loam, 0-2% slopes	0.8	19.1%

Source: National Cooperative Soil Survey – USDA-NRCS

SOILS INTERPRETATIONS EXPLANATION

GENERAL – NONAGRICULTURAL

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

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

LIMITATIONS RATINGS

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

BUILDING LIMITATIONS

BUILDING ON POORLY SUITED OR UNSUITABLE SOILS

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

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

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

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

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

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

Table 4: Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Roads & Streets	Onsite Sewage Disposal*	Acres	%
356A	Very Limited: Ponding, Depth to saturated zone, Shrink-swell	Very Limited: Ponding, Depth to saturated zone, Dusty, Unstable excavation walls, Too clayey	Very Limited: Ponding, Depth to saturated zone, Dusty	Very Limited: Ponding, Depth to saturated zone, Frost action, Low strength, Shrink-swell	Unsuitable/ Very Limited: Wet	0.1	3.1%
541B	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone, Dusty, Unstable excavation walls, Ponding	Somewhat Limited: Dusty	Very Limited: Frost action, Low strength, Shrink-swell, Ponding, Depth to saturated zone	Suitable/ Not Limited	1.2	29.5%
541C2	Somewhat Limited: Slope, Shrink-swell	Very Limited: Depth to saturated zone, Dusty, Unstable excavation walls, Ponding	Somewhat Limited: Dusty	Very Limited: Frost action, Low strength, Shrink-swell, Ponding, Depth to saturated zone	Suitable/ Not Limited	1.9	48.3%
614A	Somewhat Limited: Depth to saturated zone, Shrink-swell	Very Limited: Depth to saturated zone, Dusty, Unstable excavation walls, Ponding, Too clayey	Somewhat Limited: Depth to saturated zone, Dusty	Very Limited: Low strength, Depth to saturated zone, Frost action, Shrink-swell, Ponding	Suitable/ Not Limited	0.8	19.1%
% Very Limited	3.1%	70.5%	3.1%	100%	3.1%		

*This column indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Please consult with the Kendall County Health Department to verify the limitations of your site for onsite sewage disposal.

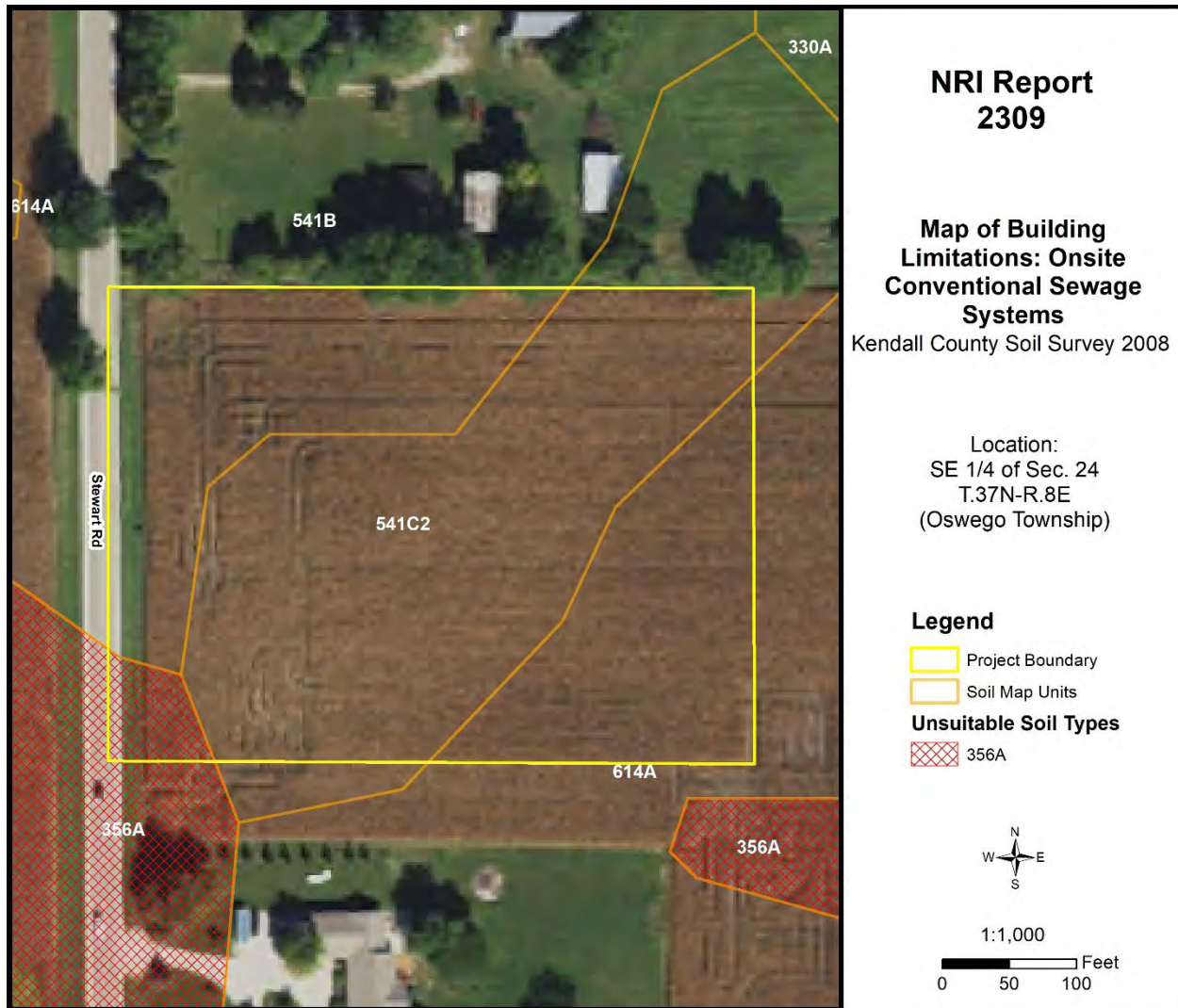


Figure 6D: Map of Building Limitations – Onsite Conventional Sewage Systems

SOIL WATER FEATURES

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

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

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

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

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

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

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

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

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

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

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

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

Table 5: Water Features

Soil Type	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
356A	B/D	Negligible	January – May Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	January – May Surface Water Depth: 0.0'-0.5' Duration: Brief (2-7 days) Frequency: Frequent	January – December Frequency: None
541B	C	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.3'	January – December Frequency: None	January – December Frequency: None
541C2	C	Medium	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.3'	January – December Frequency: None	January – December Frequency: None
614A	C/D	Low	January – May Upper Limit: 1.0'-2.0' Lower Limit: 2.1'-4.3'	January – December Frequency: None	January – December 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

Soil Type	Slope	Rating	Acreage	Percent of Project Area
356A	0-2%	Slight	0.1	3.1%
541B	2-5%	Slight	1.2	29.5%
541C2	5-10%	Moderate	1.9	48.3%
614A	0-2%	Slight	0.8	19.1%

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 Type	Prime Designation	Acreage	Percent
356A	Prime Farmland (if drained)	0.1	3.1%
541B	Prime Farmland	1.2	29.5%
541C2	Farmland of Statewide Importance	1.9	48.3%
614A	Prime Farmland	0.8	19.1%
% Prime Farmland	51.7%		

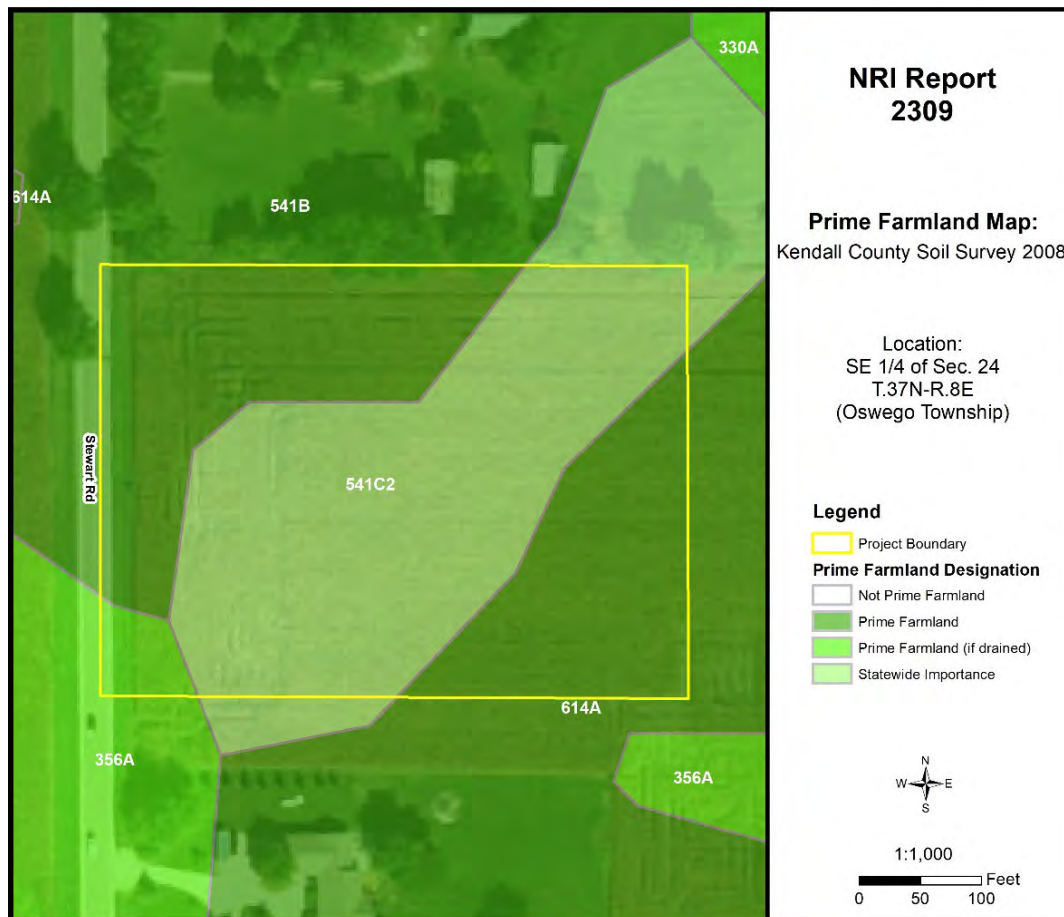


Figure 7: Map of Prime Farmland Soils

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)
356A	1	100	0.1	10.0
541B	2	94	1.2	112.8
541C2	5	82	1.9	155.8
614A	3	87	0.8	69.6
			4.0	348.2
LE Calculation			(Product of relative value / Total Acres) 348.2 / 4.0 = 87.1	
LE Score			LE = 87	

*Acreage listed in this chart provides a generalized representation and may not precisely reflect exact acres of each soil type.

The Land Evaluation score for this site is 87, indicating that this site is designated as land that is well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 8B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	10
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	20
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	Site Assessment Score:	99

The Site Assessment score for this site is 99. The Land Evaluation value (87) is added to the Site Assessment value (99) to obtain a LESA Score of 186. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 9: LESA Score Summary

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

Land Evaluation Value: 87 + Site Assessment Value: 99 = LESA Score: 186

The LESA Score for this site is 186 which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

LAND USE PLANS

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

DRAINAGE, RUNOFF, AND FLOOD INFORMATION

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

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

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

WHAT IS A WATERSHED?

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

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

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

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

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

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

IMPORTANCE OF FLOOD INFORMATION

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

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

Flood Insurance Rate Maps (FIRMs), produced by the Federal Emergency Management Agency (FEMA), 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 (1% annual chance flood), Zone B or Zone X (shaded) is the 100 to 500-year flood (between limits of the 1% and the 0.2% annual chance flood), and Zone C or Zone X (unshaded) is outside the floodplain (outside the 0.2% annual chance flood).

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 drainage ways, 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 on slight topography (slopes 0 to 10%) and at an elevation of approximately 724'-734' above sea level. The lowest point is at the southeast corner, and the highest point is in the middle of the site. According to the FEMA Flood Map (Figure 8), the parcel does not contain areas of floodplain or floodway. It is mapped as Zone X, an area of minimal flood hazard determined to be outside of the 0.2% annual chance floodplain.

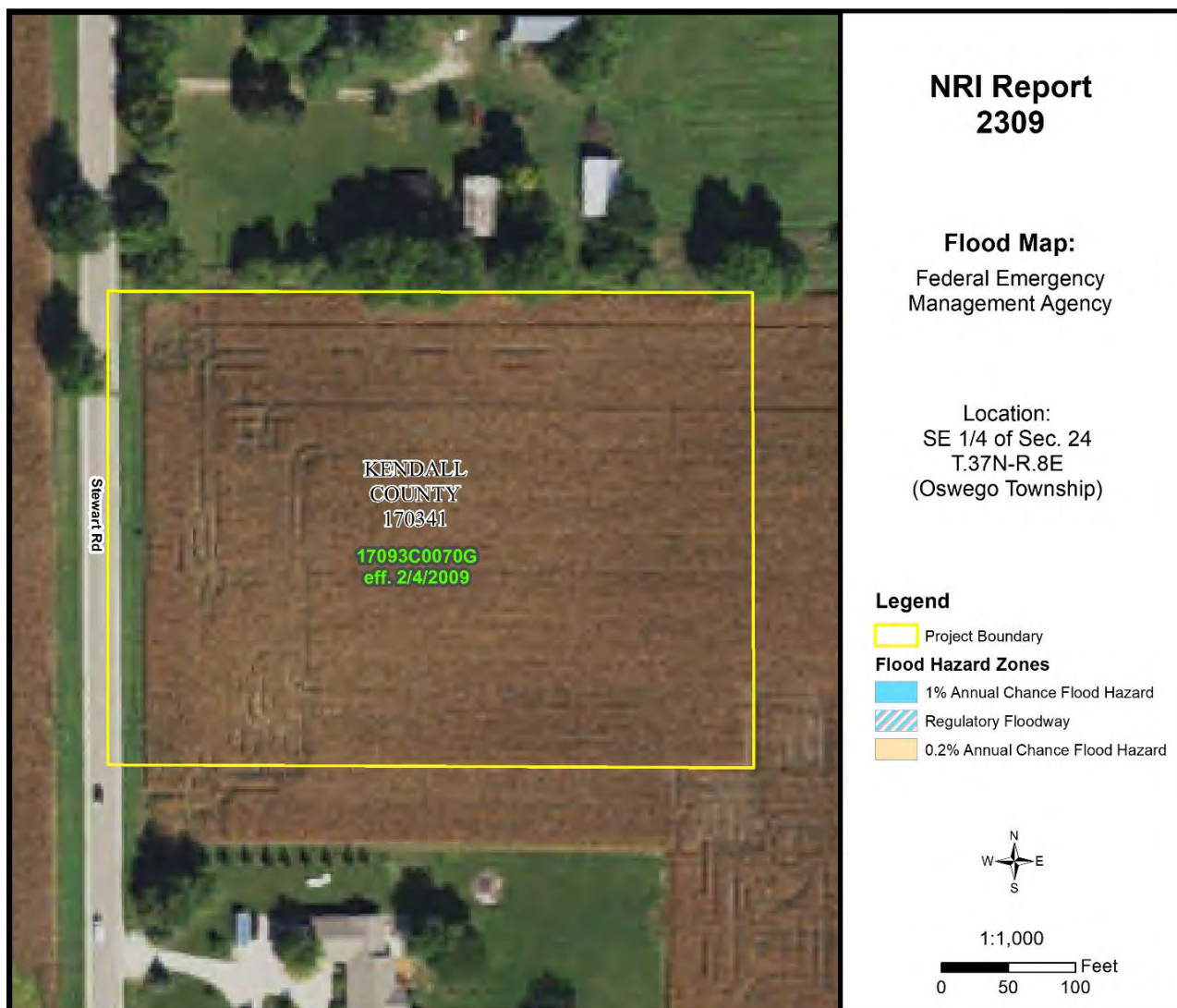
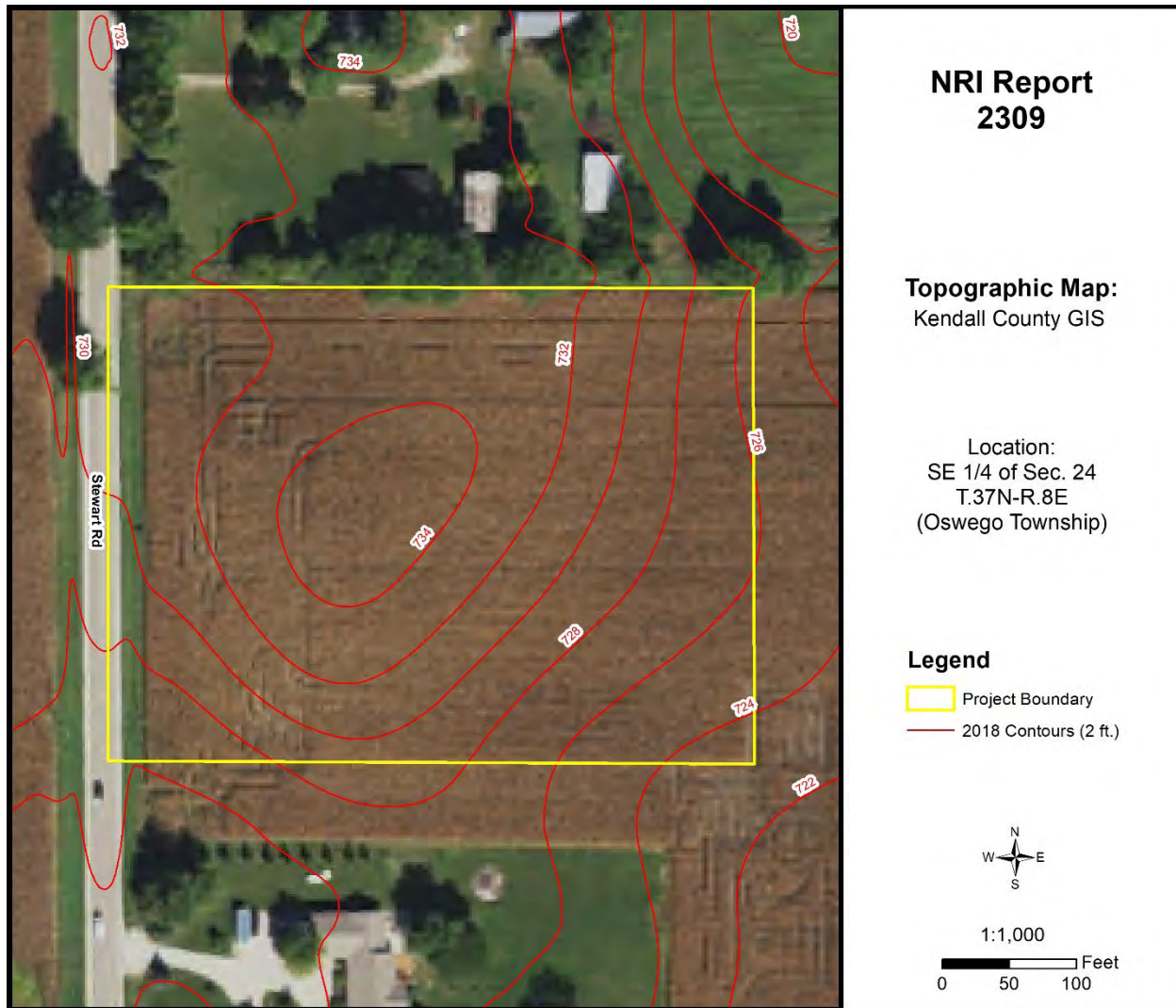


Figure 8: Flood Map

**Figure 9: Topographic Map**

WATERSHED PLANS

WATERSHED AND SUB WATERSHED INFORMATION

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

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

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

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

<p>This parcel is located within the Des Plaines River watershed and the Middle DuPage River sub watershed.</p>
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WETLAND INFORMATION

IMPORTANCE OF WETLAND INFORMATION

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

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

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

This section contains the 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."*

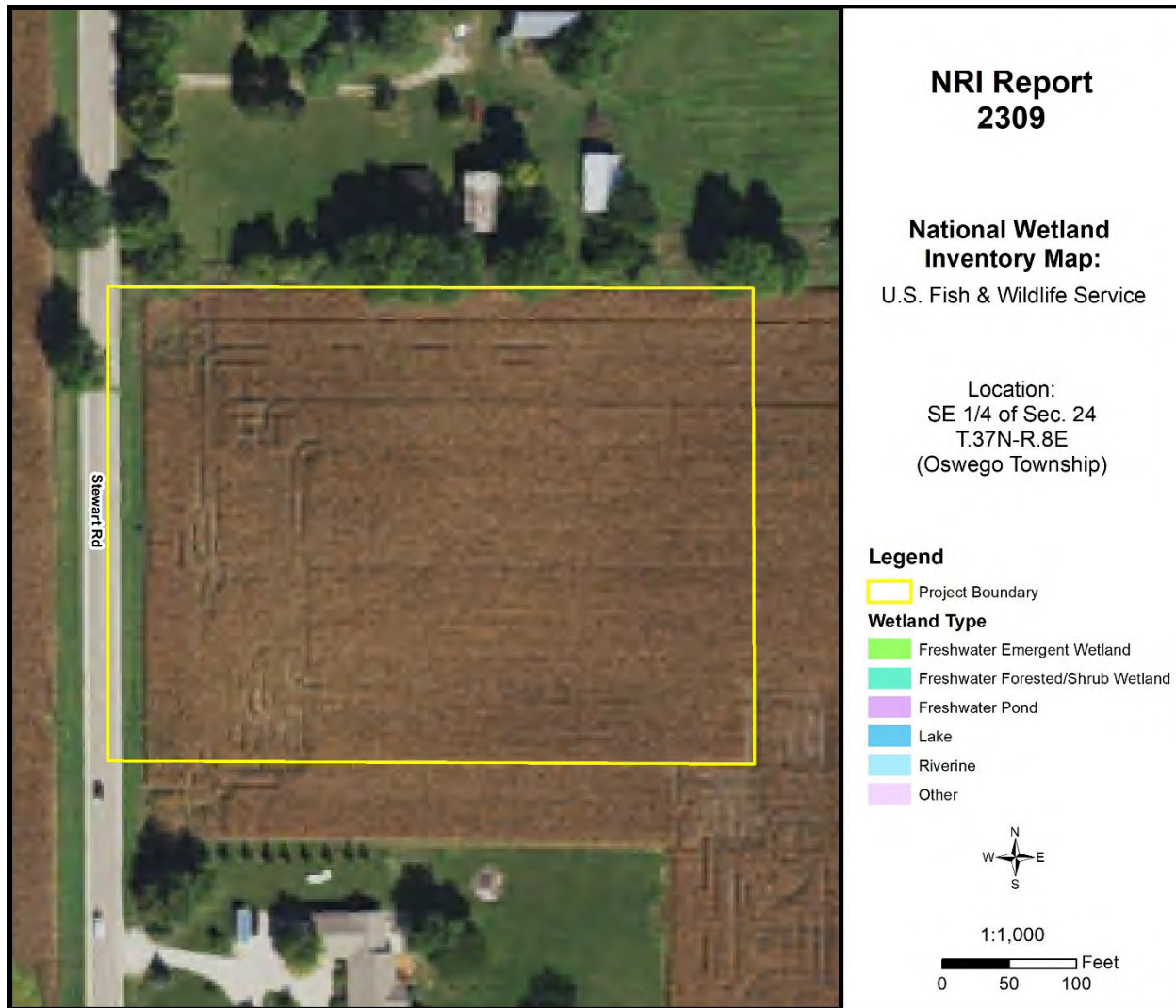


Figure 10: Wetland Map

Office maps indicate that mapped wetlands/waters are not present on the parcel in question (PIQ). To determine the presence of wetlands, 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.

HYDRIC SOILS

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

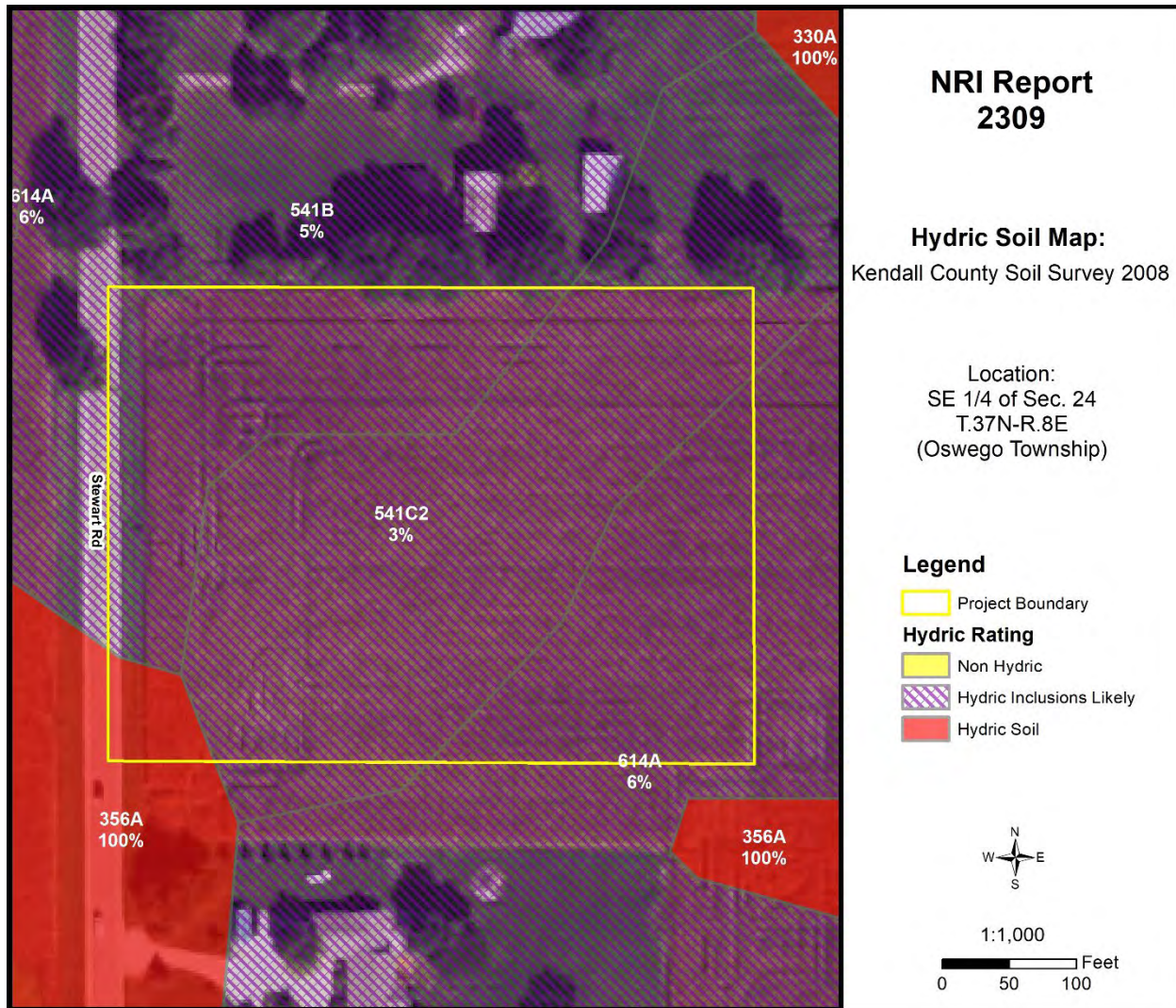
It is important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

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

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

Table 10: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Hydric Rating %	Acres	% Area
356A	Poorly Drained	Hydric	N/A	100%	0.1	3.1%
541B	Moderately Well Drained	Non-Hydric	Yes	5%	1.2	29.5%
541C2	Moderately Well Drained	Non-Hydric	Yes	3%	1.9	48.3%
614A	Somewhat Poorly Drained	Non-Hydric	Yes	6%	0.8	19.1%

**Figure 11: Hydric Soil Map**

WETLAND AND FLOODPLAIN REGULATIONS

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

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

WHO MUST APPLY?

