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**KENDALL COUNTY  
ZONING BOARD OF APPEALS  
PUBLIC HEARING/MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

**AGENDA**

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April 29, 2024 – 7:00 p.m.

**CALL TO ORDER – ZONING BOARD OF APPEALS**

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Cliff Fox, Tom LeCuyer, Jillian Prodehl, Dick Thompson, and Dick Whitfield

MINUTES: Approval of Minutes from the March 4, 2024, Zoning Board of Appeals Hearing/Meeting (Pages 2-25)

PETITION:

1. **Petition 24 – 06 – Jerry Styrzula on Behalf of A&D Properties, LLC (Pages 26-109)**  
Request: Map Amendment Rezoning the Subject Property from B-3 Highway Business District to M-1 Limited Manufacturing District  
PINs: 05-09-300-015  
Location: 7789 Route 47, Yorkville in Kendall Township  
Purpose: Petitioner Wants to Rezone the Property in Order to Operate a Trucking Business

NEW BUSINESS/ OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 23-35 Landscaping Business Between 3900 and 3716 Stewart
2. Petition 24-01 Special Use Permit Amendment for 949 Bell Road
3. Petition 24-02 Rezoning a Portion of 949 Bell Road
4. Petition 24-03 LRMP Amendment for Properties South of Yorkville on the West Side of Route 47

PUBLIC COMMENT:

**ADJOURN ZONING BOARD OF APPEALS-** Next hearing/meeting on May 28, 2024 (Tuesday After Memorial Day)

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.

**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

**MINUTES:**

Member LeCuyer made a motion, seconded by Member Fox, to approve the minutes of the January 29, 2024, hearing/meeting.

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

**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  
ZBA Meeting Minutes 3.4.24

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 (20<sup>th</sup>) 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,

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.

The Zoning Board of Appeals started their review of Petition 24-01 and 24-02 at 7:34 p.m.

**Petition**            **24 – 01 – Deb Chow on Behalf of Jade Restorations, Inc.**  
Request:            Major Amendments to the Special Use Permit for a Kennel and Veterinary Granted by Ordinance 2020-01 and Amended by Ordinance 2023-05 by Changing the Site Plan, Landscaping Plan, and Photometric Plan  
PIN:                    09-24-100-012 (Part)  
Location:            949 Bell Road, Minooka in Seward Township  
Purpose:            Petitioner Wants to Change the Site Plan by Extending a Driveway and Make Adjustments to the Landscaping and Photometric Plans Caused by Rezoning Part of the Property; Property is Zoned A-1 with a Special Use Permit

**Petition**            **24 – 02 – Deb Chow on Behalf of Jade Restorations, Inc.**  
Request:            Map Amendment Rezoning Approximately 13.6 Acres of the Subject Property from A-1 Agricultural District and A-1 Agricultural District With a Special Use Permit for a Kennel and Veterinary to B-3 Highway Business District  
PIN:                    09-24-100-012 (Part)  
Location:            949 Bell Road, Minooka in Seward Township  
Purpose:            Petitioner Wants to Rezone a Portion of the Property to B-3 Highway Business District

Mr. Asselmeier summarized the requests.

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 proposed 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 proposed 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 proposed 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.

Chairman Mohr asked if the property proposed for rezoning was owned by the same entity that owned the land for the kennel and veterinary. Mr. Asselmeier responded yes.

The Petitioner would either develop the B-3 zoned portion of the property as a commercial endeavor or would sell the property to a commercial end user.

Chairman Mohr asked if anyone had spoken against the proposal. Mr. Asselmeier responded no one had spoken against the proposal.

Chairman Mohr noted that the property would be flagged. Mr. Asselmeier said the rezoned portion of the property would have access to both Bell and Ridge Roads.

Chairman Mohr opened the public hearing at 7:43 p.m.

Chairman Mohr asked if there would be additional access points off of Bell Road. Emily Hoffman, Engineer for the Petitioner, said there will not be any new road cuts made off of Bell Road for the rezoned portion of the property.