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

REGULATORY AGENCIES

- **Wetland or U.S. Waters:** U.S. Army Corps of Engineers, Chicago District, 231 South LaSalle Street, Suite 1500, Chicago, IL 60604. Phone: (312) 846-5530
- **Floodplains:** Illinois Department of Natural Resources - Office of Water Resources, One Natural Resources Way, Springfield, IL 62702-1270. Phone: (217) 782-6302
- **Water Quality/Erosion Control:** Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, IL 62794-9276. Phone: (217) 782-3397

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 Harbors Appropriation Act of 1899 or Section 404 of the Clean Water Act are subject to fines ranging up to \$16,000 per day of violation, with a maximum cap of \$187,500 in any single enforcement action, as well as criminal enforcement.

GLOSSARY

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

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

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 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.

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.

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

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

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

REFERENCES

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

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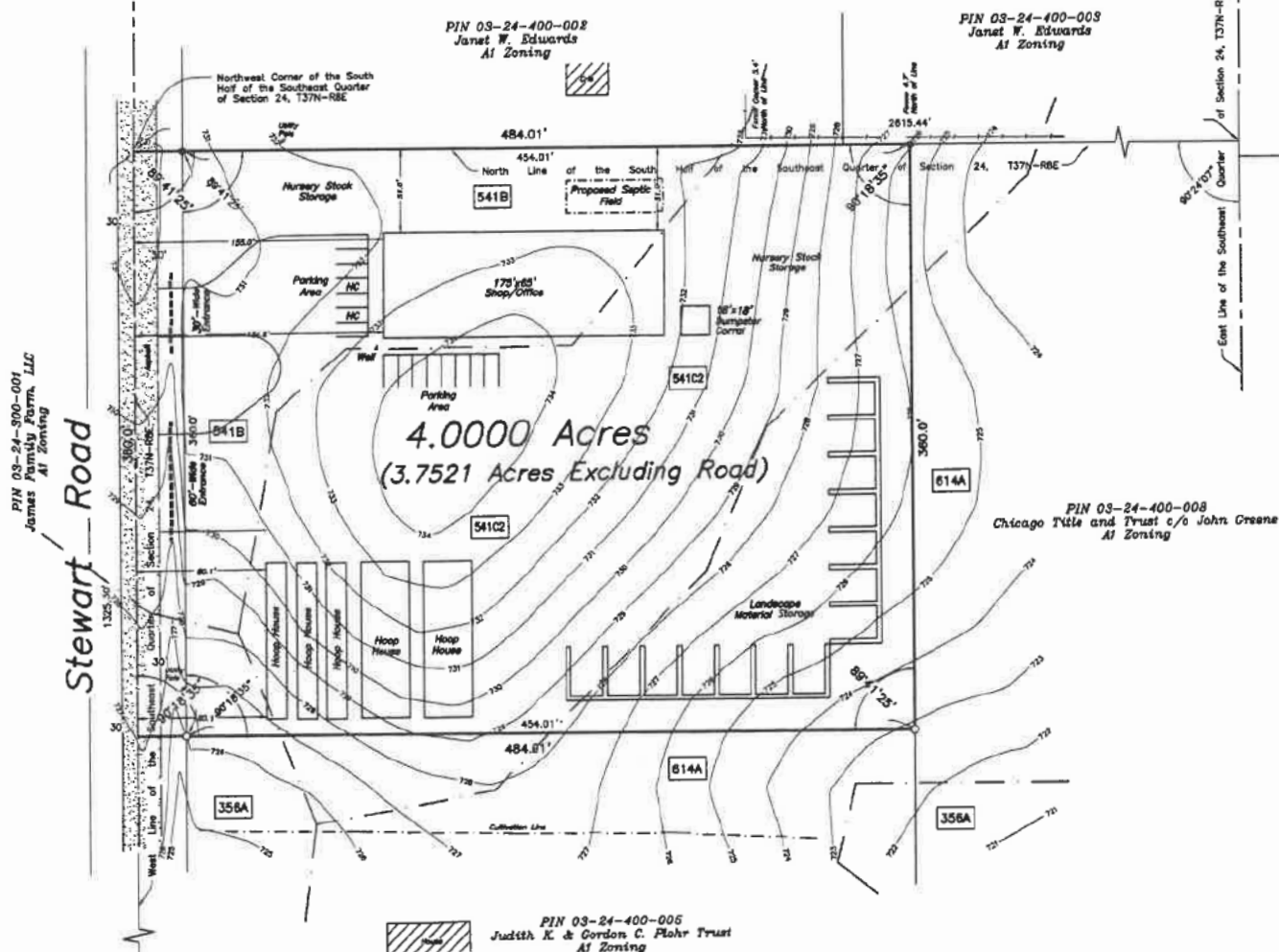
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ZONING PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 24, T37N-R8E, 3rd PM OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS



24 24
25 25

N

SCALE
1"=50'

0 50 100 150

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Concrete Right of Way Monument
- - - Indicates Line of Fence
- - - Indicates Overhead Utilities
- - - Indicates Soils Boundary
- ⊙ Indicates Tree Location and Diameter
- + 632.82 Indicates Spot Elevation
- - - Indicates Contour Elevation
- - - Indicates Direction of Flow

PIN: 03-24-400-005

DEVELOPER:

Arbeen, LLC

AREA TO BE REZONED:

4.0000 Acres
(3.7521 Acres Excluding Road)

PRESENT ZONING:

A-1

PROPOSED ZONING:

A-1, SU

PROPERTY LOCATION:

Part of PIN: 03-24-400-005
Steward Road
Oswego, Illinois 60543

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

The Northerly 360.0 feet of the Westerly 484.01 feet (as measured along the Westerly and Northerly Lines thereof) of the South Half of the Southeast Quarter of Section 24, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township, Kendall County, Illinois.

FLOODPLAIN STATEMENT:

The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel 17093C00706 with an effective date of February 4, 2009.

WETLANDS STATEMENT:

The National Wetlands Inventory Map does not depict any wetlands on the Subject Property.



SOILS (From Web Soil Survey)

- | | |
|-------|---|
| 356A | Elpaso Silty Clay Loam, 0%-2% slopes |
| 541B | Graymont Silt Loam, 2%-5% slopes |
| 541C2 | Graymont Silt Loam, 5%-10% slopes, eroded |
| 614A | Chenoa Silty Clay Loam, 0%-2% slopes |

December 15, 2023

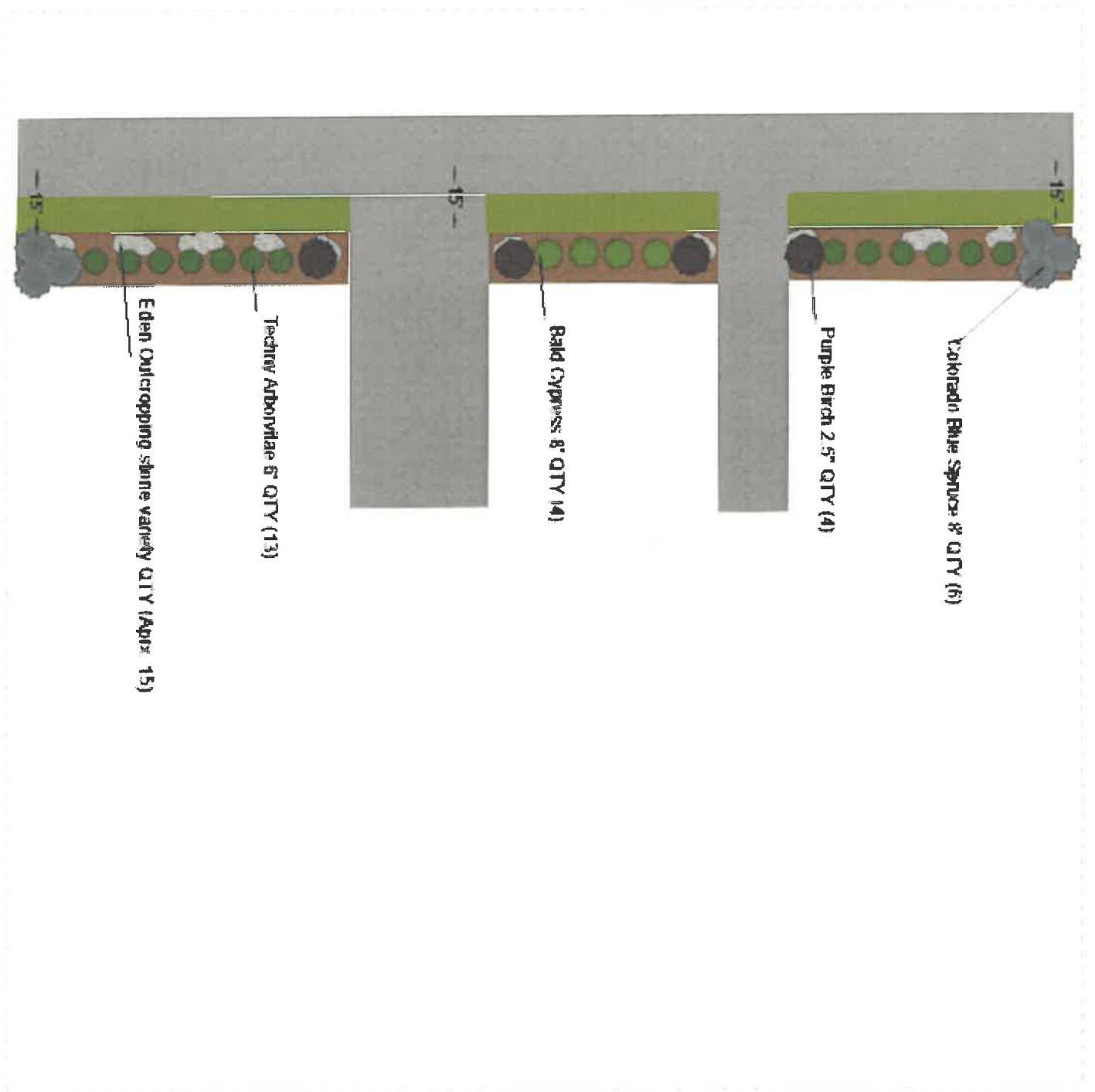
JOB NO.	23086
JOB NAME	ATTY. KRAMER
DWG FILE	23086C

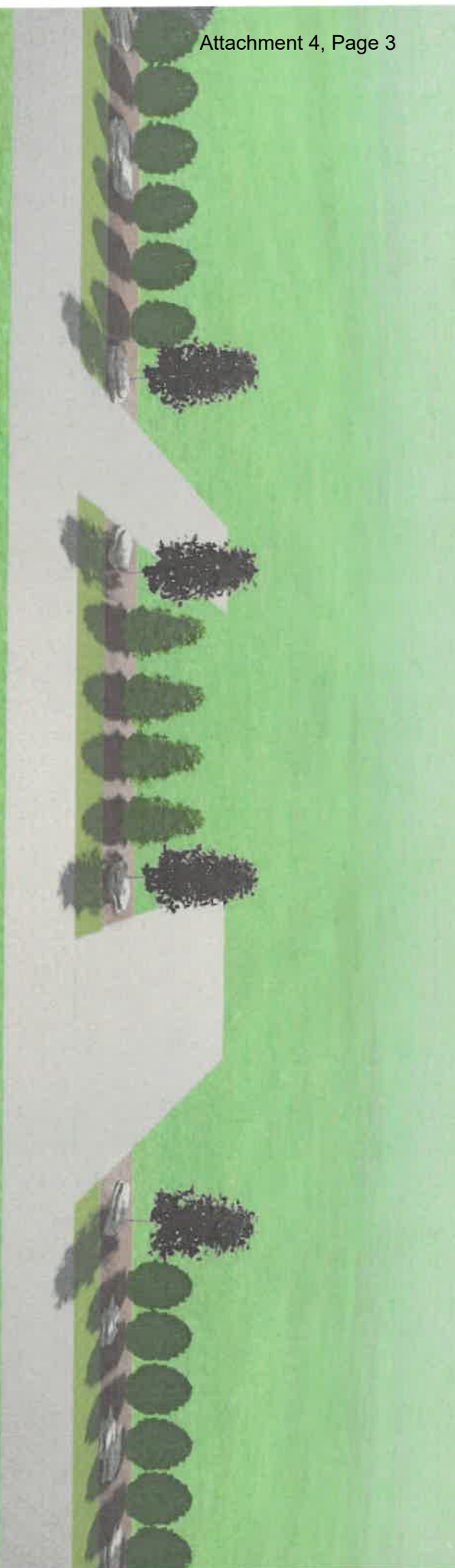
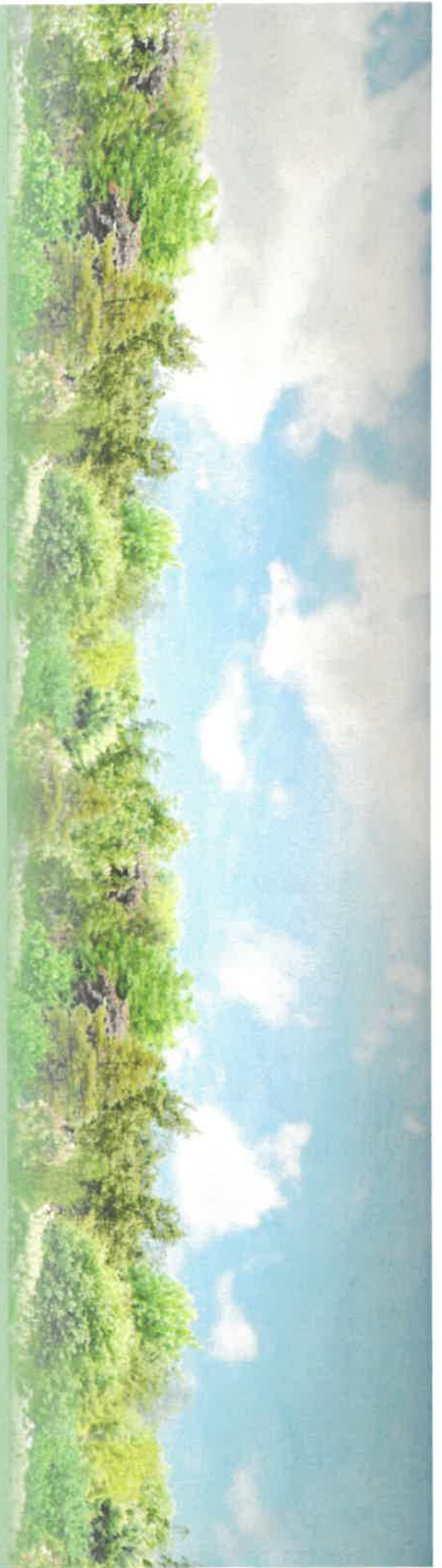
Phillip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.# [REDACTED]

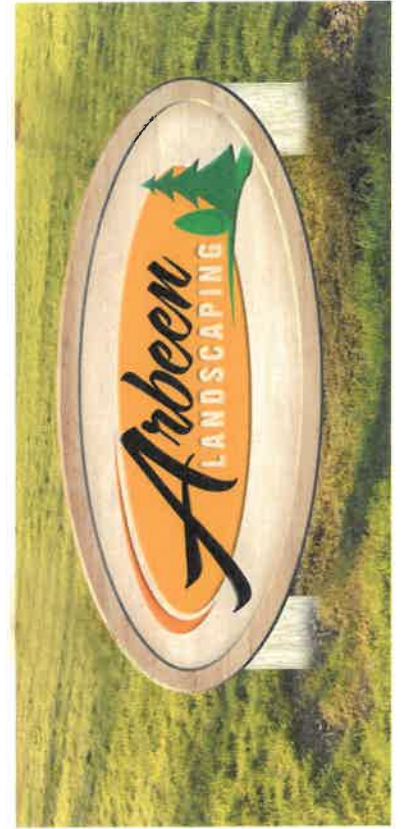
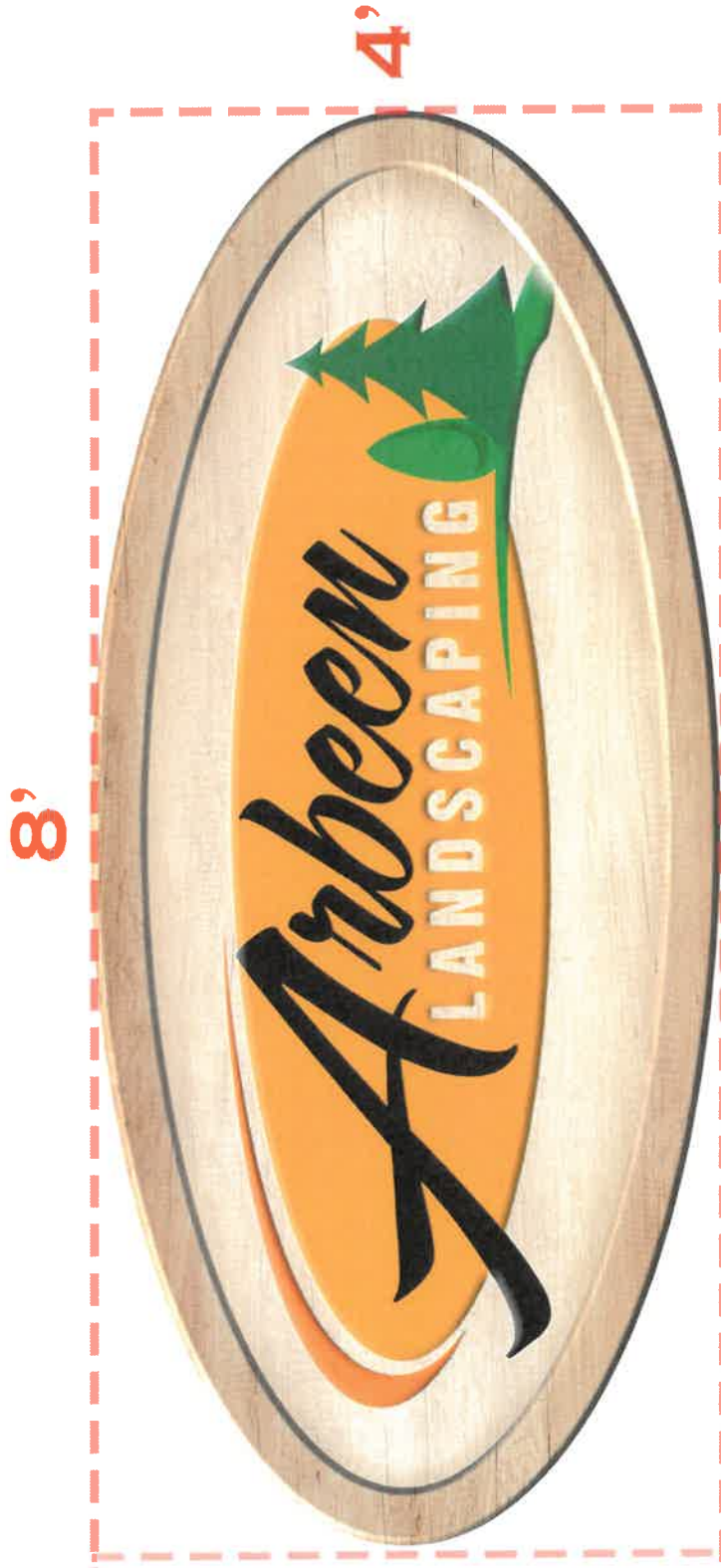
1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

Please see attached drawing.

1. Colorado Blue Spruce = (8' at time of planting, 50' max height)
2. Techny Arborvitae = (6' at time of planting, 15' max height)
3. Bald Cypress = (8' at time of planting, 40-50' max height)
4. Purple Birch = (10 or 2.5" at time of planting, 35-40' max height)









Attachment 7 Looking Northeast



11/20/2023 10:58

Attachment 8 Looking Southeast



11/20/2023 10:58

Attachment 9 Looking Northwest



11/20/2023 10:58

Attachment 10 Looking West



11/20/2023 10:58

Matt Asselmeier

From: Claude Ainsworth <cainsworth@oswegotownship.com>
Sent: Monday, October 30, 2023 3:31 PM
To: Matt Asselmeier
Subject: RE: [EXTERNAL] RE: [EXTERNAL] RE: Stewart Road Question

35' FROM THE CENTER OF THE ROAD.

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Monday, October 30, 2023 2:06 PM
To: Claude Ainsworth <cainsworth@oswegotownship.com>
Subject: [EXTERNAL] RE: [EXTERNAL] RE: Stewart Road Question

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

How deep of a dedication do you want?

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

From: Claude Ainsworth <cainsworth@oswegotownship.com>
Sent: Wednesday, October 25, 2023 6:36 AM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Subject: RE: [EXTERNAL] RE: Stewart Road Question

yes

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Tuesday, October 24, 2023 1:40 PM
To: Fran Klaas <FKlaas@kendallcountyil.gov>; Claude Ainsworth <cainsworth@oswegotownship.com>
Cc: Seth Wormley <swormley@kendallcountyil.gov>; Christina Burns <cburns@kendallcountyil.gov>
Subject: [EXTERNAL] RE: Stewart Road Question

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

Claude:

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Wednesday, December 27, 2023 1:32 PM
To: Matt Asselmeier
Subject: [External]Re: Kendall County Zoning Petition 23-35

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

Matt,

I am not in the office but see that you need a ready reply on this. Oswego Fire would like to point out and be clear up front that the default for new construction (new accessory buildings?) is sprinkler and fire alarm system protection.

Regards,

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
January 2, 2024 – 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
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
Antionette White – Forest Preserve
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Dan Kramer and Christina Burns

AGENDA

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

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

MINUTES

Mr. Rybski made a motion, seconded by Commander Langston, to approve the December 5, 2023, meeting minutes.

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

PETITIONS

Petition 23-35 Tyler Arbeen on Behalf of Arbeen, LLC

Mr. Asselmeier summarized the request.

The Petitioner is seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They are also seeking variances to Section 7:01.G.2.b and Section 11:02.F.7.a to allow accessory structures in the front yard setback and to allow outdoor parking in the front yard setback, thus reducing the front yard setback from one hundred fifty feet (150') as measured from the centerline of Stewart Road to fifty-one feet (51') as measured from the centerline of Stewart Road.

The application materials, site plan, landscaping plan, and pictures of the property and area were provided.

The property is located between 3900 and 3716 Stewart Road on the east side of Stewart Road.

The property is approximately four (4) acres in size.

The existing land use is agricultural.

The County's Future Land Use Map called for the property to be Mixed Use Business. The Village of Oswego's Future Land Use Map called for the property to be Residential.

Stewart Road is a Major Collector maintained by Oswego Township.

The Village of Oswego and the County have a trail planned along Stewart Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural and Farmstead.

The adjacent properties are zoned A-1 Agricultural.

The County's Land Resource Management Plan calls for the area to be Mixed Use Business. The Village of Oswego's Plan calls for the area to be Residential and Mix Commercial.

Properties within one half (1/2) mile of the property are zoned A-1, A-1 SU, and R-1 in the County and PUD for Agricultural Uses in the Village of Oswego.

The A-1 special use permit to the north is for a horse training and boarding business. The A-1 special use permit to the northwest is for a landscaping business.

Approximately twelve (12) houses are located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on October 19, 2023, and consultation was terminated.

The LESA Score for the property was 186 indicated a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on December 22, 2023. Prior to formal application submittal, Oswego Township submitted an email requesting a thirty-five foot (35') deep right-of-way dedication from the center of Stewart Road. This email was provided.

Petition information was sent to the Village of Oswego on December 22, 2023.

Petition information was sent to the Oswego Fire Protection District on December 22, 2023. Mr. Asselmeier read an email from the Oswego Fire Protection District outline the District's sprinkler requirements.

Per Section 7:01.D.32 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 Arbeen Landscaping, LLC at the subject property.

They would use the site for storage of landscaping materials, equipment, offices, and related operations. They indicated some potential customers would visit the property, but most customer related interactions would occur at the customer's property, by telephone, or by email.

The business would be open from 6:00 a.m. until 6:00 p.m. everyday throughout the year and would be open twenty-four hours (24) during snow events. The business has a maximum of twenty-five (25) employees, during the busy season. Employees either report to the subject property or report directly to job sites.

Equipment stored at the property consists of small trailers, lawn mowers, bobcats, skid steers, end loaders, and similar landscaping related equipment. Equipment would be parked indoors when the business was closed.

The site plan shows fourteen (14) landscape material storage areas near the southeast corner of the property. No information was provided regarding the height or depth of the storage areas. The Petitioner indicated that the piles of materials would not exceed ten feet (10') in height. The site plan also shows one (1) nursery stock storage area at the northwest corner of the property and a second nursery stock storage area at the northeast corner of the property. No information was provided regarding the specific types of nursery stock or materials that would be stored in the storage areas.

Though not explicitly stated in any of the materials, the Petitioner will likely have a nursery growing component as well.

One (1) approximately eleven thousand, three hundred seventy-five (11,375) square foot shop/office is proposed for the property. A picture of the type of building the proposed building was provided.

The site plan also shows five (5) hoop houses; no specific dimensions were provided for the hoop houses. The hoop houses will be at least ten feet (10') from the southern property line. The western most hoop house would be approximately eighty feet (80') from the centerline of Stewart Road.

The Petitioner is requesting a variance to the front yard setback requirement, reducing the front yard setback from one hundred fifty feet (150') from the centerline of Stewart Road to fifty-one feet (51') of the centerline of Stewart Road. The Petitioner was agreeable to not constructing any permanent structures within one hundred five feet (105') of the centerline of the road and no permanent structures within seventy-five (75') of the centerline of WIKADUKE.

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

Historically, the Oswego Fire Protection District has required buildings similar to the proposed shop/office to be sprinklered.

The property is presently farmland. The proposed well would be located southwest of the main building and the proposed septic field would be located north of the main building.

One (1) approximately three hundred twenty-four (324) square foot dumpster area is proposed east of the main building. The dumpster area would be fenced with board-on-board fencing as shown by the image provided. The maximum fence height is eight feet (8').

The property drains mostly to the southeast.

The Petitioners submitted an application for a stormwater management permit. No stormwater related calculations were provided.

Per the site plan, the Petitioner's propose one (1) thirty foot (30') wide northern entrance and a second sixty foot (60') wide southern entrance off of Stewart Road.

As mentioned previously, Oswego Township is requesting a thirty-five foot (35') deep right-of-way dedication.

According to the site plan, the Petitioner proposes fifteen (15) parking spaces, including two (2) handicapped parking spaces, to the west and south of the main building.

The driving areas in general would be grass or asphalt screenings, except for solid paving or concrete at the two (2) entrances and handicapped parking spaces.

The Petitioner indicated that no lighting was planned for the property.

One (1) sign was proposed for the property. The sign would be approximately thirty-two (32) square feet in size and would look substantially like the image provided. No information was provided regarding the height of the sign. No information was provided regarding the specific location of the sign. The sign would not be illuminated.

Though not shown on the site plan, the Petitioner proposes to install one (1) wood post farm fence with wire mesh around the entire perimeter of the site except at the two (2) entrances to the property. The fence would be six feet (6') in height.

The landscaping plan shows six (6) Colorado blue spruce trees, four (4) purple birches, four (4) bald cypresses, thirteen (13) Techny arborvitae and fifteen (15) Eden outcropping stones along the western side of the property. The Colorado blue spruces would be eight feet (8') in height at the time of planting and would grow to a maximum of fifty feet (50'). The Techny arborvitae would be six feet (6') in height at the time of planting and would grow to a maximum fifteen feet (15'). The bald cypresses would be eight feet (8') at the time of planting and would grow to a maximum fifty feet (50'). The purple birches would either be ten feet (10') in height or two point five inch (2.5) diameter at the time of planting and would grow to a maximum forty feet (40'). The landscaping would be located outside of the security fence.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the twentieth (20th) special use permit for a landscaping business in unincorporated Kendall County.

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

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. Numerous landscaping business have been approved throughout unincorporated Kendall County. The proposed use is along Stewart Road, which is classified as a major collector. Reasonable restrictions can be placed in the special use permit to ensure the health, safety, and general welfare of the area are protected.

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. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners are not negatively impacted by the proposed use.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal identifies locations for the future well and septic field. Two (2) points of ingress/egress are proposed. The proposed use likely will generate little traffic onsite and adequate space exists for parking for customers and employees of the proposed use. The proposal will have to obtain a stormwater permit to address drainage concerns. Adequate space exists for storage of equipment and materials related to the proposed uses.

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. If the requested variance to the front yard setback requirements are granted, this is true. The site could also be reconfigured to shift the parking lot and hoop houses east outside of the required front yard setback.

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 proposal is also consistent with a goal and objective found on page 6-34 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "Encourage opportunities for locally owned business." In addition, the future land use map calls for this property to be Mixed Use Business. Similar types of uses were planned for the subject property and properties in the vicinity of the subject property.

As noted in the application materials, the Petitioner believes the front yard setback requirement is unconstitutional and is regulatory taking. Staff does not agree with this opinion and has proposed the following findings of fact accordingly.

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

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. No information has been provided showing a topographical hardship existing that prevents the parking lot and hoop houses from being relocated outside of the required front yard setback.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other A-1 zoned properties could request the same variance for the same reason that the

Petitioner is requesting this variance. No information has been presented showing a unique condition or situation applicable to this property.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The site is presently a farm field. No information has been provided explaining why the Petitioner cannot design the site in a manner to avoid the requested variance.

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. Granting the variance would not be detrimental to the public or substantially injurious to other properties. Granting the variance could impact the ability to widen Stewart Road in the future.

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. The proposed variance would not impair light or air on adjacent property, cause congestion, increase the danger of fire, or negatively impact property values.

Pending comments from ZPAC, Staff recommended approval of the requested special use permit and denial of the requested variance subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan with the exception that the western most parking lot and hoop houses are removed from the required front yard setback. One (1) wood post farm fence with wire mesh shall be installed around the enter perimeter of the site expect at the two (2) entrances to the property. The fence shall be six feet (6') in height maximum. The landscaping shall be installed between the fence and Stewart Road.
2. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land thirty-five feet (35') in depth along the western property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
3. Equipment and vehicles related to the business allowed by the special use permit may not be stored outdoors at the subject property when the business is closed.
4. 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.
5. 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.
6. 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.
7. 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') in height.
8. A maximum of twenty-five (25) 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.
9. The hours of operation of the business allowed by this special use permit shall be daily from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.
10. 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.
11. One (1) sign as described in the sign description may be installed along Stewart Road at the subject property. The sign shall not be illuminated.
12. Only lighting related to security may be installed outdoors at the subject property.

13. 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.
14. The materials and vegetation described in the landscaping plan shall be installed within six (6) months 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. Materials and vegetation stored in the nursery stock storage areas and landscaping material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan.
15. No landscape waste generated off the property can be burned on the subject property.
16. 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 homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.
17. 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.
18. The dumpster area shall be fenced with board-on-board fencing as shown by the image provided. The maximum height of the fence shall be eight feet (8').
19. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
20. 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.
21. 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.
22. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
23. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Chairman Wormley noted that the company was already operated in Kendall County at another location. He asked why the business was moving. Dan Kramer, Attorney for the Petitioner, said the business was growing.

Mr. Kramer stated that most of the business' customers were commercial enterprises. The business does provide landscaping services to some new homes.

Mr. Kramer said the property was purchased from the property to the south.

Mr. Kramer requested that condition number 14, pertaining to the installation of landscaping materials be changed to a September 1st deadline.

Mr. Kramer noted that materials would not reach fifty-one feet (51') of the centerline of Stewart. He explained the proposed landscaping and fencing at the property and operations of the business in relation to the landscaping and fencing. All permanent structures would be located outside the required setback. He also noted that other parking lots and temporary structures for other businesses were located inside the front yard setback. He felt that variances/variations were not needed in special use permit cases.

Mr. Kramer said the stormwater engineer was working on drainage calculations.

Mr. Kramer questioned Oswego Fire Protection District's authority to have sprinkling requirements on buildings of the size proposed at the subject property.

Mr. Rybski discussed the possible need for non-community well status. This is triggered by the number of people on the site. Mr. Rybski discussed testing requirements and explained the permitting requirements.

Discussion occurred regarding the sizing of the septic field. Mr. Rybski said alternative systems could be explored. The answer to septic field size will not be known until more information is provided. Mr. Kramer discussed the number of employees likely to report to the property.

Chairman Wormley asked about timeliness of the project in relation to the business environment. Mr. Kramer said that the Petitioner has a letter of commitment from a bank. Mr. Asselmeier said the special use permit could be revoked if the business does not commence operations within two (2) years.

Mr. Klaas asked about setback requests in other cases. Mr. Asselmeier said that the special use permit for a landscaping business at 5022 Route 126 requested a variance for parking in the setback because they were using the parking for old farmhouse that was already onsite as parking for the business. Mr. Asselmeier also said that TZ Landscaping moved their parking out of the required setback because of the regulations.

Mr. Klaas asked why the Petitioner couldn't comply with the County regulations. Mr. Kramer responded that the uses would be inside a fence and the Petitioner should be able to use the property inside the fence for the proposed use. Mr. Kramer asked what would be protected by variance. Chairman Wormley expressed concerns about setting precedence. Discussion occurred regarding drainage in relation to site design. Discussion occurred regarding how the setback was created. Mr. Klaas felt that, if they had it to do over again, many structures and parking lots would not be allowed because they were constructed too close to road. If the grading would not allow the parking lot to be located outside the setback, the Petitioner would have an argument for a hardship. Mr. Holdiman provided a history of setback increases.

Mr. Klaas made a motion, seconded by Mr. Rybski, to recommend approval of the proposal with the conditions proposed by Staff (approving the special use permit and denying the variance request) with amendment to condition 14 changing the deadline to install the landscaping materials to September 1, 2024.

The votes were follows:

Ayes (9):	Asselmeier, Briganti, Klaas, Holdiman, Langston, Olson, Rybski, White, 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 January 24, 2024.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Kendall County Regional Planning Commission Annual Meeting on February 3, 2024

Mr. Asselmeier reported that the Kendall County Regional Planning Commission Annual Meeting will be February 3, 2024, at 9:00 a.m., in the County Boardroom.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Commander Langston, to adjourn.

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

The ZPAC, at 9:40 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Enc.

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

[illegible]

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Wednesday, December 27, 2023 1:32 PM
To: Matt Asselmeier
Subject: [External]Re: Kendall County Zoning Petition 23-35

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

Matt,

I am not in the office but see that you need a ready reply on this. Oswego Fire would like to point out and be clear up front that the default for new construction (new accessory buildings?) is sprinkler and fire alarm system protection.

Regards,

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District



January 4, 2024

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

Subject: Arbeen LLC (Stewart Road)- WBK Project 19-102.BT

Dear Mr. Asselmeier:

We have received and reviewed the following information for the subject project:


- Stormwater permit application with supporting documentation submitted by Daniel Kramer dated November 16, 2023 and received December 26, 2023.

The following comments require resolution prior to plan approval and our recommendation for issuance of a stormwater permit.

1. Provide a stormwater management report including the following:
 - a. A narrative describing improvements to the property for which the applicant is seeking approval and compliance with applicable sections of the Kendall County Stormwater Ordinance.
 - b. Determination of stormwater storage requirements
 - c. Comparison of 100 year event flows at all existing outfalls for existing and proposed conditions.
2. Provide an evaluation of existing conditions.
 - a. Identify all existing site outfalls. It appears under existing conditions the site drains to three or four locations.
 - b. Identify off-site areas draining on to the site.
 - c. Provide a field tile survey.
3. Provide a clear depiction of proposed conditions.
 - a. Provide a dimensioned and labelled geometric plan indicating pavement types as well as extent.
 - b. Provide a proposed grading plan indicating overland flow routes as well as storm sewers and culverts.
 - c. Driveway access culverts shall be sized based on tributary area and a hydraulic evaluation.
 - d. Provide an erosion control plan.

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

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
January 29, 2024 – 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Jillian Prodehl, and Dick Whitfield

Members Absent: Dick Thompson

Staff Present: Matthew Asselmeier, AICP, CFM, Director and Wanda Rolf, Administrative Assistant

Others Present: None

MINUTES:

Member LeCuyer made a motion, seconded by Member Cherry, to approve the minutes of the December 18, 2023, hearing/meeting.

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

PETITIONS

The Zoning Board of Appeals started their review of Petition 23-35 at 7:00 p.m.

Petition 23 – 35 – Tyler Arbeen on Behalf of Arbeen, LLC

Request: Special Use Permit for a Landscaping Business and Variances to Section 7:01.G.2.b and 11:02.F.7.a of the Kendall County Zoning Ordinance to Allow Parking and Accessory Structures within Fifty-One Feet of the Center Line of Stewart Road

PIN: 03-24-400-011

Location: Between 3900 and 3716 Stewart Road on the East Side of Stewart Road, Oswego, in Oswego Township

Purpose: Petitioner Wishes to Operate a Landscaping Business and Have Parking and Accessory Structures Inside the Front Yard Setback; Property is Zoned A-1

Mr. Asselmeier summarized the issue.

At the January 24, 2024, meeting of the Kendall County Regional Planning Commission, the Petitioner's Attorney stated that the site plan for this proposal will change to address stormwater measures. The proposal was laid over until the February 28, 2024, Kendall County Regional Planning Commission meeting at the Petitioner's request.

Staff requested that the hearing for this Petition be continued until March 4, 2024.

Member Whitfield made a motion, seconded by Member Fox, to continue the hearing until March 4, 2024.

The votes were as follows:

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

The motion passed.

The Zoning Board of Appeals completed their review of Petition 23-35 at 7:01 p.m.

NEW BUSINESS/OLD BUSINESS

Kendall County Regional Planning Commission Annual Meeting on February 3, 2024, at 9:00 a.m.

The Board reviewed the agenda for the meeting.

Chairman Mohr noted that Seward Township was looking at reviewing their Township Plan. The cost of doing the plan for the entire County would be around One Hundred Fifty Thousand Dollars (\$150,000) over a three (3) year period. Discussion occurred about protecting creeks and streams throughout the County; Seward Township was working on creating guidelines.

Mr. Asselmeier reported that for the March 4, 2024, hearing, the proposed landscaping business on Stewart Road would be on the agenda. Also, the owner of the veterinary and kennel at 949 Bell Road wants to rezone the majority of the property to B-3 which will also cause an amendment to the site plan, landscaping plan, and photometric plans of the special use permit. Finally, a proposal exists to reclassify several properties immediately south of Yorkville on Route 47 from Transportation Corridor to Mixed Use Business.

Anti-Harassment Training

The Board reviewed the anti-harassment training.

REVIEW OF PETITIONS THAT WENT TO PLANNING BUILDING AND ZONING

None

PUBLIC COMMENTS

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:44 p.m.

The next regularly scheduled meeting/hearing will be on March 4, 2024.

Respectfully submitted by,
Matthew H. Asselmeier
Planning, Building and Zoning Director

Exhibits

1. Memo on Petition 23-35 Dated January 25, 2024
2. January 25, 2024, Email from Dan Kramer
3. Certificate of Publication and Certified Mail Receipts for Petition 23-35 (Not Included with Report but on file in Planning, Building and Zoning Office)



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 Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, CFM, Director

Date: 1/25/2024

Subject: Petition 23-35

At the January 24, 2024, meeting of the Kendall County Regional Planning Commission, the Petitioner's Attorney stated that the site plan for this proposal will change to address stormwater measures. The proposal was laid over until the February 28, 2024, Kendall County Regional Planning Commission meeting at the Petitioner's request.

Staff requests that the hearing for this Petition be continued until March 4, 2024.

If you have any questions, please let me know.

MHA

Matt Asselmeier

From: Daniel J Kramer <dkramer@dankramerlaw.com>
Sent: Thursday, January 25, 2024 9:34 AM
To: Matt Asselmeier; Real estate
Subject: [External]RE: January 29th ZBA Hearing

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 Please consider this Letter as Petitioner's request to Continue the Public Hearing on the Arbeen special Use Project to March 4, 2024 regularly scheduled meeting on Petitioner's Motion.

Very Truly Yours,

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

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

From: Matt Asselmeier <masselmeier@kendallcountyl.gov>
Sent: Thursday, January 25, 2024 9:17 AM
To: Daniel J Kramer <dkramer@dankramerlaw.com>
Subject: FW: January 29th ZBA Hearing

Dan:

The following email was sent to the Kendall County Zoning Board of Appeals this morning.

Thanks,

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

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
March 4, 2024 – 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, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick Whitfield

Members Absent: Jillian Prodehl

Staff Present: Matthew Asselmeier, AICP, CFM, Director and Wanda Rolf, Administrative Assistant

Others Present: Dan Kramer, Justin Plohr, Emily Hoffman, and Deb Chow

PETITIONS

Chairman Mohr swore in Dan Kramer, Emily Hoffman, and Deb Chow.

The Zoning Board of Appeals started their review of Petition 23-35 at 7:02 p.m.

Petition	23 – 35 – Tyler Arbeen on Behalf of Arbeen, LLC
Request:	Special Use Permit for a Landscaping Business and Variances to Section 7:01.G.2.b and 11:02.F.7.a of the Kendall County Zoning Ordinance to Allow Parking and Accessory Structures within Fifty-One Feet of the Center Line of Stewart Road
PIN:	03-24-400-011
Location:	Between 3900 and 3716 Stewart Road on the East Side of Stewart Road, Oswego, in Oswego Township
Purpose:	Petitioner Wishes to Operate a Landscaping Business and Have Parking and Accessory Structures Inside the Front Yard Setback; Property is Zoned A-1

Mr. Asselmeier summarized the request.

The Petitioner is seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They originally sought variances to Section 7:01.G.2.b and Section 11:02.F.7.a to allow accessory structures in the front yard setback and to allow outdoor parking in the front yard setback, thus reducing the front yard setback from one hundred fifty feet (150') as measured from the centerline of Stewart Road to fifty-one feet (51') as measured from the centerline of Stewart Road. However, these items were removed from the required setback in the revised site plan.

The application materials, site plan, landscaping plan, and pictures of the property and area were provided.

The property is located between 3900 and 3716 Stewart Road on the east side of Stewart Road.

The property is approximately four (4) acres in size.

The existing land use is agricultural.

The County's Future Land Use Map called for the property to be Mixed Use Business. The Village of Oswego's Future Land Use Map called for the property to be Residential.

Stewart Road is a Major Collector maintained by Oswego Township.

The Village of Oswego and the County have a trail planned along Stewart Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural and Farmstead.

The adjacent properties are zoned A-1 Agricultural.

The County's Land Resource Management Plan calls for the area to be Mixed Use Business. The Village of Oswego's Plan calls for the area to be Residential and Mix Commercial.

Properties within one half (1/2) mile of the property are zoned A-1, A-1 SU, and R-1 in the County and PUD for Agricultural Uses in the Village of Oswego.

The A-1 special use permit to the north is for a horse training and boarding business. The A-1 special use permit to the northwest is for a landscaping business.

Approximately twelve (12) houses are located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on October 19, 2023, and consultation was terminated.

The LESA Score for the property was 186 indicated a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on December 22, 2023. Prior to formal application submittal, Oswego Township submitted an email requesting a thirty-five foot (35') deep right-of-way dedication from the center of Stewart Road. This email was provided.

Petition information was sent to the Village of Oswego on December 22, 2023. On February 21, 2024, the Village of Oswego submitted a letter stating that the proposal will not impact the WIKADUKE Trail. This letter was provided.

Petition information was sent to the Oswego Fire Protection District on December 22, 2023. The Oswego Fire Protection District submitted an email dated December 27, 2023, outlining sprinkling requirements. This email was provided.

ZPAC reviewed the proposal at their meeting on January 2, 2024. The Petitioner's Attorney requested that the deadline to install landscaping be extended to September 1, 2024. Discussion occurred regarding the number of people that might come onto the property in relation to well regulations and septic system location; more information would be provided after the stormwater engineer reviewed the site. Discussion occurred regarding the history and need for front yard setback regulations; concerns were expressed regarding setting a precedent if the variances were granted. ZPAC recommended approval of the proposal with the conditions proposed by Staff (approval of the special use permit and denial of the variances) with the amendment to the deadline for installing landscaping 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 at their meeting on January 24, 2024. Discussion occurred regarding drainage at the property. It was noted that the site was small compared to the Petitioner's intended land use. Discussion occurred regarding the requested variances related to parking and temporary structures in the front yard setback. Concerns were expressed regarding setting a precedent. Concerns were also expressed that the site plan was not finalized. The proposal was laid over at the Petitioner's request in order to revise the site plan to address drainage and setback concerns. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal with the revised site plan and updated stormwater information at their meeting on February 28, 2024. The neighbor to the south expressed concerns related to drainage and the impact of the proposed use on the burn pile on the neighboring property. The stormwater plans were still under review. The Petitioner has no plans to install a wall along the south property line and the Petitioner cannot control what adjoining property owners do on neighboring property. The Petitioner's Attorney stated the Petitioner's intent was always to operate a landscaping business at the subject property. Discussion occurred regarding the impact of the County changing their regulations to allow parking and temporary buildings in the front yard setback. The Kendall County Regional Planning Commission recommended approval of the revised proposal with the conditions proposed by Staff and an amendment allowing the Petitioner to place parking and temporary structures in the front yard setback without the need of obtaining an amendment to the special use permit, if the County amended the Zoning Ordinance in the future to allow these types of uses in the front yard setback 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 Zoning Board of Appeals initiated a public hearing on this proposal on January 29, 2024. The hearing was continued to March 4, 2024, at the Petitioner's request. The information related to the January 29, 2024, hearing was provided.

Per Section 7:01.D.32 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 Arbeen Landscaping, LLC at the subject property.

They would use the site for storage of landscaping materials, equipment, offices, and related operations. They indicated some potential customers would visit the property, but most customer related interactions would occur at the customer's property, by telephone, or by email.

The business would be open from 6:00 a.m. until 6:00 p.m. everyday throughout the year and would be open twenty-four hours (24) during snow events. The business has a maximum of twenty-five (25) employees, during the busy season. Employees either report to the subject property or report directly to job sites.

Equipment stored at the property consists of small trailers, lawn mowers, bobcats, skid steers, end loaders, and similar landscaping related equipment. Equipment would be parked indoors when the business was closed.

The original site plan showed fourteen (14) landscape material storage areas near the southeast corner of the property. No information was provided regarding the height or depth of the storage areas. The Petitioner indicated that the piles of materials would not exceed ten feet (10') in height. The original site plan also showed one (1) nursery stock storage area at the northwest corner of the property and a

second nursery stock storage area at the northeast corner of the property. No information was provided regarding the specific types of nursery stock or materials that would be stored in the storage areas.

According to the revised site plan, the landscape material storage bins were shifted west to account for the detention pond. The landscaping material storage bins facing north were shifted south to line up with the southern building line of the hoop houses. The total number landscape material storage bins decreased from fourteen (14) to eight (8). No information was provided regarding the dimensions of the landscape material storage bins. Also, the nursery stock storage area northwest of the shop/office building was removed. The nursery stock storage area east of the shop/office building was also removed.

Though not explicitly stated in any of the materials, the Petitioner will likely have a nursery growing component as well.

One (1) approximately eleven thousand, three hundred seventy-five (11,375) square foot shop/office is proposed for the property. A picture of the type of building the proposed building was provided.

The original site plan also showed five (5) hoop houses; no specific dimensions were provided for the hoop houses. The hoop houses would have been at least ten feet (10') from the southern property line. The western most hoop house was approximately eighty feet (80') from the centerline of Stewart Road on the original site plan.

According to the revised site plan, the three (3) hoop houses inside the front yard setback were removed. The total number of hoop houses decreased from five (5) to two (2).

The Petitioner originally requested a variance to the front yard setback requirement, reducing the front yard setback from one hundred fifty feet (150') from the centerline of Stewart Road to fifty-one feet (51') of the centerline of Stewart Road. The Petitioner was originally agreeable to not constructing any permanent structures within one hundred five feet (105') of the centerline of the road and no permanent structures within seventy-five (75') of the centerline of WIKADUKE.

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

The property is presently farmland. The proposed well would be located southwest of the main building and the proposed septic field would be located north of the main building.

According to the original site plan, one (1) approximately three hundred twenty-four (324) square foot dumpster area was proposed east of the main building. According to the revised site plan, the dumpster area was moved from east of the shop/office building to north of the shop/office building. The dumpster area would be fenced with board-on-board fencing as shown by the image provided. The maximum fence height is eight feet (8').

The property drains mostly to the southeast.

The Petitioners submitted an application for a stormwater management permit. No stormwater related calculations were provided in the original application. On January 4, 2024, WBK Engineering submitted a letter requesting additional information. This letter was provided. On February 22, 2024, the Petitioner's Engineer submitted stormwater permit related drawings and a stormwater permit. These documents were provided. One (1) detention pond was added in the revised site plan.

Per the original site plan and revised site plan, the Petitioner proposes one (1) thirty foot (30') wide northern entrance and a second sixty foot (60') wide southern entrance off of Stewart Road.

As mentioned previously, Oswego Township is requesting a thirty-five foot (35') deep right-of-way dedication.

According to the original site plan, the Petitioner proposed fifteen (15) parking spaces, including two (2) handicapped parking spaces, to the west and south of the main building. According to the revised site plan, the parking stalls have been moved out of the front yard setback. The parking was retained south of the shop/office building. Parking stalls were added north of the landscaping storage areas and north of the hoop houses. The total number of parking spaces was increased from fifteen (15) to sixteen (16) spaces, including handicapped accessible parking spaces, which decreased from two (2) to one (1).

According to the original site plan, the driving areas in general would have been grass or asphalt screenings, except for solid paving or concrete at the two (2) entrances and handicapped parking spaces. According to the revised site plan, gravel was added between the north entrance of the property and the shop/office building. Gravel was also added by the southern entrance, by the eastern parking area, and north of the landscape material storage area.

The Petitioner indicated that no lighting was planned for the property.

One (1) sign was proposed for the property. The sign would be approximately thirty-two (32) square feet in size and would look substantially like the image provided. No information was provided regarding the height of the sign. No information was provided regarding the specific location of the sign. The sign would not be illuminated.

Though not shown on the site plan, the Petitioner proposes to install one (1) wood post farm fence with wire mesh around the entire perimeter of the site except at the two (2) entrances to the property. The fence would be six feet (6') in height.

The landscaping plan shows six (6) Colorado blue spruce trees, four (4) purple birches, four (4) bald cypresses, thirteen (13) Techny arborvitae and fifteen (15) Eden outcropping stones along the western side of the property. The Colorado blue spruces would be eight feet (8') in height at the time of planting and would grow to a maximum of fifty feet (50'). The Techny arborvitae would be six feet (6') in height at the time of planting and would grow to a maximum fifteen feet (15'). The bald cypresses would be eight feet (8') at the time of planting and would grow to a maximum fifty feet (50'). The purple birches

would either be ten feet (10') in height or two point five inch (2.5) diameter at the time of planting and would grow to a maximum forty feet (40'). The landscaping would be located outside of the security fence.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the twentieth (20th) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact 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. Numerous landscaping businesses have been approved throughout unincorporated Kendall County. The proposed use is along Stewart Road, which is classified as a major collector. Reasonable restrictions can be placed in the special use permit to ensure the health, safety, and general welfare of the area are protected.

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. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners from being negatively impacted by the proposed use.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal identifies locations for the future well and septic field. Two (2) points of ingress/egress are proposed. The proposed use likely will generate little traffic onsite and adequate space exists for parking for customers and employees of the proposed use. The proposal will have to obtain a stormwater permit to address drainage concerns. Adequate space exists for storage of equipment and materials related to the proposed uses.

The special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true if the hoop houses and landscape material storage bins are located at least ten feet (10') from the southern property line.

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 proposal is also consistent with a goal and objective found on page 6-34 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "Encourage opportunities for locally owned business." In addition, the future land use map calls for this property to be Mixed Use Business. Similar types of uses were planned for the subject property and properties in the vicinity of the subject property.

Staff recommended approval of the requested special use permit and denial of the requested variances subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted revised site plan and landscaping plan. One (1) wood post farm fence with wire mesh shall be installed around the enter perimeter of the site expect at the two (2) entrances to the property. The fence shall be six feet (6') in height maximum. The landscaping shall be installed between the fence and Stewart Road.
2. **The owners of the business allowed by this special use permit may place parking and temporary structures in the front yard setback without the need of obtaining an amendment to the special use permit, if the County amends the Zoning Ordinance in the future to allow these types of uses in the front yard setback. (Add at RPC)**
3. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land thirty-five feet (35') in depth along the western property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
4. Equipment and vehicles related to the business allowed by the special use permit may not be stored outdoors at the subject property when the business is closed.
5. 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.
6. 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.
7. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
8. 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 revised site plan. The maximum height of the piles of landscaping related material shall be ten feet (10') in height.

9. A maximum of twenty-five (25) employees of the business allowed by this special use permit,
ZBA Meeting Minutes 3.4.24

including the owners of the business allowed by this special use permit, may report to this site for work.

10. The hours of operation of the business allowed by this special use permit shall be daily from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.
11. 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.
12. One (1) sign as described in the sign description may be installed along Stewart Road at the subject property. The sign shall not be illuminated.
13. Only lighting related to security may be installed outdoors at the subject property.
14. 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.
15. The materials and vegetation described in the landscaping plan shall be installed ~~within six (6) months of the approval of the special use permit by September 1, 2024.~~ **within six (6) months of the approval of the special use permit by September 1, 2024.** The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation. Materials and vegetation stored in the nursery stock storage areas and landscaping material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan. **(Amended at ZPAC)**
16. No landscape waste generated off the property can be burned on the subject property.
17. 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 homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.

18. 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.
19. The dumpster area shall be fenced with board-on-board fencing as shown by the image provided. The maximum height of the fence shall be eight feet (8').
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. 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.
22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member Cherry requested clarification on the location of the property. The property is north of Scotch Road on the east side of Stewart Road.

Chairman Mohr asked if any committee had issues with two (2) road cuts. Mr. Asselmeier responded no committee had any issue with two (2) road cuts. Mr. Asselmeier noted that, per the Village of Oswego's letter, the WIKADUKE Trail expansion would occur to the west.

There were no houses on the subject property.

Chairman Mohr opened the public hearing at 7:17 p.m.