Chairman Mohr adjourned the public hearing at 7:44 p.m.

Member LeCuyer made a motion, seconded by Member Thompson, to approve the findings of fact for the amendment to 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.

Member Fox made a motion, seconded by Member Whitfield, to recommend approval of the amendment to 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.

Member LeCuyer made a motion, seconded by Member Thompson to approve the findings of fact for the map amendment.

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.

Member Whitfield made a motion, seconded by Member Fox, to recommend approval of the map amendment.

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.

The proposals will go to the Planning, Building and Zoning Committee on March 11, 2024.

The Zoning Board of Appeals completed their review of Petitions 24-01 and 24-02 at 7:47 p.m.

The Zoning Board of Appeals started their review of Petition 24-03 at 7:47 p.m.

**Petition 24 – 03 – Kendall County Regional Planning Commission**

Request: Amendments to the Future Land Use Map Contained in the Kendall County Land Resource Management Plan by Reclassifying the Following Parcels from Transportation Corridor to Mixed Use Business and Related Text Changes  
PINs: 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, and 05-16-200-014  
Location: On Both Sides of Route 47 Between 7775 A/B Route 47 and 8175 Route 47, Excluding 8115 Route 47, Yorkville in Kendall Township  
Purpose: Petitioner Wants to Reclassify the Properties in Order to Allow Them to Be Rezoned to Allow Manufacturing Uses at a Future Time

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 is 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 will be 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.

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

Member Cherry asked what would happen to the properties on the east side of Route 47, if they were removed from the proposal. Mr. Asselmeier responded the properties would remain classified as Transportation Corridor. The use of the properties would remain agricultural/farmstead; the property owner could request to rezone the properties to B-3 Highway Commercial Business, but not M-1 Limited Manufacturing District. The east side of Route 47 is presently zoned A-1.

Chairman Mohr asked why the property owners did not want the reclassification to Mixed Use Business. Mr. Asselmeier responded that the property owner wanted to retain the residential uses of the properties and that the property owner was unaware that the properties to the south had already been classified as Commercial.

Member Thompson made a motion, seconded by Member Cherry, to recommend approval of the proposal with the amendment that the properties on the east side of Route 47 not be reclassified.

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.

The proposals will go to the Planning, Building and Zoning Committee on March 11, 2024.

The Zoning Board of Appeals completed their review of Petition 24-03 at 7:51 p.m.

### **NEW BUSINESS/OLD BUSINESS**

#### **Follow-Up from the Kendall County Regional Planning Commission Annual Meeting**

The Board reviewed the minutes from the meeting.

Mr. Asselmeier noted that Staff was researching potential amendments to allow parking and temporary structures in the front yard setback.

Chairman Mohr discussed Seward Township's draft changes to their Future Land Use Map. The Township was advised to have meetings to gathering public input on the proposal before submitting an official proposal.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petitions 23-32 and 23-33 were approved.

**PUBLIC COMMENTS**

Mr. Asselmeier reported there were no Petitions for the April 1<sup>st</sup> 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)
3. Memo on Petition 24-01 Dated February 29, 2024
4. Certificate of Publication and Certified Mail Receipts for Petition 24-01 (Not Included with Report but on file in Planning, Building and Zoning Office)
5. Memo on Petition 24-02 Dated February 29, 2024
6. Certificate of Publication and Certified Mail Receipts for Petition 24-02 (Not Included with Report but on file in Planning, Building and Zoning Office)
7. Memo on Petition 24-03 Dated February 29, 2024

**KENDALL COUNTY  
ZONING BOARD OF APPEALS  
MARCH 4, 2024**

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

NAME	ADDRESS	SIGNATURE
<i>Don Kramer</i>	[REDACTED]	[REDACTED]



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

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**Petition 24-06**

**Jerry Styrzula on Behalf of A&D Properties, LLC  
Map Amendment Rezoning from B-3 to M-1**

**INTRODUCTION**

A&D Properties, LLC would like a map amendment rezoning approximately sixteen point four more or less (16.4 +/-) acres located on the west side of Route 47 addressed as 7789 Route 47 from B-3 Highway Business District to M-1 Limited Manufacturing District in order to operate a trucking business for the sale and storage of semi-trailers, small trailers, semi-tractors, and similar uses at the subject property.