Dan Kramer, Attorney for the Petitioner, stated that proposal received unanimous recommendations at the previous meetings. The Petitioner was agreeable to the twenty-four (24) conditions previously listed. He stated the Village of Oswego felt the proposal was consistent with their plans and they did not

have a formal Plan Commission meeting. Oswego Township requested a right-of-way dedication at no charge, but did not have a formal review. If Stewart Road was widened, the adjoining neighbors would need to be paid, but the owner of the subject property would not be reimbursed for the transfer of land for the road. He requested a positive recommendation from the Board.

Chairman Mohr asked why two (2) road cuts were necessary. Mr. Kramer responded that the northern cut would be used for customers accessing the property and the main building. The southern cut would be used to haul materials and supplies in and out of the subject property, specifically larger trailers. Mr. Kramer did not anticipate many customers visiting the property; their client base is commercial/institutional entities. The business is fully unionized.

Chairman Mohr asked the location of the proposed sign. Mr. Kramer responded between the two (2) access points, but probably closer to the northern access point.

Chairman Mohr swore in Justin Plohr.

Justin Plohr stated that he talked with the Petitioner regarding installing a fifteen foot (15') fence along the south side of the subject property. He said the Petitioner agreed to the fence request. He requested that the fence requirement be included in the special use permit. The fence would be galvanized and the fence would not be see-through.

Chairman Mohr asked if landscaping would be more appropriate. Mr. Plohr said that trees take time to grow.

Mr. Kramer was unaware if the Petitioner agreed to the fence request; he will discuss the matter with the Petitioner. He said that standardized fence heights are ten feet (10') or twelve feet (12'). He suggested including landscaping with the fence. He requested that the fence request not be a condition; he will supply updated information at the Planning, Building and Zoning Committee meeting.

Chairman Mohr asked if a combination berm and fence that was a total of fifteen feet (15') in height would be satisfactory. Mr. Plohr responded yes; his primary concern was not to see the landscaping materials.

Mr. Plohr thought that the original intent of the sale was to have a small building and trees and not to have the proposed building and a landscaping business; he was attempting to work with the Petitioner.

Mr. Kramer noted that the stormwater calculations would need to change, if a berm was added to the property.

The Board reviewed the fence regulations in the A-1. Mr. Asselmeier noted that fences on A-1 zoned property were exempt from height and type regulations. Discussion occurred regarding the Illinois Fence Act, if the use changed at the property.

Chairman Mohr adjourned the public hearing at 7:32 p.m.

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the findings of fact for the special use permit.

The votes were as follows:

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

The motion passed.

Chairman Mohr noted that the Attorney for the Petitioner would verify the fifteen foot (15') fence along the south property line of the subject property; this was not a condition.

Member Whitfield made a motion, seconded by Member LeCuyer, to recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

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

The motion passed.

Mr. Kramer requested that Petition 23-35 be placed on the April Planning, Building and Zoning Committee agenda in order to give the Petitioner and Mr. Plohr the opportunity to work out the details of the fence.

The proposal will go to the Planning, Building and Zoning Committee on April 8, 2024.

The Zoning Board of Appeals completed their review of Petition 23-35 at 7:34 p.m.

PUBLIC COMMENTS

Mr. Asselmeier reported there were no Petitions for the April 1st hearing.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Whitfield 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 8:01 p.m.

The next regularly scheduled meeting/hearing will be on April 29, 2024.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant

Exhibits

1. Memo on Petition 23-35 Dated February 29, 2024
2. Certificate of Publication and Certified Mail Receipts for Petition 23-35 (Not Included with Report but on file in Planning, Building and Zoning Office)

[illegible]



February 21, 2024

Matthew Asselmeier
Planning, Building & Zoning Department
111 West Fox Street
Yorkville, IL 60560
masselmeier@kendallcountyil.gov

RE: Petition 23-35, Kendall County Zoning Board of Appeals

Mr. Asselmeier,

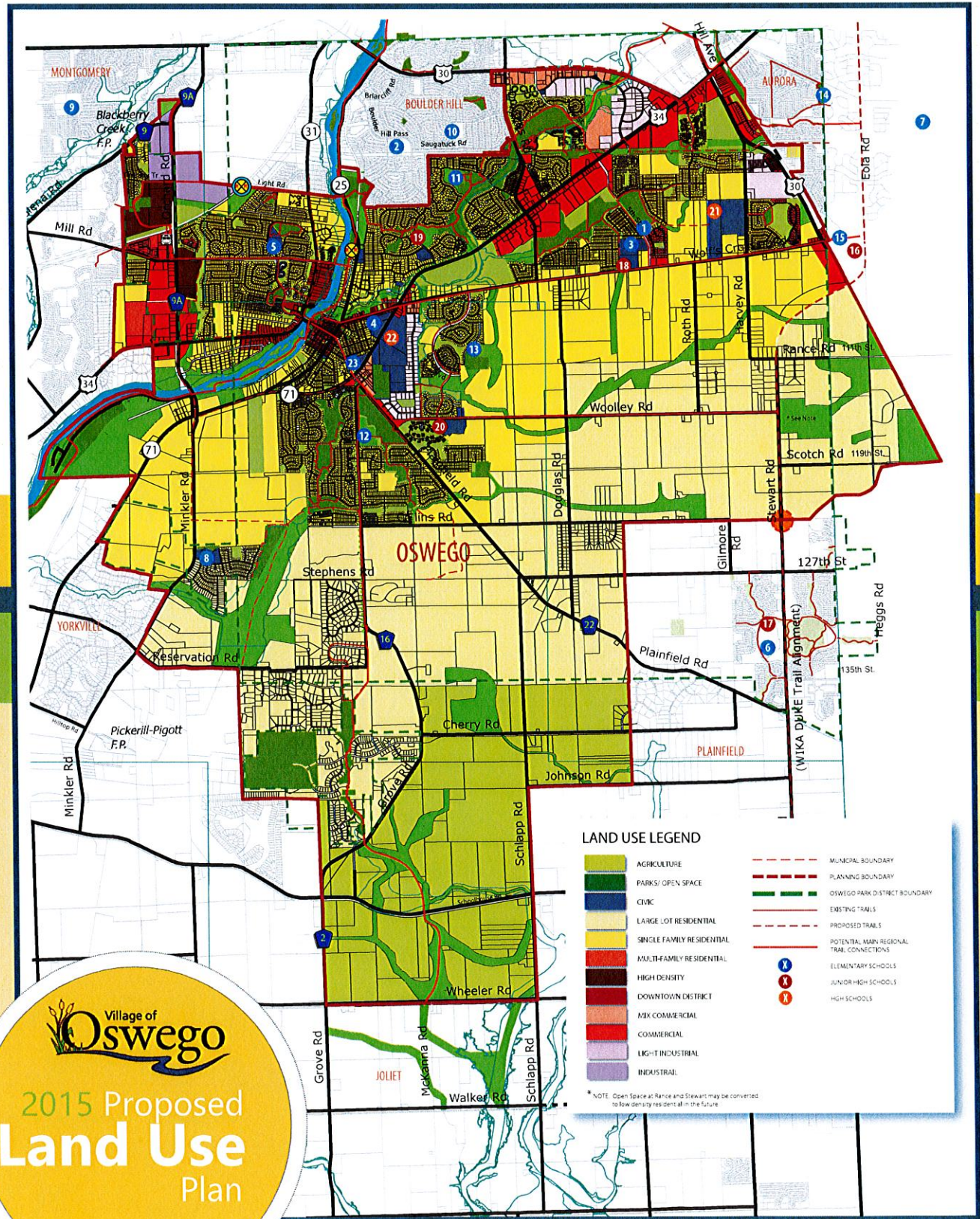
The Village of Oswego's Development Services Department staff has reviewed the updated site plan for the above referenced petition, which was provided to us on February 5, 2024 (plan dated January 30, 2024).

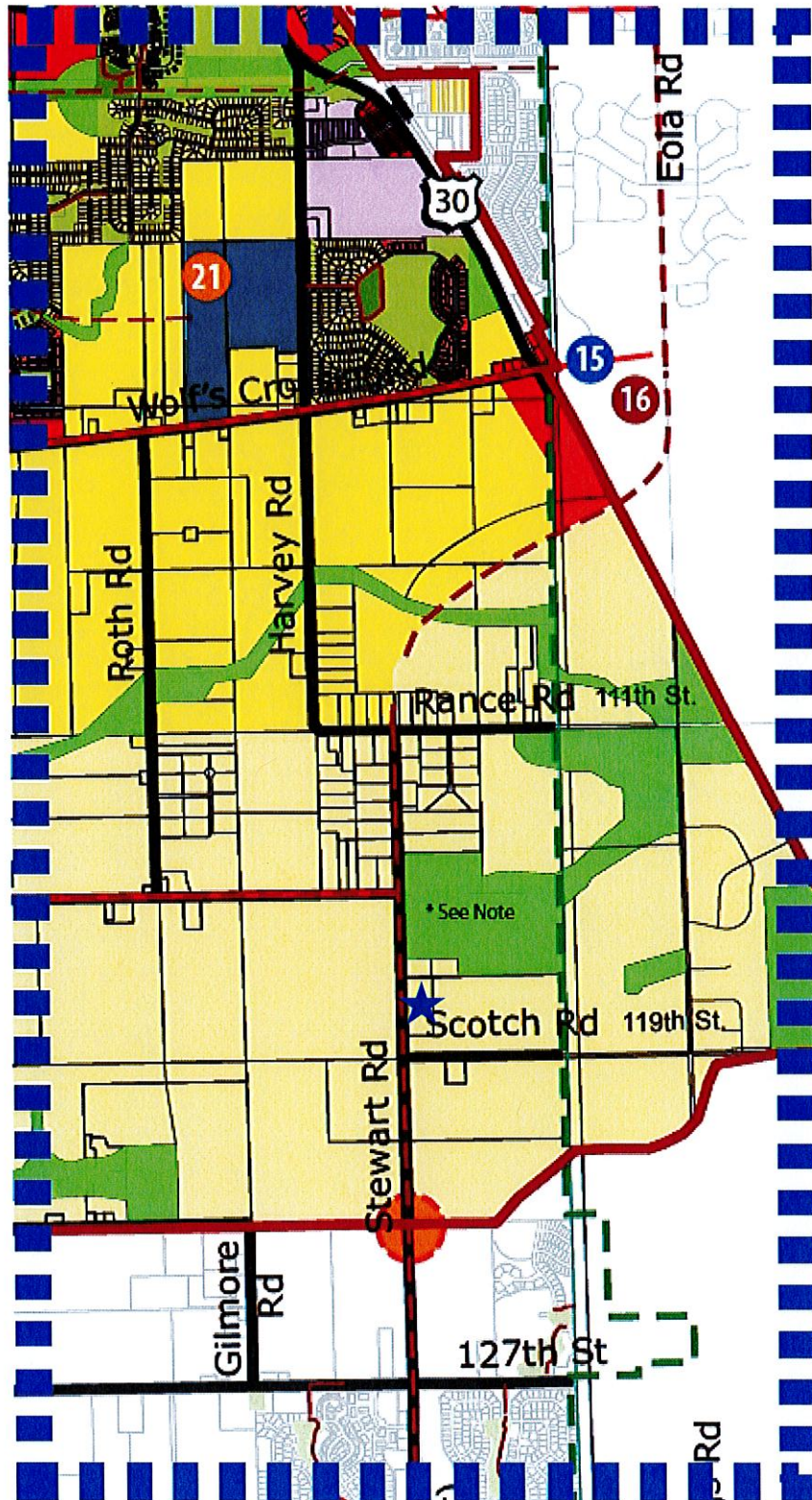
At this time, we do not believe that the proposed use or site plan will negatively impact the development of the Wikaduke Trail. According to the Village of Oswego's 2015 Comprehensive Plan Proposed Land Use Plan (see attached), the Wikaduke Trail will follow Stewart Road before curving toward Eola Road and Route 30 north of Rance Road (see attached). It is our understanding that, according to current plans for the Wikaduke Trail, additional right-of-way in this area will be dedicated on the west side of Stewart Road.

Sincerely,



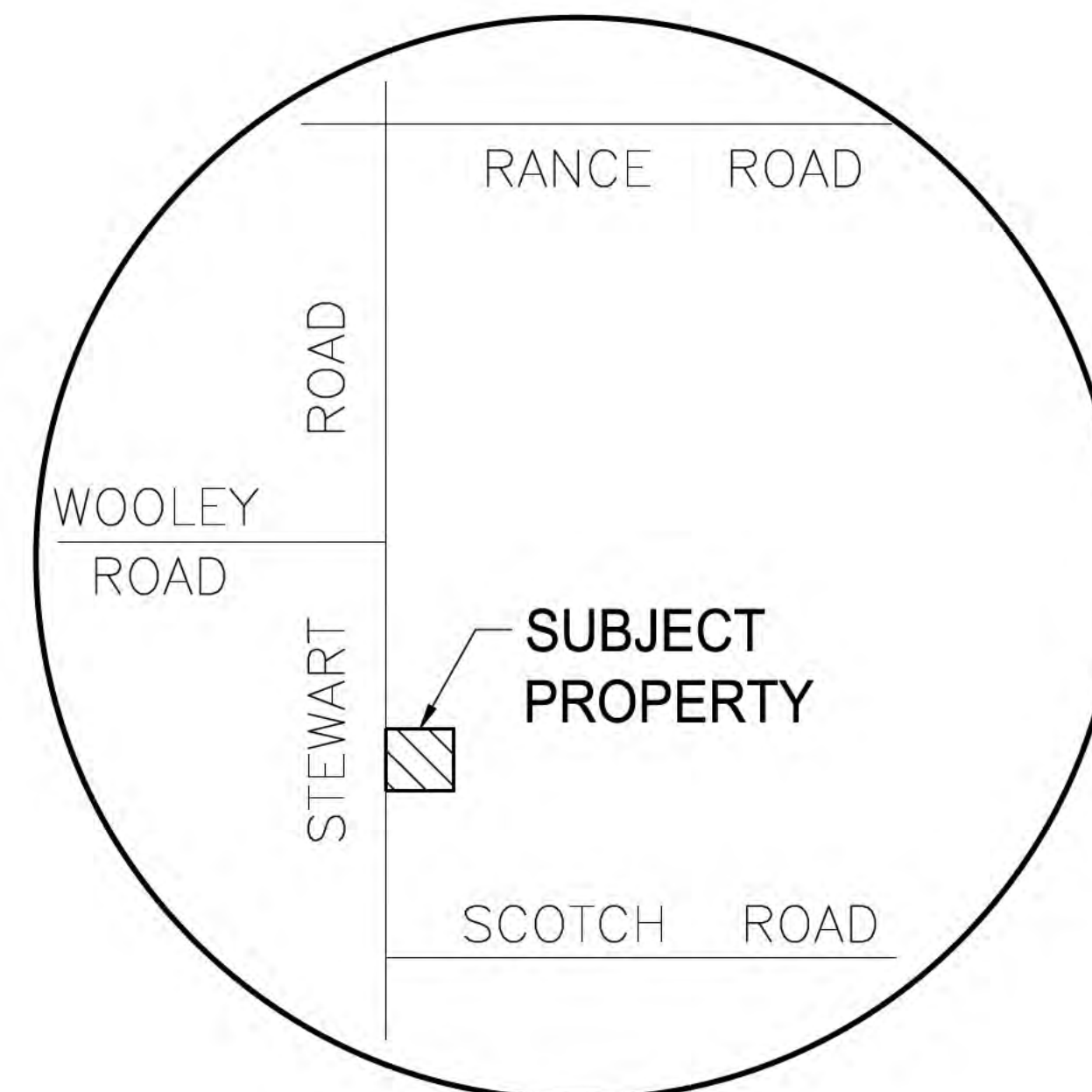
Rod Zenner, AICP
Development Services Director





STEWART ROAD
KENDALL COUNTY, ILLINOIS

Bridgeline



REVISION	DATE	DESC	BOOK: WA	DWG. SIZE: D
			DRAWN: REW	CHECKED: JGL
			REFERENCE	
			DATE: 02/16/2024	
			PROJECT NO.	2023-0579

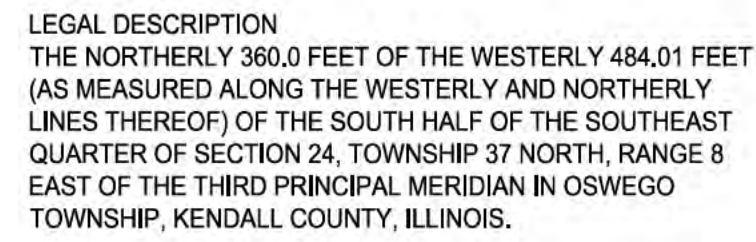
Ridgeline Consultants LLC
Illinois Professional Design Firm No. 184-004766
1861 Aucutt Road, Montgomery, IL 60538
PH: 630.801.7927 FAX: 630.701.1385
Jianfeng Hua P.L.S. 4071 Expiration Date 11/30/2024
George H. Sulawik P.L.S. 2580 Expiration Date 11/30/2024
Stacy L. Stewart P.L.S. 3415 Expiration Date 11/30/2024



PREPARED FOR	ARBEEN, LLC
PROJECT ADDRESS	STEWART ROAD KENDALL COUNTY, ILLINOIS

SHEET
1
OF
6

REVISION	DATE	DESC	BOOK	WA	DWG. SIZE	D
			DRAWN	REV	CHECKED	JGL
			REFERENCE			
			DATE	09/18/2024		
			PROJECT NO. 2023-0579			



*PIN 03-24-300-001
James Family Farm, LLC
A1 Zoning*

A diagram showing a corner of a room. The wall on the left is labeled 'Y'. The floor is labeled 'X'. A rectangular area in the corner is labeled 'Crib' and is filled with diagonal hatching lines.

Stewart'—Road

*PIN 03-24-400-005
Judith K. & Gordon C. Plohr Trust
A1 Zoning*

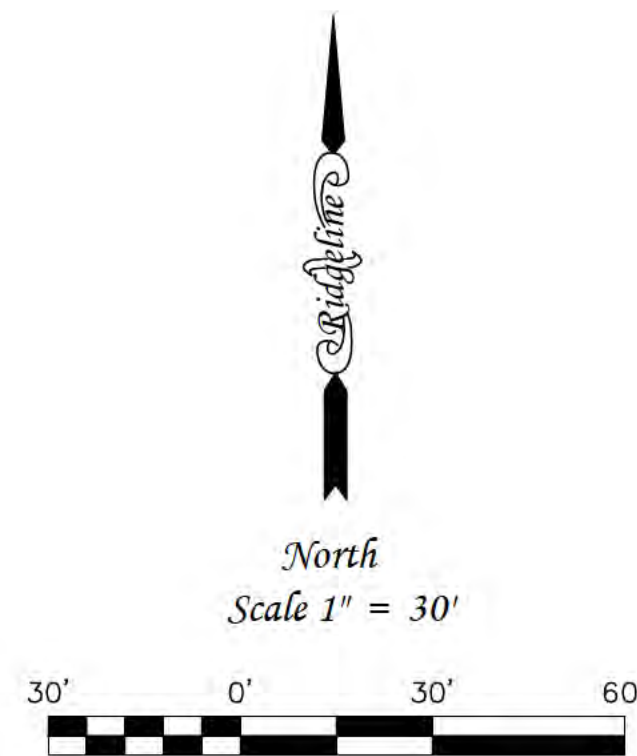
NOTE:
EXISTING CONDITIONS PER SURVEY BY PHILLIP D.
YOUNG & ASSOCIATES DATED JANUARY 30, 2024

- | | | |
|----------------|-----------|--------------------------------|
| ● | Indicates | Iron Stake Found |
| ○ | Indicates | Iron Stake Set |
| ■ | Indicates | Concrete Right of Way Monument |
| — | Indicates | Line of Fence |
| —OU— | Indicates | Overhead Utilities |
| — | Indicates | Soils Boundary |
| Δ ^o | Indicates | Tree Location and Diameter |
| 632.82 | Indicates | Existing Spot Elevation |
| -632- | Indicates | Existing Contour Elevation |
| -632--- | Indicates | Proposed Contour Elevation |
| — | Indicates | Direction of Flow |

Ridgeline Consultants LLC
Illinois Professional Design Firm No. 184-004766
1681 Aucutt Road, Monticoumy, IL 60538
PH: 630.801.7927 FAX: 630.701.1386
Jianfeng Hua P.L.S. 4071 Expiration Date 11/30/2024
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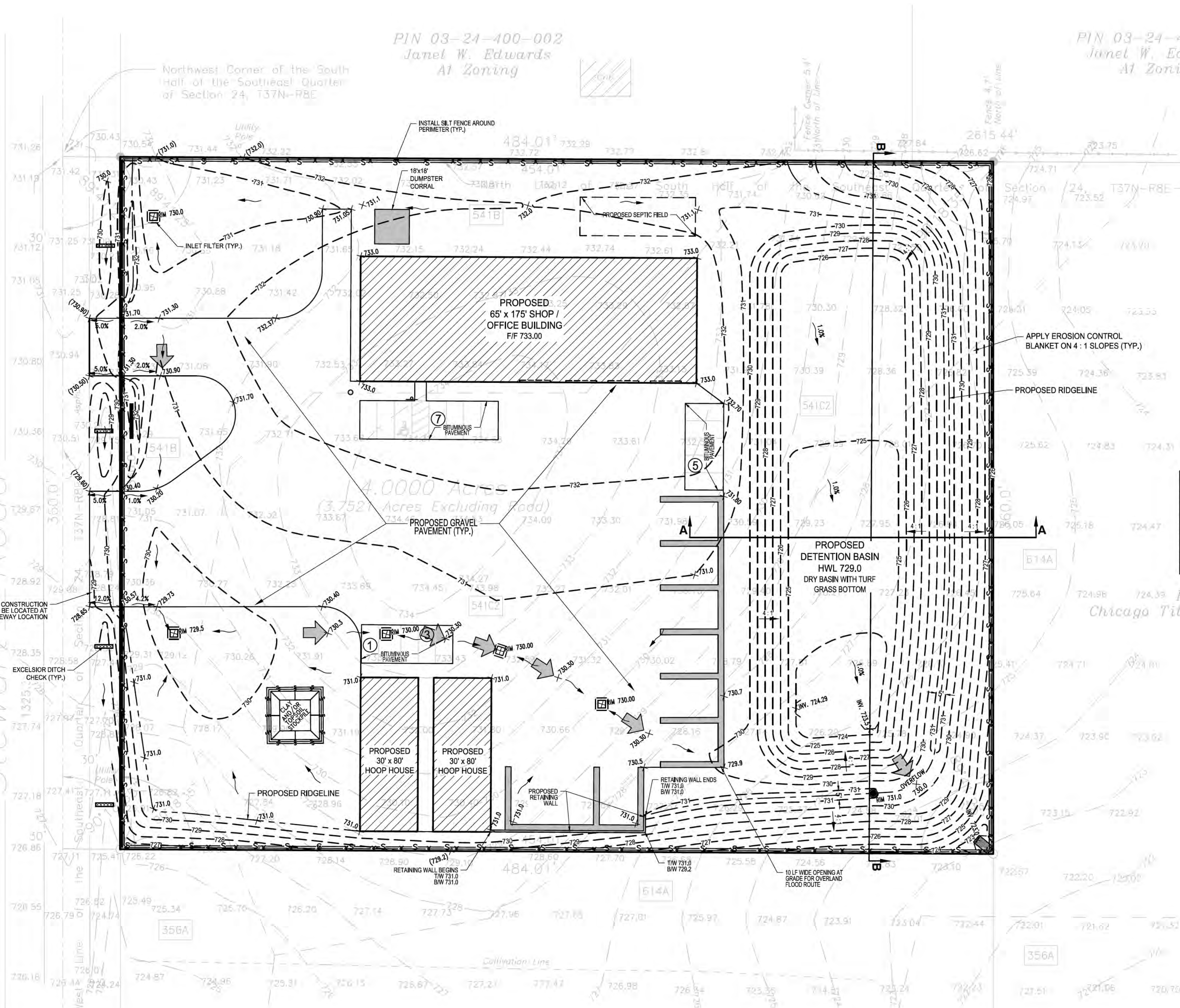


ARBEEN, LLC
STEWART ROAD
KENDALL COUNTY, ILLINOIS



PIN 03-24-300-001
James Family Farm, LLC
A1 Zoning

Stewart Road

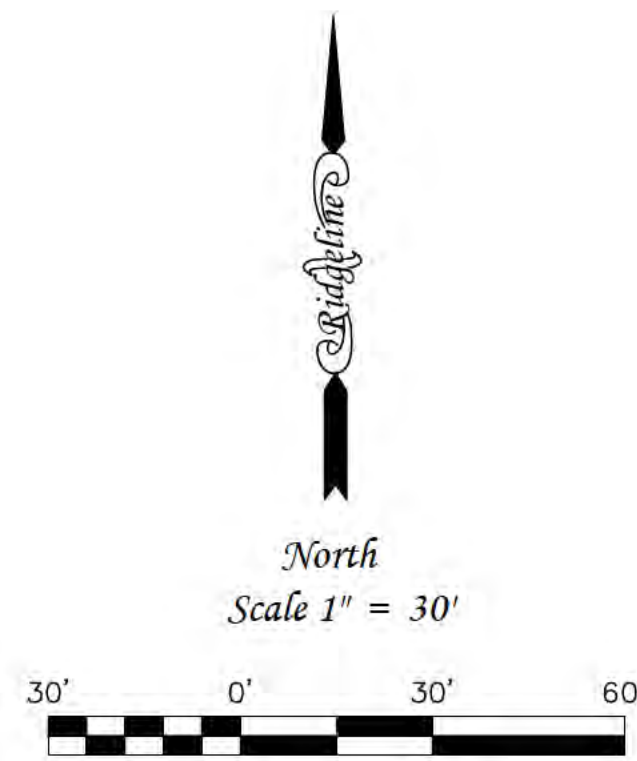


STORAGE CALCULATIONS				
Contour	Area sf	Area Acre	Vol. Ac.Ft.	Accumulated Volume
723.50	0	0.000	0.000	0.000
724.00	2,193	0.050	0.013	0.013
725.00	8,669	0.199	0.125	0.137
726.00	16,395	0.376	0.288	0.425
726.30	17,157	0.394	0.116	0.540
727.00	18,936	0.435	0.290	0.831
728.00	21,576	0.495	0.465	1.296
729.00	24,318	0.558	0.527	1.822

DISCHARGE STORAGE CALCULATIONS		
Stage	Discharge	Storage
723.50	0.000	0.000
724.00	0.034	0.013
725.00	0.061	0.137
726.00	0.079	0.425
726.30	0.084	0.540
727.00	0.188	0.831
728.00	0.259	1.296
729.00	0.313	1.822

SITE AREA TABLE	
LOT = 163,440 SF / 3.75 AC	
EXISTING CONDITIONS:	
(VACANT)	0 SF
EXISTING IMPERVIOUS	0 SF 0.0%
PROPOSED CONDITIONS:	
BUILDINGS	15,284 SF
GRAVEL PAVEMENT	49,703 SF
BITUMINOUS PAVEMENT	3,346 SF
WALLS	1,627 SF
PROPOSED IMPERVIOUS	69,940 SF 42.8%
NET NEW IMPERVIOUS	69,940 SF

SEE SHEET 5 OF 6 FOR SECTIONS A-A & B-B.



PIN 03-24-300-001
James Family Farm, LLC
At Zoning

Stewart Road

1395.30'

West Line of the Southeast Quarter of Section 24, T37N-R8E

30'

360.0'

INV. 728.40

INV. 728.90

30.00'

30'

50 LF 12" RCP @ 0.50%

8" WOOD GATE AT ENTRANCE

124.99'

15.00'

26.51'

51.00'

18'x18' DUMPSTER CORRAL

INSTALL 6" WOOD FENCE AROUND ENTIRE PROPERTY WITH GATES AT BOTH ENTRANCES

PROPOSED SEPTIC FIELD

PROPOSED 65' x 175' SHOP / OFFICE BUILDING F/F 733.00

HANDICAP ACCESSIBLE PARKING SIGN

20'

18"

BITUMINOUS PAVEMENT

PROPOSED GRAVEL PAVEMENT (TYP.)

PROPOSED 30' x 80' HOOP HOUSE

PROPOSED 30' x 80' HOOP HOUSE

PROPOSED RETAINING WALL

CONTROL STRUCTURE 50" WITH 2 TYPE 1 FRAME & LID RIM 731.0 INV. 723.34 (N) INV. 723.50 (SE)

12" FES INV. 723.0

60 LF 12" RCP @ 0.63%

PROPOSED 5' x 10' RPP-RAP (SEE DETAIL ON SHEET 6)

12" FES INV. 723.5

33 LF 12" RCP @ 0.50%

12" CONC. FES W/ SAFETY GRATE INV. 724.29

729 HWL

729 HWL

729 HWL

PROPOSED DETENTION BASIN HWL 729.0 DRY BASIN WITH TURF GRASS BOTTOM

PROPOSED BUSINESS SIGN

PROPOSED WELL

PROPOSED 24" x 12" RCP @ 0.50%

74 LF 12" RCP @ 1.00%

80.00'

24.00'

360.0'

30.00'

5.00'

124.64'

154.59'

110 LF 12" RCP @ 0.50%

59 LF 12" RCP @ 0.50%

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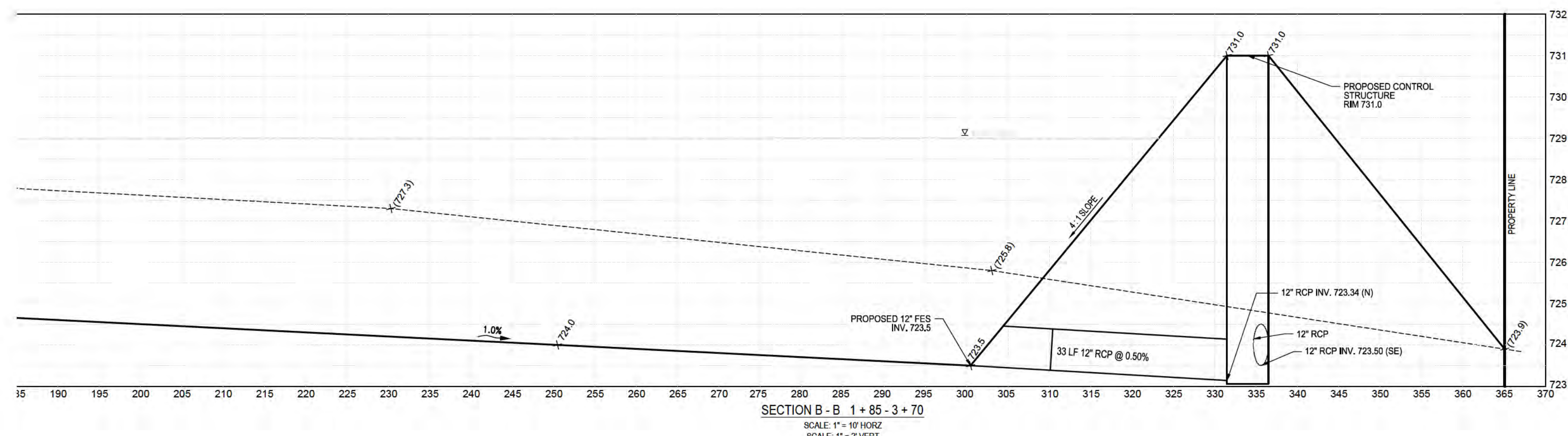
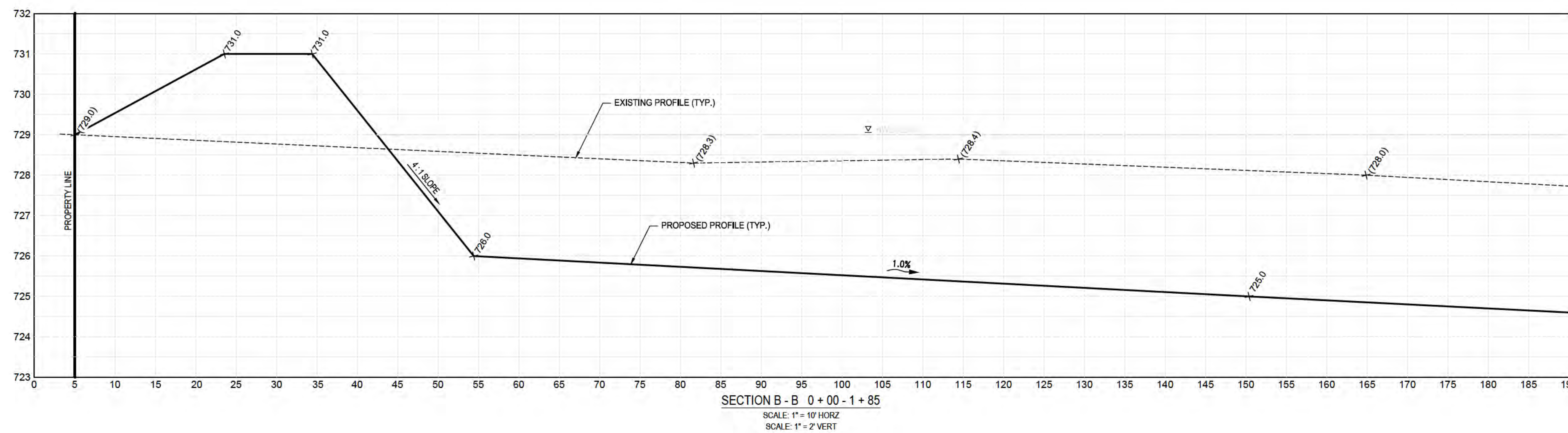
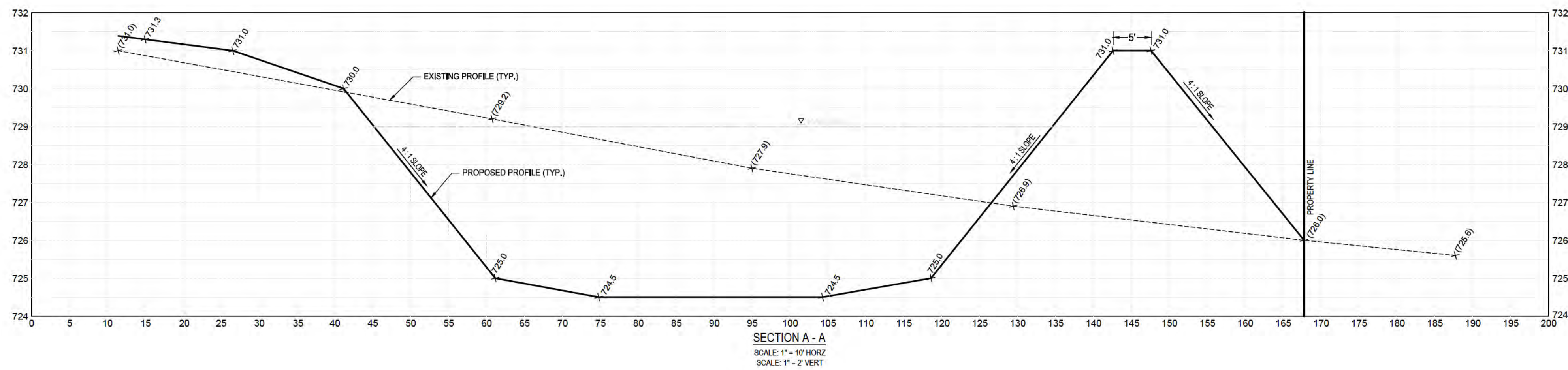
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Additional Notes

1. Erosion control blanket shall be applied on any disturbed areas that will be graded.
2. Completed slopes shall be seeded and stabilized as the operation proceeds to the extent considered desirable and practical. Permanent seeding shall be used whenever possible. Under no circumstances shall the contractor provide any grading and seeding on that the entire project site be permanently seeded at one time.
3. In areas where work is complete, permanent stabilization shall occur within 7 days of completion, and in areas where work has temporarily ceased for 31 days or more, temporary stabilization shall occur by the 14th day after work has ceased.
4. All erosion control measures must be inspected weekly and after each 1/2" rain event.
5. All adjacent owners must be kept aware of debris transported daily and cleaned when necessary.
6. Unless otherwise indicated, all vegetative and structural erosion and sediment control measures will be constructed according to minimum standards and specifications to the Illinois Storm Water Management Manual.
7. The contractor is responsible for installation of any additional erosion control measures necessary to prevent erosion and sedimentation as determined by the County Inspector or Township Highway Department.
8. It is the responsibility of the general contractor to inform and coordinate with the County Inspector on the project of the requirements to implementing and maintaining these erosion control plans and the National Pollutant Discharge Elimination System (NPDES) permit requirements set forth by the Illinois EPA.

STABILIZATION TYPE	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.
PERMANENT SEEDING			A									
TEMPORARY SEEDING	B										B	
HYDRO SEEDING			C									
MULCHING			E**									

A KENTUCKY BLUEGRASS 90 LBS./ACRE
MIXED WITH PERENNIAL RYEGRASS
30 LBS./ACRE.

B KENTUCKY BLUEGRASS 135 LBS./ACRE
MIXED WITH PERENNIAL RYEGRASS
45 LBS./ACRE + 2 TONS STRAW MULCH/ACRE.

C SPRING OATS 100 LBS./ACRE

D WHEAT OR CEREAL RYE
150 LBS./ACRE.

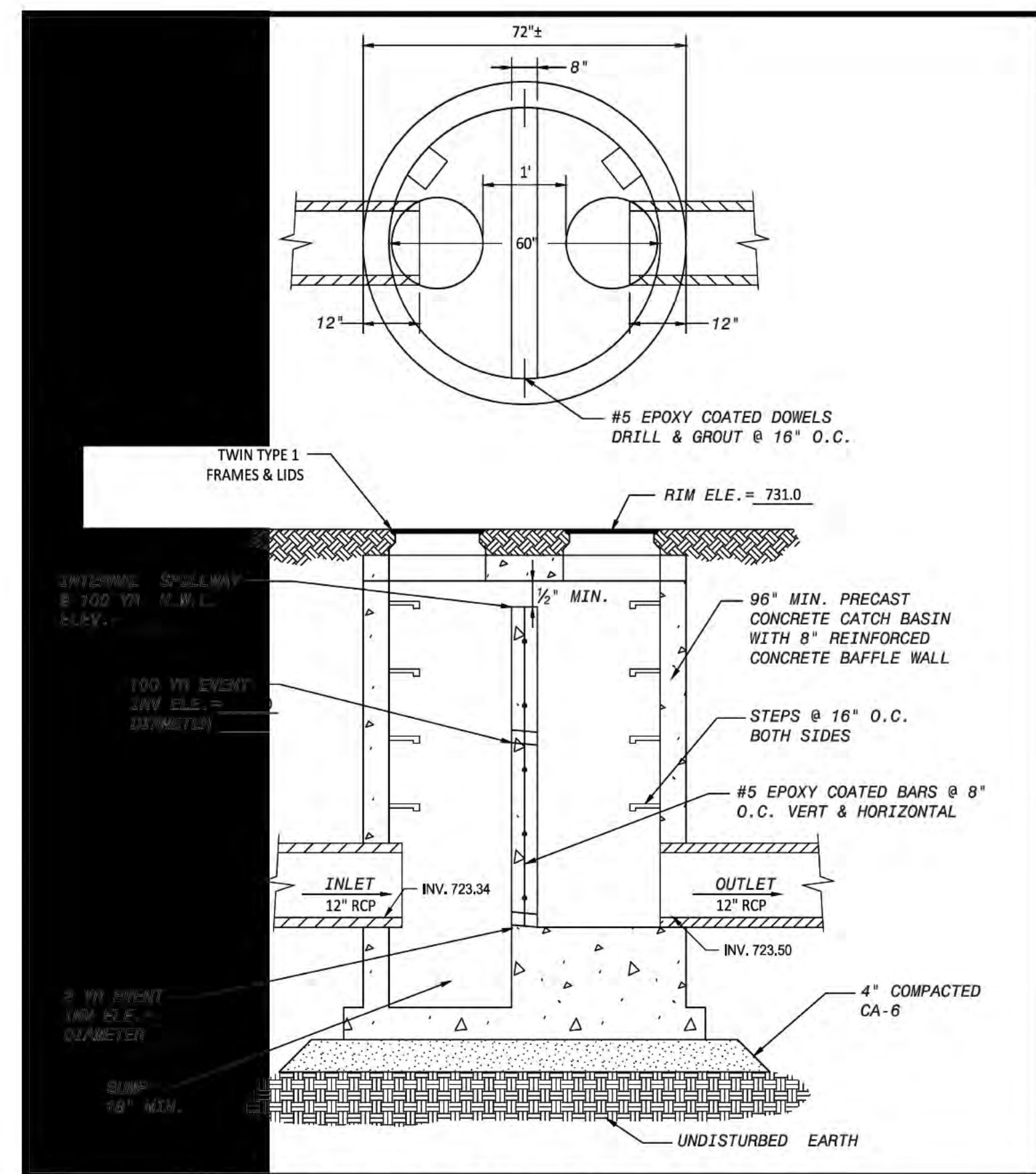
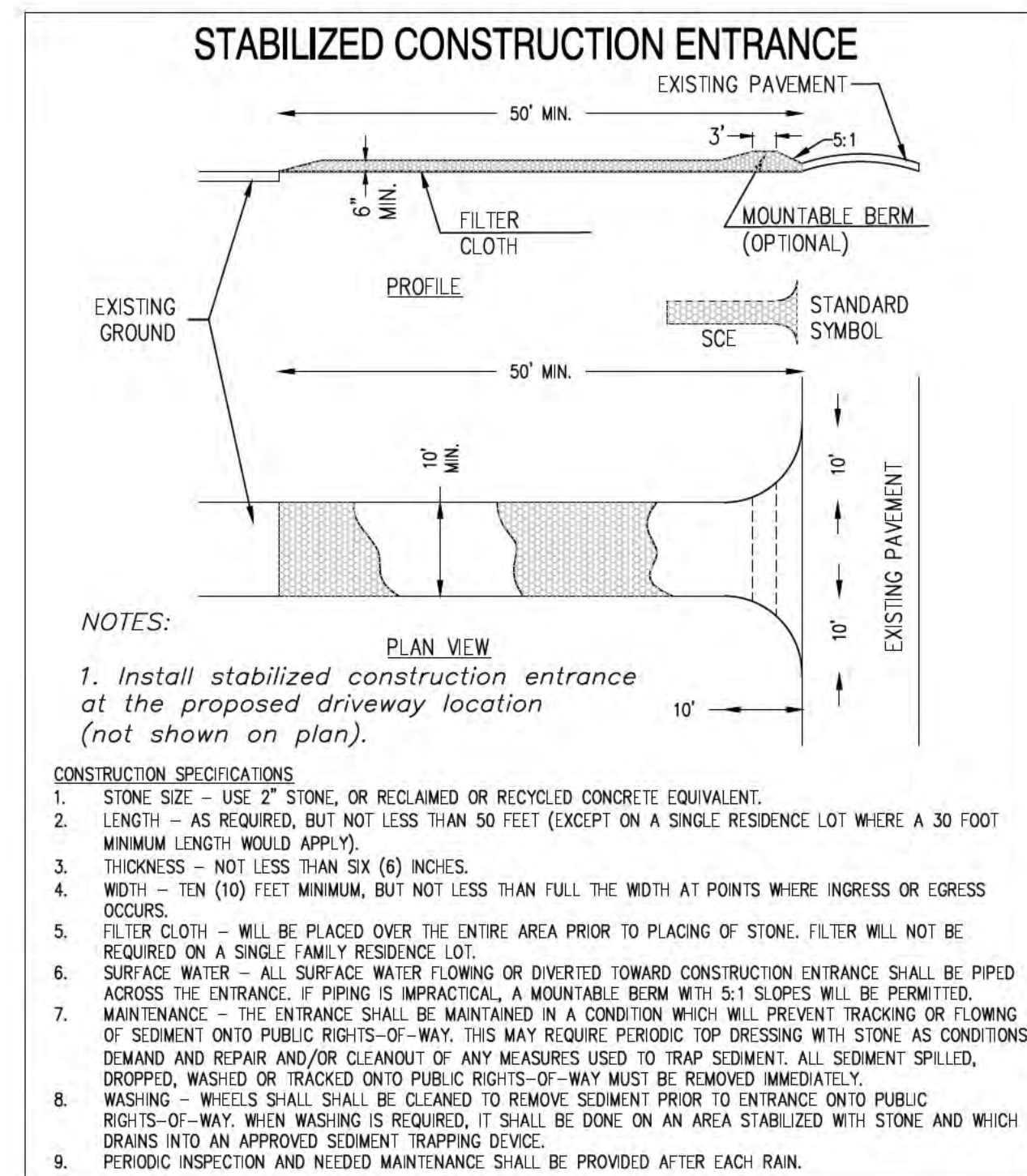
E SOD

F STRAW MULCH 2 TONS/ACRE.

* IRRIGATION NEEDED DURING JUNE AND JULY.

** IRRIGATION NEEDED FOR 2 TO 3 WEEKS AFTER APPLYING SOD.

SOIL PROTECTION CHART AND APPLICATION GUIDELINES



CONTROL STRUCTURE DETAIL

STORMWATER MANAGEMENT REPORT

FOR

ARBEEN LANDSCAPING

Oswego (Un-incorporated Kendall County), IL

PREPARED BY: RIDGELINE CONSULTANTS, LLC

1661 AUCUTT ROAD
MONTGOMERY, IL 60538

Phone: 630-801-7927

Fax: 630-701-1385

KENDALL COUNTY, ILLINOIS

FEBRUARY, 2024

Project Number: 2023-0579



Expires 11/30/2025

The subject development takes place on a parcel (PIN 03-24-400-011)) with a total of 4.00 acre in area including 0.248 acre within Stewart Rd right of way. This unincorporated property is vacant under A-1 zoning. The applicant, Arbeen, LLC, purchased the property and intended to turn it to a Landscape Business operation.

Based on our research into FEMA Flood Insurance Rate Map number 17093C0070G dated of 02/04/2009, there is a no regulatory floodplain or floodway existing on site or immediate offsite. As shown on National Wetlands Inventory Map by US Fish and Wildlife Services, there is no "Wetlands/Lakes/Ponds" within the property or immediate offsite.

Upon research into USDA NRCS Soil Map, the predominant soils onsite are 541C2 (Graymont Silt Loam, 5 to 10 percent slopes, eroded), 541B (Graymont Silt Loam, 2 to 5 percent slopes), 614A (Chenoa Silty Clay Loam, 0 to 2 percent slopes) and 356A (Elpaso Silty Clay Loam, 0 to 2 percent slopes). Generally speaking, the property is predominantly occupied by the soils under Hydrologic Soil Group C or D which exhibit poor infiltration and generate considerable surface runoffs.

Based on Kendall County Stormwater Management Ordinance (Ordinance), a Stormwater Management Permit from Kendall County is required on this project because of more than 43,500sf of ground cover disturbance. Per Ordinance, a site Runoff Storage requirement will apply to the project which is a non-residential land use resulting in more than 45,000 square feet of development or resulting in more than 32,000 square feet of impervious surface area. Under the existing condition, the property pitches to the east, south and the west. There is a minimum offsite upstream area north of the property and we felt it is too insignificant and difficult to quantify to be considered. A dry detention basin is proposed on the southeast corner of the property, the lowest within the entire property, to detain the onsite runoff before releasing it to the downstream offsite area. Please find enclosed detention calculation as well as TR-20 modeling for detention design details. Based on the Ordinance, a 1' freeboard, between the calculated 100 year-24 hour HWL and the Emergency overflow weir, is proposed. A berm with a 5'-wide flat top, around the perimeters of the detention basin, 1' higher than the emergency overflow weir is called out. The bottom of the basin is to be 1% minimum slope planted with turf grass. Riprap is proposed to the downstream of the detention basin to slow down the restricted release before reaching the offsite. Meanwhile, a storm sewer system is proposed to run along the west and the south property lines and convey the onsite runoff into the detention basin. The onsite grading was designed in such a way that overland flood routes would take the onsite surface runoff into the detention basin in the event of the storm sewers overloaded. The comparison of runoff onto the different offsite neighbors under the existing and proposed conditions is prepared as shown on the enclosed calculation. As shown, all runoff onto offsite neighbors under the proposed condition are less than those under the existing condition. Lastly, the proposed culverts under both driveways are sized in enclosed calculation.

EROSION AND SEDIMENTATION CONTROL MEASURES

Various soil erosion and sediment control measures and devices will be proposed to be implemented during construction activities. These measures are intended to protect downstream properties from erosion and sedimentation and to assure that surface or ground water quality is not unreasonable or unnecessarily degraded.

The proposed erosion and sediment control features include:

- Temporary construction entrance for vehicle washdowns and removal of mud from tires.
- Single or Double rows of silt fencing installed along downstream perimeters of the development site.
- Disturbed areas vegetatively stabilized either temporarily or permanently and/or protected from soil erosion after final grading is accomplished.
- Inlet filter installed at all open-grate storm sewer structures to intercept debris or eroded soil before been transported downstream.
- Erosion Control Blanket to be applied onto 4:1 slope once grading is completed to prevent seed wash-off and erosion of the soil.

STORMWATER MANAGEMENT SYSTEMS MONITORING AND MAINTENANCE PLAN

The property owners will be responsible for the periodic monitoring and maintenance of all stormwater storage and stormwater collection and conveyance systems and components within the limits of the site. Such systems and components include, but are not limited to the detention basin and its outfall system, storm sewer system, overland drainage ways, and all containment berms. The owner shall undertake appropriate measures to monitor and maintain such facilities in accordance with the policies and procedures established under Stormwater Ordinances as amended as part of its routine maintenance operations

The program for monitoring and maintaining the stormwater management and/or stormwater conveyance facilities imposed under this plan shall include the following operations and procedures:

1. Storm sewer system, swales and overland drainage ways shall be maintained to the line and grade established on the Final Site Improvement Plans and supporting documents to convey stormwater runoff in a free and unobstructed manner. Landscape plantings, earthen fill, or other obstructions that impede the flow of stormwater shall be removed, the area shall be re-graded, and a vegetative cover shall be re-established to deter erosion.
2. A vegetative cover around and within the overland drainage swales and the detention basin is essential for the prevention of soil erosion and the deposition of sediments. The periodic replanting and replacement of vegetation shall be undertaken by the owner, when necessary, to maintain the vegetative cover.

CONSTRUCTION SEQUENCE AND SCHEDULE OF IMPLEMENTATION FOR STORMWATER MANAGEMENT SYSTEM IMPROVEMENTS

The stormwater management systems and components proposed for construction on site including storm sewer system, detention basin, temporary and permanent erosion and sedimentation control measures and devices are intended to obtain and control stormwater so as to minimize increase in runoff rate, volumes, and pollutant loads during and following completion of construction in accordance with the Technical Guidance of the Ordinance, the U.S.E.P.A. "Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters" and the United States Clean Water Act³³ U.S.C. 1251 as amended.

It will be incumbent upon the owner prior to that date to ensure that the stabilized construction entrance and silt fences are installed; Said erosion and sedimentation control measures and devices shall thereafter be monitored and maintained by the owner in accordance with NPDES guidelines. As soon as weather and growing conditions permit, topsoil shall be placed in the containment berms and the area vegetatively stabilized by a hydro-seeding and placement of erosion blanket.

National Flood Hazard Layer FIRMette



88°16'25"W 41°40'19"N



Basemap Imagery Source: USGS National Map 2023

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, A99
With BFE or Depth Zone AE, AO, AH, VE, AR
Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas 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 OF FLOOD HAZARD

NO SCREEN

Area of Minimal Flood Hazard Zone X

Effective LOMRs

Area of Undetermined Flood Hazard Zone D

OTHER AREAS

GENERAL STRUCTURES

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

OTHER FEATURES

Cross Sections with 1% Annual Chance

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.

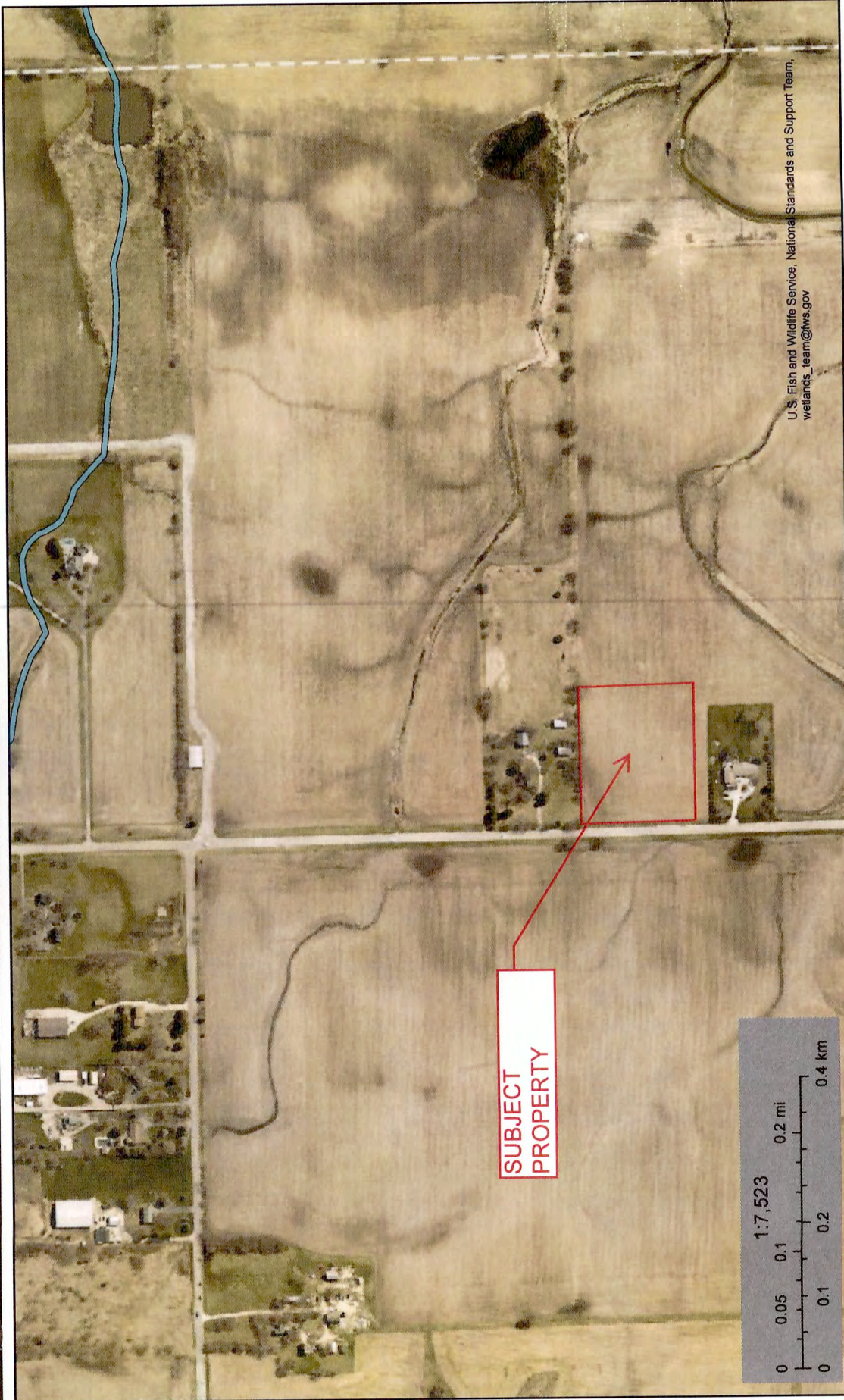
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/9/2024 at 12:35 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by 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



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.

- Wetlands**
- | | | | | | |
|--|--------------------------------|--|-----------------------------------|--|----------|
| | Estuarine and Marine Deepwater | | Freshwater Emergent Wetland | | Lake |
| | Estuarine and Marine Wetland | | Freshwater Forested/Shrub Wetland | | Other |
| | | | Freshwater Pond | | Riverine |

February 19, 2024



MAP LEGEND

MAP INFORMATION

- Area of Interest (AOI)

Area of Interest (AOI)
- Soils

Soil Map Unit Polygons

Soil Map Unit Lines

Soil Map Unit Points
- Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot


Severely Eroded Spot


Sinkhole


Slide or Slip


Sodic Spot


- Water Features


Streams and Canals
- Transportation


Rails

Interstate Highways


US Routes


Major Roads


Local Roads
- Background


Aerial Photography


- Soil Spot


Spoil Area

Stony Spot

Very Stony Spot

Wet Spot

Other

Special Line Features

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Kendall County, Illinois
Survey Area Data: Version 20, Aug 28, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 18, 2020—Jul 3, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
356A	Elpaso silty clay loam, 0 to 2 percent slopes	0.1	1.5%
541B	Graymont silt loam, 2 to 5 percent slopes	0.8	21.2%
541C2	Graymont silt loam, 5 to 10 percent slopes, eroded	2.0	51.5%
614A	Chenoa silty clay loam, 0 to 2 percent slopes	1.0	25.9%
Totals for Area of Interest		3.8	100.0%

Hydric Group

B/D

C

C

C/D

Prepared: 02/09/2024

ARBEEN LANDSCAPING Detention Basins and Orifice Sizing

1.) Property Area:

Property Area (excluding ROW):	3.75 Acres =	0.005863 Sq. Mi
Detained onsite Area:	3.27 Acres =	0.005113 Sq. Mi
Un-detained onsite Area:	0.48 Acres =	0.000750 Sq. Mi

2.) Offsite Tributary Area:

Offsite Tributary Area:	0.00 Acres =	0.000000 Sq. Mi
-------------------------	--------------	-----------------

Note: Minimal North Upstream offsite area is neglectble and not considered in the calculation

3.) Calculation of Allowable Release:

Allowable Release is:	0.15 cfs	(2 year event or less)	0.04 cfs x onsite area
	0.56 cfs	(100 year event)	0.15 cfs x onsite area

4.) Calculation of Curve Number:

Detained Onsite Area:	3.27 Acre=	0.005113 Sq. Mi
Impervious Area:	1.60 acre (CN=98)	
Detention Basin:	0.56 acre (CN =98)	
Pervious Area:	1.11 acre (CN=74)	
Composite CN:	89.8	
Un-Detained Onsite Area:	0.48 Acre=	0.000750 Sq. Mi
Impervious Area:	0.00 acre (CN=98)	
Pervious Area:	0.48 acre (CN=74)	
Composite CN:	74.0	

5.) Time of Concentration (Tc):

Tc = 0.17 Hr. (=10 min. Reasonably Estimated)

6.) Proposed Restrictor Design

Use Orifice Equation to size proposed restrictor:

Outfall Pipe Release (2 year)

Cd	0.61
Dia	1.375 in
Area	0.010 sq ft
Invert of Orifice	723.50
Center of Orifice	723.56

Prepared: 02/09/2024

Orifice Release (lower)

Elev. Stage	Head	Orifice Discharge
723.50	0.00	0.000
724.00	0.44	0.034
725.00	1.44	0.061
726.00	2.44	0.079
726.30	2.74	0.084
727.00	3.44	0.094
728.00	4.44	0.106
729.00	5.44	0.118

Head = Stage less Center of Orifice
Orifice Discharge = $C_d \times (2 \times g \times H)^{0.5} \times \text{Area}$

Outfall Pipe Release (100 year)

Cd 0.61
Dia 2.125 in
Area 0.025 sq ft
Invert of Orifice 726.30
Center of Orifice 726.39

Orifice Release (Upper)

Elev. Stage	Head	Orifice Discharge
723.50	0.00	0.000
724.00	0.00	0.000
725.00	0.00	0.000
726.00	0.00	0.000
726.30	0.00	0.000
727.00	0.61	0.094
728.00	1.61	0.153
729.00	2.61	0.195

Head = Stage less Center of Orifice
Orifice Discharge = $C_d \times (2 \times g \times H)^{0.5} \times \text{Area}$

Total Orifice Release

Elev. Stage	Orifice Discharge
723.50	0.000
724.00	0.034
725.00	0.061
726.00	0.079
726.30	0.084
727.00	0.188
728.00	0.259
729.00	0.313

7.) Calculation of Storage

Onsite Detention Basin

Contour	Area sf	Area Acre	Vol. Ac.Ft.	Accumulated Volume
723.50	0	0.000	0.000	0.000
724.00	2,193	0.050	0.013	0.013
725.00	8,669	0.199	0.125	0.137
726.00	16,395	0.376	0.288	0.425
726.30	17,157	0.394	0.116	0.540
727.00	18,936	0.435	0.290	0.831
728.00	21,576	0.495	0.465	1.296
729.00	24,318	0.558	0.527	1.822

Prepared: 02/09/2024

8.) Stage-Discharge-Storage Table

Stage	Discharge	Storage
723.50	0.000	0.000
724.00	0.034	0.013
725.00	0.061	0.137
726.00	0.079	0.425
726.30	0.084	0.540
727.00	0.188	0.831
728.00	0.259	1.296
729.00	0.313	1.822

9.) Results: The TR-20 model produced the following result:

2 Year

Peak Elevation in onsite SWMF: 726.25 ft.
 Peak Discharge (Restricted + Unrestricted): 0.15 cfs (2 Yr-24 Hr)
 Allowable Discharge: 0.15 cfs

100 Year The TR-20 model produced the following result:

Peak Elevation in onsite SWMF: 728.76 ft.
 Storage at Peak Elevation: 1.696 acre-feet
 Peak Discharge (Restricted + Unrestricted): 0.55 cfs (100 Yr-24 Hr)
 Allowable Discharge: 0.56 cfs

10.) Overflow Weir Capacity

Proposed Overflow Discharge, Broad-crested Weir

Required Weir Capacity: 2.58 cfs (100 Yr 24 Hr inflow to Detention Basin per TR-20)
 Broad Crested Weir 26 ft at Emergency Spillway

Q= CxLxH^{1.5}
 Weir Elevation= 730.00

Elev. Stage	Weir Head	C Value	Weir Discharge (cfs)	
730.00	0.00	2.7	0.00	
730.12	0.12	2.7	2.92 ≥	2.58 cfs, OK!

*****80-80 LIST OF INPUT DATA FOR TR-20 HYDROLOGY*****

[illegible]

Corresponding
To Bulletin 75

	1	2	3	4
Un-Detained	0.00075	0.00511	723.50	729.00
Detained	74.0	89.8	0.084	0.075

ENDCMP 1
ENDJOB 2

1

*****80-80 LIST OF INPUT DATA (CONTINUED)*****

0*****END OF 80-80 LIST*****

1

TR20 XEQ 02-09-24 10:54 ARDEEN LANDSCAPING, KENDALL CO, IL; 02/09/24; [PROP6.T20], JL JOB 1 PASS 1
REV PC 09/83(.1) PROPOSED CONDITION-2YR&100YR PAGE 1

COMPUTER PROGRAM FOR PROJECT FORMULATION - HYDROLOGY USER NOTES

THE USERS MANUAL FOR THIS PROGRAM IS THE MAY 1982 DRAFT OF TR-20. CHANGES FROM THE 2/14/74 VERSION INCLUDE:
REACH ROUTING - THE MODIFIED ATT-KIN ROUTING PROCEDURE REPLACES THE CONVEX METHOD. INPUT DATA PREPARED FOR
PREVIOUS PROGRAM VERSIONS USING CONVEX ROUTING COEFFICIENTS WILL NOT RUN ON THIS VERSION.

THE PREFERRED TYPE OF DATA ENTRY IS CROSS SECTION DATA REPRESENTATIVE OF A REACH. IT IS RECOMMENDED THAT
THE OPTIONAL CROSS SECTION DISCHARGE-AREA PLOTS BE OBTAINED WHENEVER NEW CROSS SECTION DATA IS ENTERED.
THE PLOTS SHOULD BE CHECKED FOR REASONABLENESS AND ADEQUACY OF INPUT DATA FOR THE COMPUTATION OF "M"
VALUES USED IN THE ROUTING PROCEDURE.

GUIDELINES FOR DETERMINING OR ANALYZING REACH LENGTHS AND COEFFICIENTS (X,M) ARE AVAILABLE IN THE USERS
MANUAL. SUMMARY TABLE 2 DISPLAYS REACH ROUTING RESULTS AND ROUTING PARAMETERS FOR COMPARISON AND CHECKING.

HYDROGRAPH GENERATION - THE PROCEDURE TO CALCULATE THE INTERNAL TIME INCREMENT AND PEAK TIME OF THE UNIT
HYDROGRAPH HAVE BEEN IMPROVED. PEAK DISCHARGES AND TIMES MAY DIFFER FROM THE PREVIOUS VERSION. OUTPUT
HYDROGRAPHS ARE STILL INTERPOLATED, PRINTED, AND ROUTED AT THE USER SELECTED MAIN TIME INCREMENT.

INTERMEDIATE PEAKS - METHOD ADDED TO PROVIDE DISCHARGES AT INTERMEDIATE POINTS WITHIN REACHES WITHOUT ROUTING.

OTHER - THIS VERSION CONTAINS SOME ADDITIONS TO THE INPUT AND NUMEROUS MODIFICATIONS TO THE OUTPUT. USER
OPTIONS HAVE BEEN MODIFIED AND AUGMENTED ON THE JOB RECORD, RAINFALLS ADDED, ERROR AND WARNING MESSAGES
EXPANDED, AND THE SUMMARY TABLES COMPLETELY REVISED. THE HOLDOUT OPTION IS NOT OPERATIONAL AT THIS TIME.

PROGRAM QUESTIONS OR PROBLEMS SHOULD BE DIRECTED TO HYDRAULIC ENGINEERS AT THE SCS NATIONAL TECHNICAL CENTERS:
CHESTER, PA (NORTHEAST) -- 215-499-3933, FORT WORTH, TX (SOUTH) -- 334-5242 (FTS)
LINCOLN, NB (MIDWEST) -- 541-5318 (FTS), PORTLAND, OR (WEST) -- 423-4099 (FTS)

PROGRAM CHANGES SINCE MAY 1982:

12/17/82 - CORRECT PEAK RATE FACTOR FOR USER ENTERED DIMHYD

5/02/83 - CORRECT REACH ROUTING PEAK TRAVEL TIME PRINTED WITH FULLPRINT OPTION
CORRECT COMPUTATIONS FOR ---
1. DIVISION OF BASEFLOW IN DIVERT OPERATION
2. HYDROGRAPH VOLUME SPLIT BETWEEN BASEFLOW AND ABOVE BASEFLOW
3. CROSS SECTION DATA PLOTTING POSITION
4. INTERMEDIATE PEAK WHEN "FROM" AREA IS LARGER THAN "THRU" AREA
5. STORAGE ROUTED REACH TRAVEL TIME FOR MULTIPLE PEAK HYDROGRAPH
6. ORDERING "FLOW-FREQ" FILE FROM SUMMARY TABLE #3 DATA
7. BASEFLOW ENTERED WITH READHYD
8. LOW FLOW SPLIT DURING DIVERT PROCEDURE #2 WHEN SECTION RATINGS START AT DIFFERENT ELEVATIONS
ENHANCEMENTS ---
1. REPLACE USER MANUAL ERROR CODES (PAGE 4-9 TO 4-11) WITH MESSAGES
2. LABEL OUTPUT HYDROGRAPH FILES WITH CROSS SECTION/STRUCTURE, ALTERNATE AND STORM NO'S
09/01/83 - CORRECT INPUT AND OUTPUT ERRORS FOR INTERMEDIATE PEAKS
CORRECT COMBINATION OF RATING TABLES FOR DIVERT
CHECK REACH ROUTING PARAMETERS FOR ACCEPTABLE LIMITS
ELIMINATE MINIMUM REACH TRAVEL TIME WHEN ANT-KIN COEFFICIENT EQUALS ONE

1

TR20 XEQ 02-09-24 10:54 ARDEN LANDSCAPING, KENDALL CO, IL; 02/09/24; [PROP6.T20], JL JOB 1 PASS 1
REV PC 09/83(.1) PROPOSED CONDITION-2YR&100YR PAGE 2

EXECUTIVE CONTROL OPERATION INCREM MAIN TIME INCREMENT = .50 HOURS RECORD ID

RECORD ID 2Y24H

EXECUTIVE CONTROL OPERATION COMPUT

FROM XSECTION 1 TO XSECTION 3
STARTING TIME = .00 RAIN DEPTH = 3.34 RAIN DURATION= 24.00 RAIN TABLE NO.= 9 ANT. MOIST. COND= 2
ALTERNATE NO.=24 STORM NO.= 2 MAIN TIME INCREMENT = .50 HOURS

OPERATION RUNOFF CROSS SECTION 1

*** WARNING-NO PEAK FOUND, MAXIMUM DISCHARGE = .02 CFS.

PEAK TIME(HRS) 22.00
15.00
PEAK DISCHARGE(CFS) .02
.08
PEAK ELEVATION(FEET)
(RUNOFF)
(RUNOFF)

TIME(HRS) FIRST HYDROGRAPH POINT = .00 HOURS TIME INCREMENT = .50 HOURS DRAINAGE AREA = .00 SQ.MI.
10.00 DISCHG .01 .02 .02 .04 .04 .05 .07 .07
15.00 DISCHG .08 .08 .07 .07 .05 .03 .03 .02
20.00 DISCHG .02 .02 .02 .02 .01 .01 .00 .00

RUNOFF VOLUME ABOVE BASEFLOW = 1.09 WATERSHED INCHES, .53 CFS-HRS, .04 ACRE-FEET; BASEFLOW = .00 CFS

--- HYDROGRAPH FOR XSECTION 1, ALTERNATE 24, STORM 2, ADDED TO OUTPUT HYDROGRAPH FILE ---

OPERATION RUNOFF CROSS SECTION 2

*** WARNING-NO PEAK FOUND, MAXIMUM DISCHARGE = .21 CFS.

PEAK TIME(HRS)	PEAK DISCHARGE(CFS)	PEAK ELEVATION(Feet)
22.00	.21	(RUNOFF)
15.00	.89	(RUNOFF)

TIME(HRS)	FIRST HYDROGRAPH POINT = .00 HOURS	TIME INCREMENT = .50 HOURS	DRAINAGE AREA = .01 SQ.MI.
.00	.00	.00	.04
5.00	.06	.13	.19
10.00	.35	.39	.76
15.00	.89	.81	.32
20.00	.21	.21	.11

RUNOFF VOLUME ABOVE BASEFLOW = 2.23 WATERSHED INCHES, 7.34 CFS-HRS, .61 ACRE-FEET; BASEFLOW = .00 CFS

--- HYDROGRAPH FOR XSECTION 2, ALTERNATE 24, STORM 2, ADDED TO OUTPUT HYDROGRAPH FILE ---

OPERATION RESVOR STRUCTURE 1

TR20 XEQ 02-09-24 10:54
REV PC 09/83(.1)

ARDEEN LANDSCAPING, KENDALL CO, IL;
PROPOSED CONDITION-2YR&100YR

02/09/24; [PROP6.T20], JL

JOB 1 PASS 1
PAGE 3

*** WARNING-NO PEAK FOUND, MAXIMUM DISCHARGE = .08 CFS.

PEAK TIME(HRS)	PEAK DISCHARGE(CFS)	PEAK ELEVATION(Feet)
23.00	.08	726.25

TIME(HRS)	FIRST HYDROGRAPH POINT = .00 HOURS	TIME INCREMENT = .50 HOURS	DRAINAGE AREA = .01 SQ.MI.
.00	.00	.00	.00
.00	723.50	723.50	723.50
5.00	.01	.03	.04
5.00	723.71	723.89	724.12
10.00	.04	.05	.06
10.00	724.34	724.56	725.11
15.00	.07	.07	.08
15.00	725.55	725.77	726.03
			726.12
			726.15
			726.17

Handwritten note: 2 Yr 24 Hr HWL

TR20	XEQ	02-09-24	10:54	ARDEEN LANDSCAPING, KENDALL CO, IL; PROPOSED CONDITION-2YR&100YR	02/09/24;	[PROP6.T20], JL	JOB
	REV	PC	09/83(.1)				
105.00	DISCHG	.04	.04	.04	.04	.04	.04
105.00	ELEV	724.39	724.38	724.36	724.35	724.33	724.28
110.00	DISCHG	.04	.04	.04	.04	.04	.04
110.00	ELEV	724.25	724.24	724.22	724.21	724.20	724.14
115.00	DISCHG	.04	.04	.04	.04	.04	.03
115.00	ELEV	724.12	724.11	724.09	724.08	724.07	724.01
120.00	DISCHG	.03	.03	.03	.02	.02	.01
120.00	ELEV	724.00	723.95	723.91	723.86	723.83	723.71

125.00 DISCHG .01 .01 .01 .01
125.00 ELEV 723.67 723.65 723.64 723.62

OPERATION ADDHYD CROSS SECTION 3

*** WARNING-NO PEAK FOUND, MAXIMUM DISCHARGE = .09 CFS.

PEAK TIME (HRS) 23.00
16.00

PEAK DISCHARGE (CFS) .09
.15

PEAK ELEVATION (FEET)
(NULL)
(NULL)

TIME (HRS)	FIRST HYDROGRAPH POINT =	0.00 HOURS	TIME INCREMENT =	.50 HOURS	DRAINAGE AREA =	.01 SQ. MI.
.00 DISCHG	.00	.00	.00	.00	.00	.01
5.00 DISCHG	.01	.03	.04	.04	.04	.04
10.00 DISCHG	.05	.06	.07	.10	.12	.14
15.00 DISCHG	.15	.15	.15	.13	.11	.10
20.00 DISCHG	.10	.10	.11	.09	.08	.08
25.00 DISCHG	.08	.08	.08	.08	.08	.08
30.00 DISCHG	.08	.08	.08	.08	.08	.08
35.00 DISCHG	.08	.08	.08	.08	.08	.08
40.00 DISCHG	.08	.08	.08	.08	.08	.08
45.00 DISCHG	.08	.08	.08	.08	.08	.08
50.00 DISCHG	.07	.07	.07	.07	.07	.07
55.00 DISCHG	.07	.07	.07	.07	.07	.07
60.00 DISCHG	.07	.07	.07	.07	.07	.07
65.00 DISCHG	.07	.07	.07	.07	.07	.07
70.00 DISCHG	.07	.07	.07	.07	.07	.07
75.00 DISCHG	.07	.06	.06	.06	.06	.06
80.00 DISCHG	.06	.06	.06	.06	.06	.06
85.00 DISCHG	.06	.06	.06	.06	.06	.06
90.00 DISCHG	.06	.06	.06	.06	.06	.06
95.00 DISCHG	.05	.05	.05	.05	.05	.05
100.00 DISCHG	.05	.05	.05	.05	.05	.05
105.00 DISCHG	.04	.04	.04	.04	.04	.04
110.00 DISCHG	.04	.04	.04	.04	.04	.04
115.00 DISCHG	.04	.04	.04	.04	.04	.04
120.00 DISCHG	.03	.03	.02	.02	.03	.03
125.00 DISCHG	.01	.01	.02	.02	.01	.01

RUNOFF VOLUME ABOVE BASEFLOW = 2.09 WATERSHED INCHES, 7.92 CFS-HRS, .65 ACRE-FEET; BASEFLOW = .00 CFS

1

TR20 XEQ 02-09-24 10:54
REV PC 09/83 (.1)

ARDEEN LANDSCAPING, KENDALL CO, IL;
PROPOSED CONDITION-2YR&100YR

02/09/24; [PROP6.T20], JL

JOB 1

PASS 1
PAGE 5

2 Hr. > 4 Hr. Peak Discharge
(Restricted + Unrestricted)

--- HYDROGRAPH FOR XSECTION 3, ALTERNATE 24, STORM 2, ADDED TO OUTPUT HYDROGRAPH FILE ---

RECORD ID

EXECUTIVE CONTROL OPERATION ENDCMP
COMPUTATIONS COMPLETED FOR PASS 1

RECORD ID

EXECUTIVE CONTROL OPERATION INCREM
MAIN TIME INCREMENT = .50 HOURS

RECORD ID 100Y24H

EXECUTIVE CONTROL OPERATION COMPUT

FROM XSECTION 1 TO XSECTION 3
STARTING TIME = .00 RAIN DEPTH = 8.57 RAIN DURATION= 24.00 RAIN TABLE NO.= 9 ANT. MOIST. COND= 2
ALTERNATE NO.=24 STORM NO.=99 MAIN TIME INCREMENT = .50 HOURS

*100 Yr. 24 Hr. Peak Runoff from 0.48 Ac. where it is 100% previous.
Peak Runoff per Ac. of Tributary Area
 $\frac{0.32 \text{ cfs}}{0.48 \text{ Ac.}} = 0.67 \text{ cfs/Ac.}$*

OPERATION RUNOFF CROSS SECTION 1

*** WARNING-NO PEAK FOUND, MAXIMUM DISCHARGE = .08 CFS.

PEAK TIME (HRS)
22.00
15.00

PEAK DISCHARGE (CFS)
.08
.32
PEAK ELEVATION (FEET)
(RUNOFF)

TIME (HRS)	FIRST HYDROGRAPH POINT =	.00 HOURS	TIME INCREMENT =	.50 HOURS	DRAINAGE AREA =	.00 SQ.MI.
.00 DISCHG	.00	.00	.00	.00	.00	.01
5.00 DISCHG	.02	.03	.04	.05	.06	.06
10.00 DISCHG	.12	.13	.14	.23	.27	.31
15.00 DISCHG	.32	.29	.27	.26	.12	.08
20.00 DISCHG	.08	.08	.08	.04	.00	

RUNOFF VOLUME ABOVE BASEFLOW = 5.30 WATERSHED INCHES, 2.57 CFS-HRS, .21 ACRE-FEET; BASEFLOW = .00 CFS

--- HYDROGRAPH FOR XSECTION 1, ALTERNATE 24, STORM 99, ADDED TO OUTPUT HYDROGRAPH FILE ---

OPERATION RUNOFF CROSS SECTION 2

PEAK TIME (HRS)
14.78

PEAK DISCHARGE (CFS)
2.58
PEAK ELEVATION (FEET)
(RUNOFF)

TIME (HRS)	FIRST HYDROGRAPH POINT =	.00 HOURS	TIME INCREMENT =	.50 HOURS	DRAINAGE AREA =	.01 SQ.MI.
.00 DISCHG	.00	.00	.02	.11	.29	.44
5.00 DISCHG	.42	.61	.66	.69	.74	.75
10.00 DISCHG	1.29	1.31	1.33	2.18	2.21	2.54
15.00 DISCHG	2.57	2.40	2.08	2.02	.91	.87

100 Yr. 24 Hr. Inflow To Detention Basin

1 20.00 DISCHG .58 .58 .58 .58 .29 .29 .00

TR20 XEQ 02-09-24 10:54 ARDEN LANDSCAPING, KENDALL CO, IL; 02/09/24; [PROP6.T20], JL JOB 1 PASS 2
REV PC 09/83(.1) PROPOSED CONDITION-2YR&100YR PAGE 6

RUNOFF VOLUME ABOVE BASEFLOW = 7.18 WATERSHED INCHES, 23.67 CFS-HRS, 1.96 ACRE-FEET; BASEFLOW = .00 CFS
--- HYDROGRAPH FOR XSECTION 2, ALTERNATE 24, STORM 99, ADDED TO OUTPUT HYDROGRAPH FILE ---

OPERATION RESVOR STRUCTURE 1
*** WARNING-NO PEAK FOUND, MAXIMUM DISCHARGE = .30 CFS.

PEAK TIME(HRS)		PEAK DISCHARGE(CFS)		PEAK ELEVATION(Feet)	
22.50		.30		728.76	
TIME(HRS)	FIRST HYDROGRAPH POINT =	.00 HOURS	TIME INCREMENT =	.50 HOURS	DRAINAGE AREA =
.00	DISCHG	.00	.01	.03	.04
.00	ELEV	723.50	723.50	723.89	724.15
5.00	DISCHG	.05	.06	.06	.07
5.00	ELEV	724.55	724.67	725.01	725.37
10.00	DISCHG	.07	.08	.12	.18
10.00	ELEV	725.71	725.88	726.18	726.77
15.00	DISCHG	.23	.24	.27	.29
15.00	ELEV	727.59	727.79	728.13	728.60
20.00	DISCHG	.29	.30	.30	.30
20.00	ELEV	728.66	728.68	728.72	728.72
25.00	DISCHG	.30	.29	.29	.29
25.00	ELEV	728.67	728.65	728.61	728.49
30.00	DISCHG	.28	.28	.28	.27
30.00	ELEV	728.45	728.43	728.38	728.27
35.00	DISCHG	.27	.27	.27	.26
35.00	ELEV	728.23	728.21	728.17	728.10
40.00	DISCHG	.26	.26	.25	.25
40.00	ELEV	728.02	728.00	727.95	727.86
45.00	DISCHG	.24	.24	.24	.23
45.00	ELEV	727.80	727.78	727.73	727.65
50.00	DISCHG	.23	.23	.22	.22
50.00	ELEV	727.59	727.57	727.53	727.45
55.00	DISCHG	.22	.21	.21	.21
55.00	ELEV	727.39	727.37	727.33	727.26
60.00	DISCHG	.20	.20	.20	.19
60.00	ELEV	727.20	727.19	727.15	727.06
65.00	DISCHG	.19	.19	.18	.17

100 Yr 24 Hr HWL

[illegible]

85.00	ELEV	726.45	726.44	726.43	726.42	726.41	726.40	726.39	726.38	726.37	726.36
90.00	DISCHG	726.09	726.09	726.09	726.09	726.09	726.09	726.08	726.08	726.08	726.08
95.00	ELEV	726.36	726.35	726.34	726.33	726.32	726.31	726.30	726.29	726.29	726.28
90.00	DISCHG	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08
95.00	ELEV	726.27	726.26	726.25	726.24	726.23	726.22	726.21	726.20	726.20	726.19
100.00	DISCHG	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08
100.00	ELEV	726.18	726.17	726.16	726.15	726.14	726.13	726.12	726.11	726.11	726.10
105.00	DISCHG	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08
105.00	ELEV	726.09	726.08	726.07	726.06	726.06	726.05	726.04	726.03	726.02	726.01
110.00	DISCHG	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08
110.00	ELEV	726.00	725.99	725.98	725.97	725.96	725.95	725.94	725.93	725.92	725.90
115.00	DISCHG	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08	726.08
115.00	ELEV	725.89	725.88	725.87	725.86	725.85	725.84	725.83	725.82	725.81	725.80
120.00	DISCHG	725.08	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07
120.00	ELEV	725.78	725.77	725.76	725.75	725.74	725.73	725.72	725.71	725.70	725.69
125.00	DISCHG	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07
125.00	ELEV	725.68	725.67	725.66	725.65	725.64	725.63	725.62	725.61	725.59	725.58
130.00	DISCHG	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07
130.00	ELEV	725.57	725.56	725.55	725.54	725.53	725.52	725.51	725.50	725.49	725.48
135.00	DISCHG	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07
135.00	ELEV	725.47	725.46	725.45	725.44	725.43	725.42	725.41	725.40	725.39	725.38
140.00	DISCHG	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.07
140.00	ELEV	725.37	725.37	725.36	725.35	725.34	725.33	725.32	725.31	725.30	725.29
145.00	DISCHG	725.07	725.07	725.07	725.07	725.07	725.07	725.07	725.06	725.06	725.06
145.00	ELEV	725.28	725.27	725.26	725.25	725.24	725.23	725.22	725.21	725.20	725.19

OPERATION ADDHYD CROSS SECTION 3

*** WARNING-NO PEAK FOUND, MAXIMUM DISCHARGE = .38 CFS.

PEAK TIME (HRS)	PEAK DISCHARGE (CFS)	PEAK ELEVATION (FEET)
22.00	.38	(NULL)
16.00	.55	(NULL)

55 → 100 Yr. > 4 Hr. Peak Discharge
(NULL)
(Restricted + Unrestricted)

TIME (HRS)	FIRST HYDROGRAPH POINT =	.00 HOURS	TIME INCREMENT =	.50 HOURS	DRAINAGE AREA =	.01 SQ. MI.
.00	DISCHG	.00	.01	.03	.04	.05
5.00	DISCHG	.06	.07	.11	.13	.14
10.00	DISCHG	.19	.20	.32	.41	.51
15.00	DISCHG	.55	.55	.54	.48	.41
20.00	DISCHG	.37	.37	.38	.34	.30
25.00	DISCHG	.30	.29	.29	.29	.28
30.00	DISCHG	.28	.28	.28	.27	.27
35.00	DISCHG	.27	.27	.27	.26	.26
40.00	DISCHG	.26	.26	.25	.25	.25
45.00	DISCHG	.24	.24	.24	.24	.23
50.00	DISCHG	.23	.23	.22	.22	.22
55.00	DISCHG	.22	.21	.21	.21	.20
60.00	DISCHG	.20	.20	.20	.19	.19

1

TR20 XEQ 02-09-24 10:54 ARDEEN LANDSCAPING, KENDALL CO, IL; 02/09/24; [PROP6.T20], JL JOB 1 PASS 2
 REV PC 09/83(.1) PROPOSED CONDITION-2YR&100YR PAGE 8

65.00	DISCHG	.19	.19	.18	.18	.18	.17	.17	.17
70.00	DISCHG	.17	.16	.16	.16	.15	.15	.15	.15
75.00	DISCHG	.14	.14	.14	.14	.13	.13	.13	.13
80.00	DISCHG	.12	.12	.12	.12	.11	.11	.11	.11
85.00	DISCHG	.11	.11	.11	.10	.10	.10	.10	.09
90.00	DISCHG	.09	.09	.09	.09	.08	.08	.08	.08
95.00	DISCHG	.08	.08	.08	.08	.08	.08	.08	.08
100.00	DISCHG	.08	.08	.08	.08	.08	.08	.08	.08
105.00	DISCHG	.08	.08	.08	.08	.08	.08	.08	.08
110.00	DISCHG	.08	.08	.08	.08	.08	.08	.08	.08
115.00	DISCHG	.08	.08	.08	.08	.08	.08	.08	.08
120.00	DISCHG	.08	.07	.07	.07	.07	.07	.07	.07
125.00	DISCHG	.07	.07	.07	.07	.07	.07	.07	.07
130.00	DISCHG	.07	.07	.07	.07	.07	.07	.07	.07
135.00	DISCHG	.07	.07	.07	.07	.07	.07	.07	.07
140.00	DISCHG	.07	.07	.07	.07	.07	.07	.07	.07
145.00	DISCHG	.07	.07	.07	.07	.07	.06	.06	.06

RUNOFF VOLUME ABOVE BASEFLOW = 6.39 WATERSHED INCHES, 24.17 CFS-HRS, 2.00 ACRE-FEET; BASEFLOW = .00 CFS

--- HYDROGRAPH FOR XSECTION 3, ALTERNATE 24, STORM 99, ADDED TO OUTPUT HYDROGRAPH FILE ---

EXECUTIVE CONTROL OPERATION ENDCMP

COMPUTATIONS COMPLETED FOR PASS 2

RECORD ID

+

EXECUTIVE CONTROL OPERATION ENDJOB

RECORD ID

1

TR20 XEQ 02-09-24 10:54 ARDEEN LANDSCAPING, KENDALL CO, IL; 02/09/24; [PROP6.T20], JL JOB 1 SUMMARY
 REV PC 09/83(.1) PROPOSED CONDITION-2YR&100YR PAGE 9

SUMMARY TABLE 1 - SELECTED RESULTS OF STANDARD AND EXECUTIVE CONTROL INSTRUCTIONS IN THE ORDER PERFORMED
 (A STAR(*) AFTER THE PEAK DISCHARGE TIME AND RATE (CFS) VALUES INDICATES A FLAT TOP HYDROGRAPH
 A QUESTION MARK(?) INDICATES A HYDROGRAPH WITH PEAK AS LAST POINT.)

SECTION/ STRUCTURE ID	STANDARD CONTROL OPERATION	DRAINAGE AREA (SQ MI)	RAIN TABLE #	ANTEC MOIST COND	MAIN INCREM (HR)	PRECIPITATION			RUNOFF			PEAK DISCHARGE		
						BEGIN (HR)	AMOUNT (IN)	DURATION (HR)	AMOUNT (IN)	ELEVATION (FT)	TIME (HR)	RATE (CFS)	RATE (CSM)	
+ ALTERNATE 24 STORM 2														
XSECTION 1	RUNOFF	.00	9	2	.50	.0	3.34	24.00	1.09	---	15.00	.08	102.0	
XSECTION 2	RUNOFF	.01	9	2	.50	.0	3.34	24.00	2.23	---	15.00	.89	174.6	
STRUCTURE 1	RESVOR	.01	9	2	.50	.0	3.34	24.00	2.24	726.25	23.00?	.08?	16.3	
XSECTION 3	ADDHYD	.01	9	2	.50	.0	3.34	24.00	2.09	---	16.00	.15	25.6	
+ ALTERNATE 24 STORM 99														
XSECTION 1	RUNOFF	.00	9	2	.50	.0	8.57	24.00	5.30	---	15.00	.32	427.7	
XSECTION 2	RUNOFF	.01	9	2	.50	.0	8.57	24.00	7.18	---	14.78	2.58	505.6	
STRUCTURE 1	RESVOR	.01	9	2	.50	.0	8.57	24.00	6.55	728.76	22.50?	.30?	58.7	
XSECTION 3	ADDHYD	.01	9	2	.50	.0	8.57	24.00	6.39	---	16.00	.55	94.2	

TR20 XEQ 02-09-24 10:54 ARDEEN LANDSCAPING, KENDALL CO, IL; 02/09/24; [PROP6.T20], JL JOB 1 SUMMARY
 REV PC 09/83(.1) PROPOSED CONDITION-2YR&100YR PAGE 10

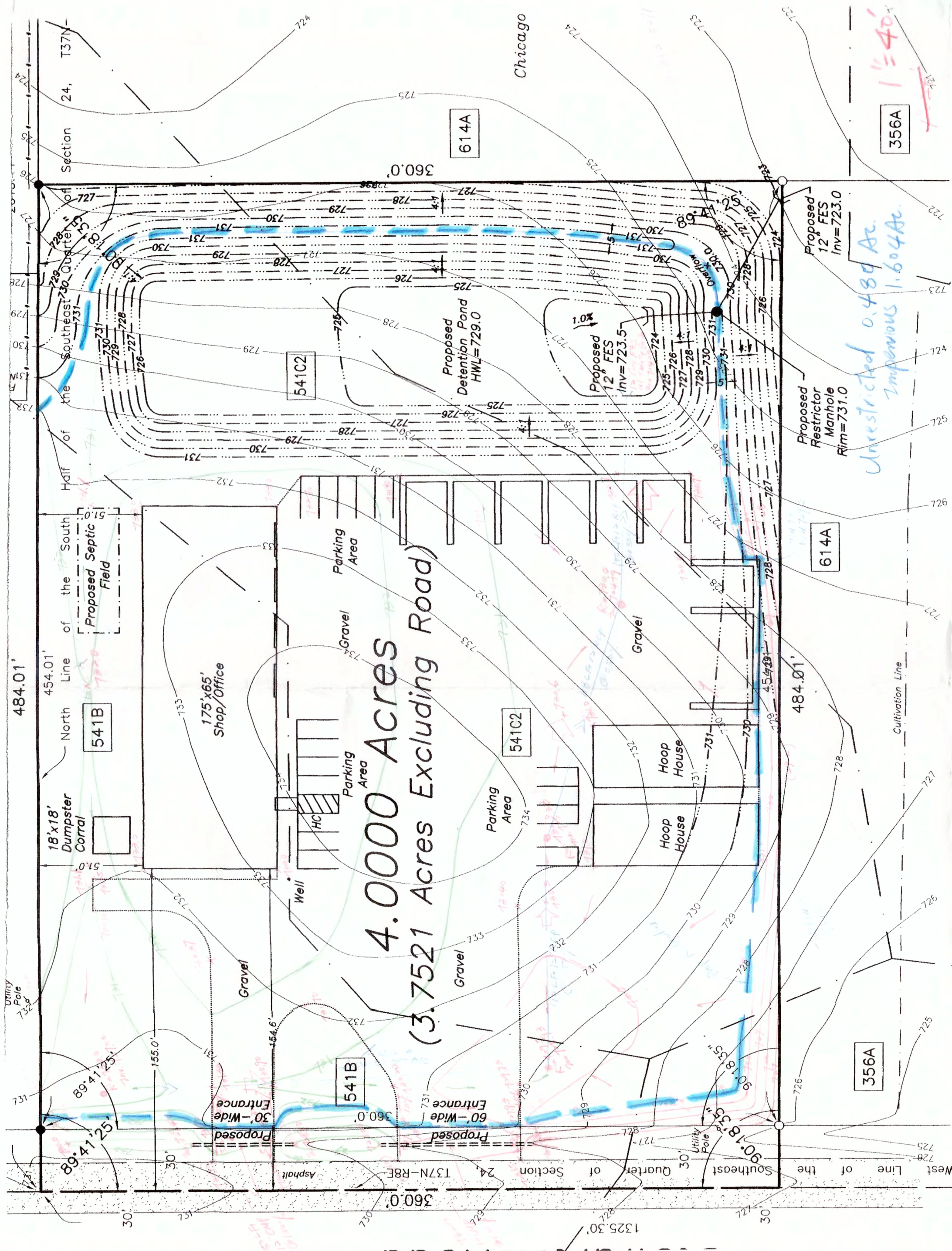
SUMMARY TABLE 3 - DISCHARGE (CFS) AT XSECTIONS AND STRUCTURES FOR ALL STORMS AND ALTERNATES

XSECTION/
STRUCTURE
ID

DRAINAGE
AREA
(SQ MI)

STORM NUMBERS.....

2 99





1661 Aucutt Road · Montgomery · IL 60538
Tel: (630) 801-7927 · Fax: (630) 701-1385

Peak Discharge to Downstream offsite under 2023-0579
100% 24 Hr. event 02/09/24

Per TR-20 Calc, Peak Runoff per Acre from 100% Previous Watershed is 0.67 cfs. Apply this factor to the following:
(All Discharge offsite, except the restricted runoff from detention basin, are from areas of 100% previous)

Existing Condition $1.34 \text{ Ac} \times \frac{0.67 \text{ cfs}}{\text{Ac}} = 0.90 \text{ cfs}$

Prop. Condition $0.24 \text{ Ac} \times \frac{0.67 \text{ cfs}}{\text{Ac}} + \frac{0.55 \text{ cfs}}{2} = 0.43 \text{ cfs} < 0.90 \text{ cfs}$
OK! restricted runoff from Detention Basin (100% 24hr) as east & south offsite takes 50% each of restricted runoff from detention basin.

- South offsite

Existing Condition $1.27 \text{ Ac} \times \frac{0.67 \text{ cfs}}{\text{Ac}} = 0.85 \text{ cfs}$

Prop. Condition $0.19 \text{ Ac} \times \frac{0.67 \text{ cfs}}{\text{Ac}} + \frac{0.55 \text{ cfs}}{2} = 0.40 \text{ cfs} < 0.85 \text{ cfs OK!}$

- West offsite (Stewart Rd)

Existing Condition $1.14 \text{ Ac} \times \frac{0.67 \text{ cfs}}{\text{Ac}} = 0.73 \text{ cfs}$

Prop. Condition $0.05 \text{ Ac} \times \frac{0.67 \text{ cfs}}{\text{Ac}} = 0.03 \text{ cfs} < 0.73 \text{ cfs OK!}$



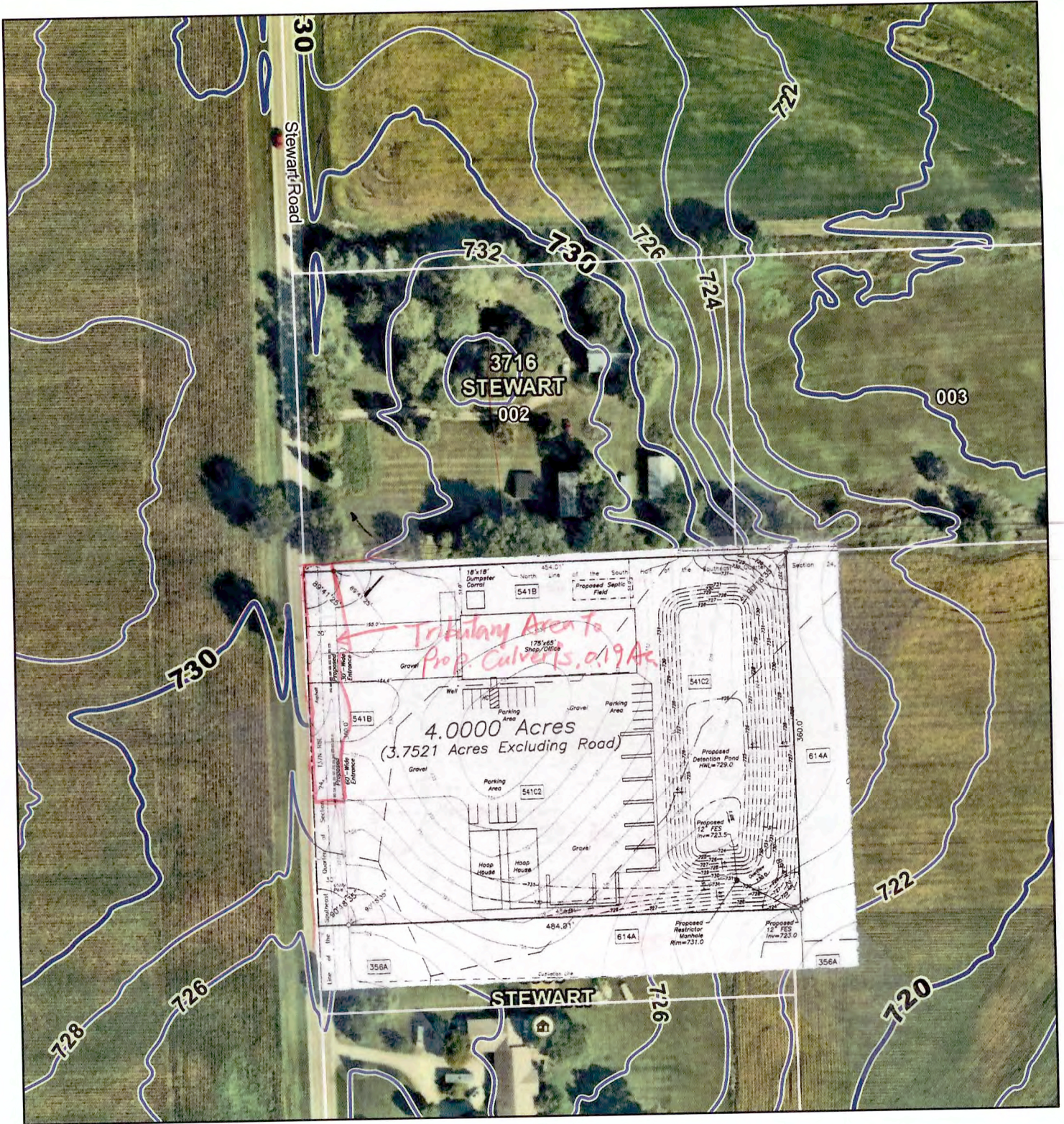
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Tel: (630) 801-7927 · Fax: (630) 701-1385

Prop. Culvert Sizing

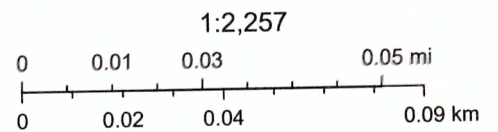
2023-0579
02/09/2024

- Tributary Area = 0.19 Ac.
- Runoff Coefficient = $0.45 \times 50\% + 0.95 \times 50\% = 0.70$
- Intensity "I" = $\frac{7.50 \text{ in} \times 0.21}{0.17 \text{ Hr.}} \leftarrow T_c = 10 \text{ Min. as reasonably estimated.}$
 $\begin{matrix} \text{50 Yr. 24 Hr. Depth} \\ \downarrow \\ \text{ratio of } x \text{ hr/24 hr. when } T_c = 10 \text{ Min.} \end{matrix}$
 $= 9.26 \text{ in/hr.}$
- Peak Runoff $Q = CIA = 1.23 \text{ (cfs)}$
- Per following worksheet, Headwater = 0.68' under inlet Control & 1.26' under outlet Control. Outlet Control governs.
- Water elev. at upstream end of downstream culvert = $728.00 + 1.26 = 729.26 < \text{Edge of Pavement at } 729.8 \text{ OK!}$
- Water elev. at upstream end of upstream culvert = $729.40 + 1.26 = 730.66 < \text{Edge of pavement at } 731.0 \text{ OK!}$

PBZ Map



2/9/2024, 12:39:05 PM

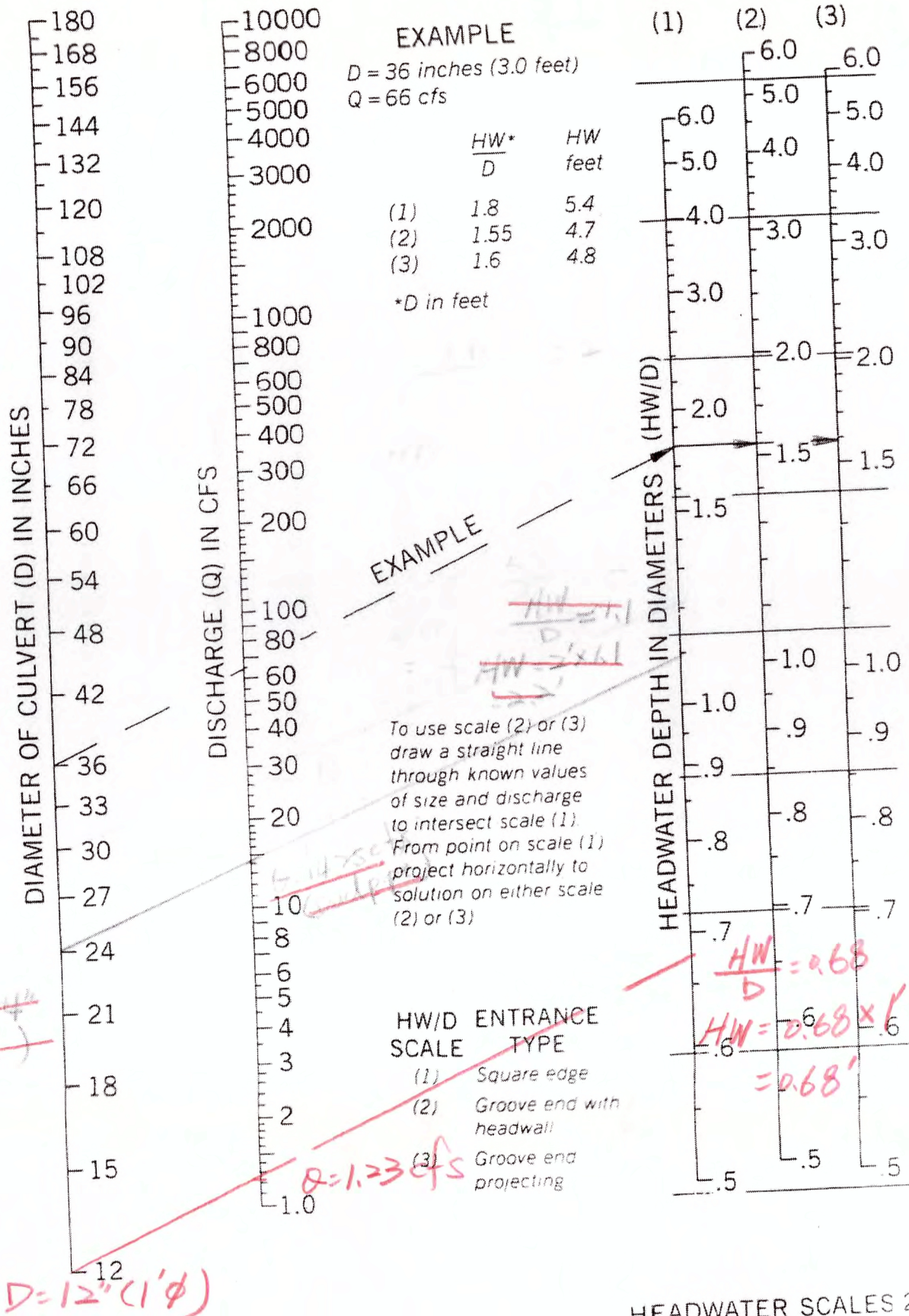


Nearmap

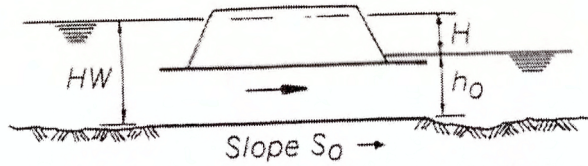
1" = 140'

FIGURE 33

HEADWATER DEPTH FOR CIRCULAR CONCRETE PIPE CULVERTS WITH INLET CONTROL



HEAD FOR CIRCULAR CONCRETE PIPE CULVERTS FLOWING FULL $n = 0.012$



SUBMERGED OUTLET CULVERT FLOWING FULL
 $HW = H + h_0 - S_0 L$

For outlet crown not submerged, compute HW by methods described in the design procedure

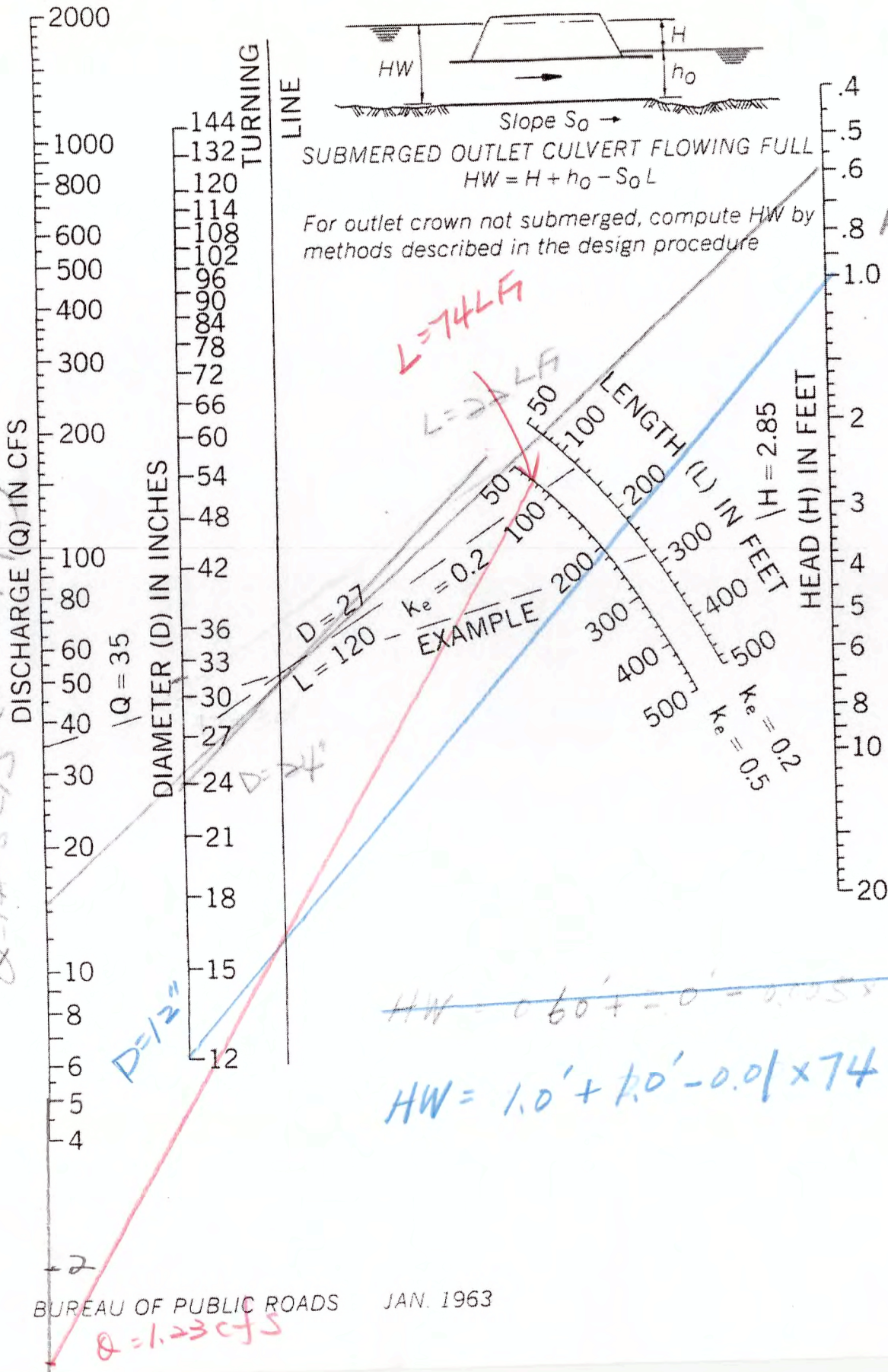


TABLE 11

NATIONWIDE FLOOD-FREQUENCY PROJECTS

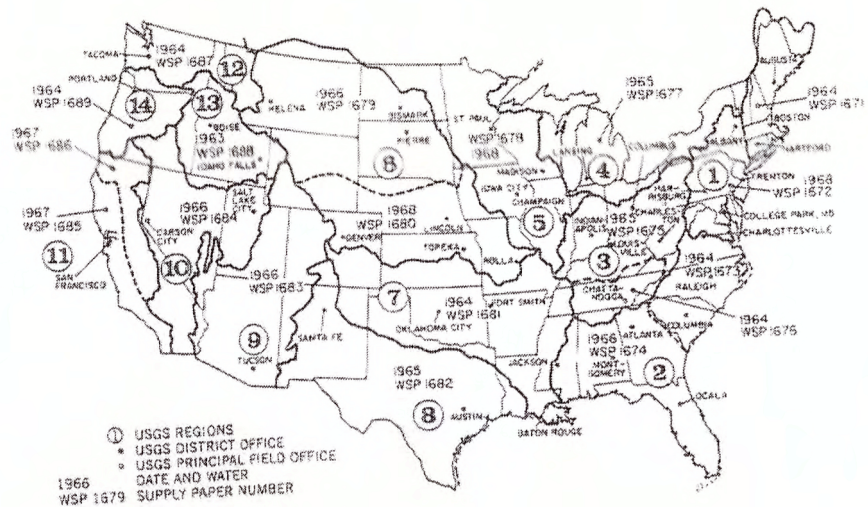


TABLE 12

ENTRANCE LOSS COEFFICIENTS

Coefficient k_e to apply to velocity head $\frac{V^2}{2g}$ for determination of head loss at entrance to a structure, such as a culvert or conduit, operating full or partly full with control at the outlet.

$$\text{Entrance head loss } H_e = k_e \frac{V^2}{2g}$$

TYPE OF ENTRANCE

COEFFICIENT k_e

Projecting from fill, socket end (groove-end)	0.2
Projecting from fill, sq. cut end	0.5
Headwall or headwall and wingwalls	0.2
Socket end of pipe (groove-end)	0.5
Square-edge	0.2
Rounded (radius = 1/12D)	0.5
End-Section conforming to fill slope*	0.5

Note: "End Section conforming to fill slope" are the sections commonly available from manufacturers. From limited hydraulic tests they are equivalent in operation to a headwall in both inlet and outlet control. Some end sections, incorporating a closed taper in their design have a superior hydraulic performance.

TYPE OF STRUCTURE AND DESIGN OF ENTRANCE BOX, REINFORCED CONCRETE

COEFFICIENT k_e

Headwall parallel to embankment (no wing walls)	0.5
Square-edged on 3 edges	0.2
Rounded on 3 edges to radius of 1/12 barrel dimension	0.2
Wing walls at 30° to 75° to barrel	0.4
Square-edged at crown	0.2
Crown edge rounded to radius of 1/12 barrel dimension	0.2
Wing walls at 10° to 25° to barrel	0.5
Square-edged at crown	0.7
Wing walls parallel (extension of sides)	0.7
Square-edged at crown	0.7

BUREAU OF PUBLIC ROADS - JAN. 1963

SUAL

RIOUS AREAS

COEFFICIENTS

0.70 to 0.95
0.50 to 0.70
0.30 to 0.50
0.40 to 0.60
0.60 to 0.75
0.25 to 0.40
0.50 to 0.70
0.50 to 0.80
0.60 to 0.90
0.10 to 0.25
0.20 to 0.35
0.20 to 0.40
0.10 to 0.30

SITY
TORS

ation nutes	Factor
40	0.8
50	0.7
60	0.6
90	0.5
20	0.4

VAL FACTORS

Factor
1.0
1.3
1.6
1.9
2.2

Attachment 19, Page 1
**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of January 24, 2024 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:03 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson, and Seth Wormley

Members Absent: Tom Casey

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Administrative Assistant

Others Present: Dan Kramer

APPROVAL OF AGENDA

Member McCarthy-Lange made a motion, seconded by Member Wilson to approve the agenda. With a voice vote of nine (9) ayes, the motion carried.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Rodriguez, to approve the minutes of the of the December 13, 2023, meeting. With a voice vote of nine (9) ayes, the motion carried.

PETITION

Petition 23-35 Tyler Arbeen on Behalf of Arbeen, LLC

Mr. Asselmeier summarized the request.

The Petitioner is seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They are also seeking variances to Section 7:01.G.2.b and Section 11:02.F.7.a to allow accessory structures in the front yard setback and to allow outdoor parking in the front yard setback, thus reducing the front yard setback from one hundred fifty feet (150') as measured from the centerline of Stewart Road to fifty-one feet (51') as measured from the centerline of Stewart Road.

The application materials, site plan, landscaping plan, and pictures of the property and area were provided.

The property is located between 3900 and 3716 Stewart Road on the east side of Stewart Road.

The property is approximately four (4) acres in size.

The existing land use is agricultural.

The County's Future Land Use Map called for the property to be Mixed Use Business. The Village of Oswego's Future Land Use Map called for the property to be Residential.

Stewart Road is a Major Collector maintained by Oswego Township.

The Village of Oswego and the County have a trail planned along Stewart Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural and Farmstead.

The adjacent properties are zoned A-1 Agricultural.

The County's Land Resource Management Plan calls for the area to be Mixed Use Business. The Village of Oswego's Plan calls for the area to be Residential and Mix Commercial.

Properties within one half (1/2) mile of the property are zoned A-1, A-1 SU, and R-1 in the County and PUD for Agricultural Uses in the Village of Oswego.

The A-1 special use permit to the north is for a horse training and boarding business. The A-1 special use permit to the northwest is for a landscaping business.

Approximately twelve (12) houses are located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on October 19, 2023, and consultation was terminated.

The LESA Score for the property was 186 indicated a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on December 22, 2023. Prior to formal application submittal, Oswego Township submitted an email requesting a thirty-five foot (35') deep right-of-way dedication from the center of Stewart Road. This email was provided.

Petition information was sent to the Village of Oswego on December 22, 2023.

Petition information was sent to the Oswego Fire Protection District on December 22, 2023. The Oswego Fire Protection District submitted an email dated December 27, 2023, outlining sprinkling requirements. This email was provided.

ZPAC reviewed the proposal at their meeting on January 2, 2024. The Petitioner's Attorney requested that the deadline to install landscaping be extended to September 1, 2024. Discussion occurred regarding the number of people that might come onto the property in relation to well regulations and septic system location; more information would be provided after the stormwater engineer reviewed the site. Discussion occurred regarding the history and need for front yard setback regulations; concerns were expressed regarding setting a precedent if the variances were granted. ZPAC recommended approval of the proposal with the conditions proposed by Staff (approval of the special use permit and denial of the variances) with the amendment to the deadline for installing landscaping by a vote of nine (9) in favor and zero (0) in opposition and one (1) member absent. The minutes of the meeting were provided.

Per Section 7:01.D.32 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 Arbeen Landscaping, LLC at the subject property.

They would use the site for storage of landscaping materials, equipment, offices, and related operations. They indicated some potential customers would visit the property, but most customer related interactions would occur at the customer's property, by telephone, or by email.

The business would be open from 6:00 a.m. until 6:00 p.m. everyday throughout the year and would be open twenty-four hours (24) during snow events. The business has a maximum of twenty-five (25) employees, during the busy season. Employees either report to the subject property or report directly to job sites.

Equipment stored at the property consists of small trailers, lawn mowers, bobcats, skid steers, end loaders, and similar landscaping related equipment. Equipment would be parked indoors when the business was closed.

The site plan shows fourteen (14) landscape material storage areas near the southeast corner of the property. No information was provided regarding the height or depth of the storage areas. The Petitioner indicated that the piles of materials would not exceed ten feet (10') in height. The site plan also shows one (1) nursery stock storage area at the northwest corner of the property and a second nursery stock storage area at the northeast corner of the property. No information was provided regarding the specific types of nursery stock or materials that would be stored in the storage areas.

Though not explicitly stated in any of the materials, the Petitioner will likely have a nursery growing component as well.

One (1) approximately eleven thousand, three hundred seventy-five (11,375) square foot shop/office is proposed for the property. A picture of the type of building the proposed building was provided.

The site plan also shows five (5) hoop houses; no specific dimensions were provided for the hoop houses. The hoop houses will be at least ten feet (10') from the southern property line. The western most hoop house would be approximately eighty feet (80') from the centerline of Stewart Road.

The Petitioner is requesting a variance to the front yard setback requirement, reducing the front yard setback from one hundred fifty feet (150') from the centerline of Stewart Road to fifty-one feet (51') of the centerline of Stewart Road. The Petitioner was agreeable to not constructing any permanent structures within one hundred five feet (105') of the centerline of the road and no permanent structures within seventy-five (75') of the centerline of WIKADUKE.

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

The property is presently farmland. The proposed well would be located southwest of the main building and the proposed septic field would be located north of the main building.

One (1) approximately three hundred twenty-four (324) square foot dumpster area is proposed east of the main building. The dumpster area would be fenced with board-on-board fencing as shown by the image provided. The maximum fence height is eight feet (8').

The property drains mostly to the southeast.

The Petitioners submitted an application for a stormwater management permit. No stormwater related calculations were provided. On January 4, 2024, WBK Engineering submitted a letter requesting additional information. This letter was provided.

Per the site plan, the Petitioner's propose one (1) thirty foot (30') wide northern entrance and a second sixty foot (60') wide southern entrance off of Stewart Road.

As mentioned previously, Oswego Township is requesting a thirty-five foot (35') deep right-of-way dedication.

According to the site plan, the Petitioner proposes fifteen (15) parking spaces, including two (2) handicapped parking spaces, to the west and south of the main building.

The driving areas in general would be grass or asphalt screenings, except for solid paving or concrete at the two (2) entrances and handicapped parking spaces.

The Petitioner indicated that no lighting was planned for the property.

One (1) sign was proposed for the property. The sign would be approximately thirty-two (32) square feet in size and would look substantially like the image provided. No information was provided regarding the height of the sign. No information was provided regarding the specific location of the sign. The sign would not be illuminated.

Though not shown on the site plan, the Petitioner proposes to install one (1) wood post farm fence with wire mesh around the entire perimeter of the site except at the two (2) entrances to the property. The fence would be six feet (6') in height.

The landscaping plan shows six (6) Colorado blue spruce trees, four (4) purple birches, four (4) bald cypresses, thirteen (13) Techny arborvitae and fifteen (15) Eden outcropping stones along the western side of the property. The Colorado blue spruces would be eight feet (8') in height at the time of planting and would grow to a maximum of fifty feet (50'). The Techny arborvitae would be six feet (6') in height at the time of planting and would grow to a maximum fifteen feet (15'). The bald cypresses would be eight feet (8') at the time of planting and would grow to a maximum fifty feet (50'). The purple birches would either be ten feet (10') in height or two point five inch (2.5) diameter at the time of planting and would grow to a maximum forty feet (40'). The landscaping would be located outside of the security fence.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the twentieth (20th) 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. Numerous landscaping businesses have been approved throughout unincorporated Kendall County. The proposed use is along Stewart Road, which is classified as a major collector. Reasonable restrictions can be placed in the special use permit to ensure the health, safety, and general welfare of the area are protected.

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. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners are not negatively impacted by the proposed use.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal identifies locations for the future well and septic field. Two (2) points of ingress/egress are proposed. The proposed use likely will generate little traffic onsite and adequate space exists for parking for customers and employees of the proposed use. The proposal will have to obtain a stormwater permit to address drainage concerns. Adequate space exists for storage of equipment and materials related to the proposed uses.

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. If the requested variance to the front yard setback requirements are granted, this is true. The site could also be reconfigured to shift the parking lot and hoop houses east outside of the required front yard setback.

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 proposal is also consistent with a goal and objective found on page 6-34 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "Encourage opportunities for locally owned business." In addition, the future land use map calls for this property to be Mixed Use Business. Similar types of uses were planned for the subject property and properties in the vicinity of the subject property.

As noted in the application materials, the Petitioner believes the front yard setback requirement is unconstitutional and is regulatory taking. Staff does not agree with this opinion and has proposed the following findings of fact accordingly.

The proposed findings of fact for the variance 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. No information has been provided showing a topographical hardship existing that prevents the parking lot and hoop houses from being relocated outside of the required front yard setback.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other A-1 zoned properties could request the same variance for the same reason that the Petitioner is requesting this variance. No information has been presented showing a unique condition or situation applicable to this property.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The site is presently a farm field. No information has been provided explaining why the Petitioner cannot design the site in a manner to avoid the requested variance.

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. Granting the variance would not be detrimental to the public or substantially injurious to other properties. Granting the variance could impact the ability to widen Stewart Road in the future.

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. The proposed variance would not impair light or air on adjacent property, cause congestion, increase the danger of fire, or negatively impact property values.

Staff recommended approval of the requested special use permit and denial of the requested variances subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan with the exception that the western most parking lot and hoop houses are removed from the required front yard setback. One (1) wood post farm fence with wire mesh shall be installed around the enter perimeter of the site expect at the two (2) entrances to the property. The fence shall be six feet (6') in height maximum. The landscaping shall be installed between the fence and Stewart Road.
2. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land thirty-five feet (35') in depth along the western property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
3. Equipment and vehicles related to the business allowed by the special use permit may not be stored outdoors at the subject property when the business is closed.
4. 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.
5. 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.
6. 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.

7. 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') in height.
8. A maximum of twenty-five (25) 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.
9. The hours of operation of the business allowed by this special use permit shall be daily from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.
10. 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.
11. One (1) sign as described in the sign description may be installed along Stewart Road at the subject property. The sign shall not be illuminated.
12. Only lighting related to security may be installed outdoors at the subject property.
13. 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.
14. The materials and vegetation described in the landscaping plan shall be installed within ~~six (6) months of the approval of the special use permit by September 1, 2024.~~ The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation. Materials and vegetation stored in the nursery stock storage areas and landscaping material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan. **(Amended at ZPAC)**
15. No landscape waste generated off the property can be burned on the subject property.
16. 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 homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.

17. 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.
18. The dumpster area shall be fenced with board-on-board fencing as shown by the image provided. The maximum height of the fence shall be eight feet (8').
19. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
20. 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.
21. 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.
22. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
23. 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.

Dan Kramer, Attorney for the Petitioner, requested a variance allowing parking and portable hoop houses for growing plants to be located within the front yard setback at location of fifty-one feet (51') from the centerline of Stewart Road instead of one hundred fifty foot (150'). Mr. Kramer compared the setback of other businesses in the area which do not have a setback of one hundred fifty feet (150') and have parking in the front. Mr. Kramer stated that the setback of the property would not infringe on any possible expansion of roadways. The township supervisor called Mr. Kramer and stated his only concern was to guarantee through the special use permit that a thirty-five foot (35') dedication from centerline would occur at no cost. Mr. Kramer agreed to that request. Mr. Kramer stated he tried to contact the Village of Oswego three (3) times but was not able to reach them. He stated he sent certified letters to both the Village and Township of Oswego. Mr. Kramer noted that the site plan would change to reflect the stormwater management of the site and the installation of a berm.

Member Wormley was not in agreement with Mr. Kramer. He stated that this is a rural area and was not developed. Member Wormley was concerned about setting a precedent if an exception was made as requested. The site plan would need to be adjusted to allow room for a septic plant. Member Wormley also stated that the Petitioner would have to install sprinklers in the building which would be very expensive.

Member Bernacki asked the question about farm stand parking under one hundred fifty feet (150') in the front yard setback. Mr. Asselmeier stated farm stands are not allowed to park in the front yard setback. Member Bernacki also stated that a home near the subject property had a seventy foot (70') setback from the centerline. Mr. Kramer stated that Brian Holdiman provided a history of the setback distance at the ZPAC meeting.

Member Wilson discussed the one hundred fifty foot (150') setback. She believed the distance should be looked at and scrutinized. Commissioners discussed the basis for the setbacks and will reevaluate them.

Member Stewart expressed concerns about voting on the proposal if the site plan was going to change.

Discussion occurred regarding the Commission's review of variances and timing of the completion of the revised site plan.

Member Nelson asked if the Petitioner would have revised site plan in time for the January 29, 2024, Zoning Board of Appeals hearing. Mr. Kramer responded, no.

Mr. Kramer requested that the Commission table the Petition until the next meeting. The Petitioner would be willing to move the hoop houses and the parking lot on the site plan.

Without objection, the Commission laid over the Petition until February 28, 2024, meeting at the request of the Petitioner.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Election of Officers-Chairman, Vice Chairman, Treasurer, Secretary and Recording Secretary

Member Wilson made a motion, seconded by Member McCarthy-Lange, to nominate and approve Bill Ashton for Chairman, Ruben Rodriguez for Vice Chairman, Larry Nelson for Treasurer and Secretary and Matt Asselmeier for Recording Secretary by acclamation. With a voice vote of nine (9) ayes, the nominees were approved.

Appointments to Comprehensive Land Plan and Ordinance Committee

Member Bernacki made a motion, seconded by Member Rodriguez, to nominate and approve the Comprehensive Land Plan and Ordinance Committee as follows: Larry Nelson (Chairman), Chairman of the Kendall County Regional Planning Commission or Their Designee (Bill Ashton), Chairman of the Kendall County Zoning Board of Appeals or Their Designee (Randy Mohr), Chairman of the Kendall County Board or Their Designee (Matt Kellogg), Chairman of the Kendall County Planning, Building and Zoning Committee or Their Designee (Seth Wormley), Kendall County Soil and Water Conservation District Designee (Alyse Olson), Scott Gengler as Immediate Past Planning, Building and Zoning Committee Chairman, Jeff Wehrli, and Matthew Prochaska. With a voice vote of nine (9) ayes, the nominees were approved.

Discussion of Amending the Future Land Use Map Contained in the Land Resource Management Plan by Reclassifying Properties Between 7775 A/B and 8175 Route 47 from Transportation Corridor to Mixed Use Business; Commission Could Vote to Initiate the Amendment

Mr. Asselmeier stated the Comprehensive Land Plan and Ordinance Committee discussed the idea of reclassifying properties between 7775 A/B and 8175 Route 47 to Mixed Use Business. A minor change to the text of the Land Resource Management Plan would adjust the percentages noted in the land use for Kendall Township to reflect current conditions. Member Nelson made a motion, seconded by Member Stewart, to initiate the amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Hamman, McCarthy-Lange, Rodriguez, Nelson, Stewart, Wilson, and Wormley

Nays (0): None

Absent (1): Casey

Abstain (0): None

The proposal goes to ZPAC on February 6, 2024.

Annual Meeting-February 3, 2024 at 9:00 a.m.

Commissioners reviewed the agenda and decided to add the discussion about obstructions and parking in the front yard setback to the agenda.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that for the February 28, 2024, meeting, the proposed landscaping business on Stewart Road would be on the agenda. Also, the owner of the veterinary and kennel at 949 Bell Road wants to rezone the majority of the property to B-3 which will also cause an amendment to the site plan, landscaping plan, and photometric plans of the special use permit. Finally, the proposed reclassification of the properties south of Yorkville on Route 47 would be on the agenda.

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 8:30 p.m.

Respectfully submitted by,
Wanda A. Rolf (Administrative Assistant)

Enc.

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

[illegible]

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of February 28, 2024 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson, and Seth Wormley

Members Absent: Tom Casey

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Administrative Assistant

Others Present: Dan Kramer, Tyler Arbeen, Gerald Johnson, Mike Cook, and Deb Chow

PETITIONS

Petition 23-35 Tyler Arbeen on Behalf of Arbeen, LLC

Mr. Asselmeier provided an update from the January Regional Planning Commission meeting.

At the request of the Petitioner, on January 29, 2024, the Kendall County Zoning Board of Appeals continued this Petition until March 4, 2024. Information related to the January 29, 2024, Kendall County Zoning Board of Appeals hearing was provided.

The Petitioner submitted a revised site plan dated January 30, 2024, which was provided. The changes from the original site plan were as follows:

1. The parking stalls have been moved out of the front yard setback. The parking was retained south of the shop/office building. Parking stalls were added north of the landscaping storage areas and north of the hoop houses. The total number of parking spaces was increased from fifteen (15) to sixteen (16) spaces, including handicapped accessible parking spaces which decreased from two (2) to one (1).
2. Gravel was added between the north entrance of the property and the shop/office building. Gravel was also added by the southern entrance, by the eastern parking area, and north of the landscape material storage area.
3. The three (3) hoop houses inside the front yard setback were removed. The total number of hoop houses decreased from five (5) to two (2).
4. The nursery stock storage area northwest of the shop/office building was removed. The nursery stock storage area east of the shop/office building was also removed.
5. The dumpster area was moved from east of the shop/office building to north of the shop/office building.
6. One (1) detention pond was added. On February 22, 2024, the Petitioner's Engineer submitted stormwater permit related drawings and a stormwater permit. These items were provided. To date, WBK Engineering has not provided comments on the stormwater information.

7. The landscape material storage bins were shifted west to account for the detention pond. The landscaping material storage bins facing north were shifted south to line up with the southern building line of the hoop houses. The total number landscape material storage bins decreased from fourteen (14) to eight (8). No information was provided regarding the dimensions of the landscape material storage bins.

Due the removal of the parking area and hoop houses from the required front yard setback, variances are no longer required provided the remaining hoop houses are located at least ten feet (10') from the southern property line.

On February 21, 2024, the Village of Oswego submitted a letter stating that the proposal will not impact the WIKADUKE Trail. This letter was provided.

The proposed Findings of Fact for the special use permit, based on the new site plan, 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. Numerous landscaping businesses have been approved throughout unincorporated Kendall County. The proposed use is along Stewart Road, which is classified as a major collector. Reasonable restrictions can be placed in the special use permit to ensure the health, safety, and general welfare of the area are protected.

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. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners from being negatively impacted by the proposed use.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal identifies locations for the future well and septic field. Two (2) points of ingress/egress are proposed. The proposed use likely will generate little traffic onsite and adequate space exists for parking for customers and employees of the proposed use. The proposal will have to obtain a stormwater permit to address drainage concerns. Adequate space exists for storage of equipment and materials related to the proposed uses.

The special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true if the hoop houses and landscape material storage bins are located at least ten feet (10') from the southern property line.

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 proposal is also consistent with a goal and objective found on page 6-34 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industrial

uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents.” “Encourage opportunities for locally owned business.” In addition, the future land use map calls for this property to be Mixed Use Business. Similar types of uses were planned for the subject property and properties in the vicinity of the subject property.

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

1. The site shall be developed substantially in accordance with the attached revised site plan and landscaping plan. One (1) wood post farm fence with wire mesh shall be installed around the enter perimeter of the site expect at the two (2) entrances to the property. The fence shall be six feet (6') in height maximum. The landscaping shall be installed between the fence and Stewart Road.
2. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land thirty-five feet (35') in depth along the western property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
3. Equipment and vehicles related to the business allowed by the special use permit may not be stored outdoors at the subject property when the business is closed.
4. 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.
5. 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.
6. 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.
7. 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 revised site plan. The maximum height of the piles of landscaping related material shall be ten feet (10') in height.
8. A maximum of twenty-five (25) 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.
9. The hours of operation of the business allowed by this special use permit shall be daily from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.
10. 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.
11. One (1) sign as described in the sign description (Attachment 5) may be installed along Stewart Road at the subject property. The sign shall not be illuminated.
12. Only lighting related to security may be installed outdoors at the subject property.

13. Damaged or dead plantings described on the landscaping plan (Attachment 4) shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
14. The materials and vegetation described in the landscaping plan (Attachment 4) shall be installed ~~within six (6) months of the approval of the special use permit~~ **by September 1, 2024.** The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation. Materials and vegetation stored in the nursery stock storage areas and landscaping material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan. **(Amended at ZPAC)**
15. No landscape waste generated off the property can be burned on the subject property.
16. 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 homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.
17. 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.
18. The dumpster area shall be fenced with board-on-board fencing as shown by the image provided. The maximum height of the fence shall be eight feet (8').
19. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
20. 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.
21. 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.
22. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

23. 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.

Dan Kramer, Attorney for the Petitioner, noted that the Petitioner had removed the parking and hoops houses from the front yard setback. He also noted that the Petitioner could back in the future with an amendment to the site plan, if the County changed its rules to allow parking and temporary buildings in front yard setbacks. He explained the location and size of the detention pond.

Member Nelson asked if the Petitioner had addressed the County's concerns. Mr. Asselmeier responded yes.

Mr. Kramer said the Petitioner was withdraw the variance request.

Member Nelson asked, if the County amended the setback rules, would the Petitioner benefit from those changes. Mr. Asselmeier responded yes, but the Petitioner would need to pursue either a major or minor amendment to the special use permit, depending on the nature of the change.

The neighbor to south asked drainage to the property to the south. Mr. Kramer said a small berm would be created with a pipe which should cause less outflow; Mr. Kramer explained the release rate. Discussion occurred regarding which areas would be built up; inlets and underground stormwater infrastructure would be added to the property. No wall would be located on the south property line. Discussion occurred regarding a burning area on the neighboring property to the south. Mr. Kramer stated that the Petitioner purchased the property with the intent of operating a landscaping business onsite; the neighbor said the intent was a small building and trees.

The burn area is a pile where agricultural products from the property were burned.

Member Bernacki asked when work on the pond would begin. Mr. Kramer stated the summer of 2024, pending obtaining applicable permits. The engineering for the site was still under review.

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of special use permit with the conditions proposed by Staff with a condition allowing the Petitioner to place parking and temporary structures in the front yard setback without the need of obtaining an amendment to the special use permit, if the County amended the Zoning Ordinance in the future to allow these types of uses in the front yard setback.

The dumpster will be in the fenced area and the garbage truck would back up and pick up the dumpster.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Hamman, McCarthy-Lange, Rodriguez, Nelson, Stewart, Wilson, and Wormley

Nays (0): None

Absent (1): Casey

Abstain (0): None

The proposal goes to the Kendall County Zoning Board of Appeals on March 4, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported there were no Petitions for the March meeting.

ADJOURNMENT

Member McCarthy-Lange made a motion, seconded by Member Hamman to adjourn. With a voice vote of nine (9) ayes, the motion carried.


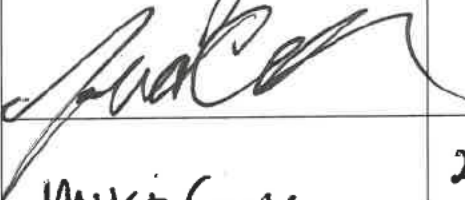
The Kendall County Regional Planning Commission meeting adjourned at 7:45 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, Director

Encs.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
FEBRUARY 28, 2024**

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 Kim	File 23-35, 11 	
Geoff Johnson		
		
Mike Cook	24-01 & 24-02 949 BELL RD	

News List - Kendall County

Code Official, Code Enforcement Officer Open House

Post Date: 03/12/2024

The Kendall County Code Official and Oswego Township Code Enforcement Officer will host an open house from 8 a.m. to 11 a.m. on Saturday April 20, 2024 at the Oswego Township Building., located at 99 Boulder Hill Pass, Montgomery IL. The objective of the event is to allow the public and any other interested parties an opportunity to ask questions and provide information about Building Permit and County Zoning and Nuisance Ordinances. The session will also answer questions and help educate residents on recently adopted Oswego Township Ordinances, which cover the unincorporated areas of Oswego Township.

No RSVP is needed.

For additional information, please contact Brian Holdiman at the Kendall County Planning, Building and Zoning Department at BHoldiman@kendallcountyil.gov or Rob DeLong at Oswego Township at Ordinance@oswegotownship.org.

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