The application materials are included as Attachment 1. Pictures of the property are included as Attachment 2-5.

The property has been zoned B-3 since 1975. The ordinance rezoning the property to B-3 is included as Attachment 6. The property was previously used as a distributorship for International Harvester.

The plat of survey is included as Attachment 7.

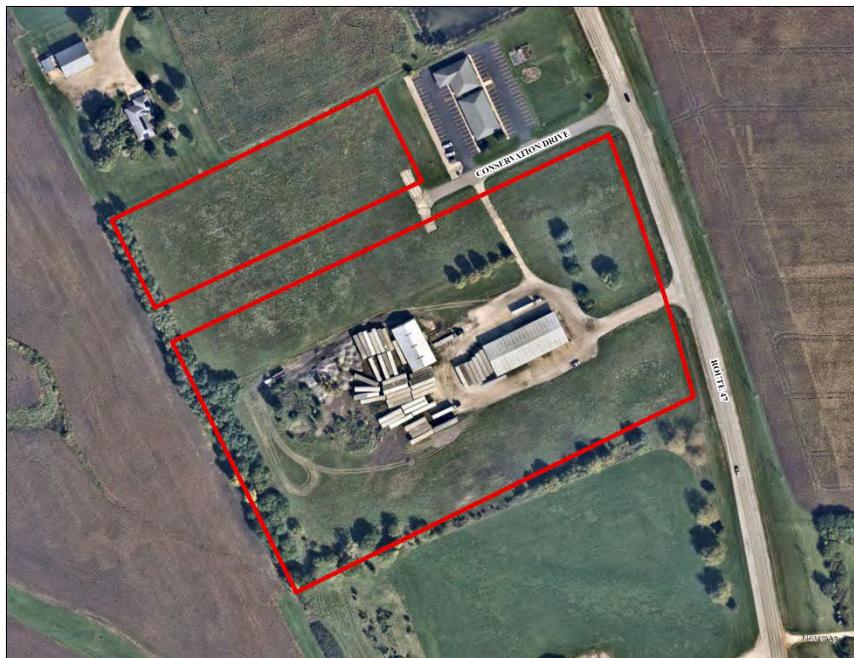
If the map amendment is approved and if the Petitioner wants to make changes to the site, site plan approval will be required. As of the date of this memo, the Petitioner was working on a site plan proposal.

**SITE INFORMATION**

PETITIONERS: Jerry Styrzula on Behalf of A&D Properties, LLC

ADDRESS: 7789 Route 47, Yorkville

LOCATION: West Side of Route 47 Approximately 0.5 Miles North of Ament Road



TOWNSHIP: Kendall

PARCEL #s: 05-09-300-015

LOT SIZE: 16.4 +/- Acres

EXISTING LAND USE: Vacant and Improved Commercial

ZONING: B-3 Highway Business District

LRMP: Future Land Use	Mixed Use Business Yorkville's Plan calls for the property to be Estate/Conservation Residential
Roads	Route 47 is a State maintained Arterial Road.
Trails	There are no trails planned in this area.
Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTION: Map Amendment Rezoning Property from B-3 Highway Business District to M-1 Limited Manufacturing District

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within 1/2 Mile
North	Improved Commercial, Agricultural, Single-Family Residential	R-2 and B-3 (Yorkville)	Suburban Neighborhoods and Estate/Conservation Residential (Yorkville)	A-1, A-1 SU, R-1, R-4, and B-3 (County)  R-2, R-3, B-1, and B-3 (Yorkville)
South	Vacant Manufacturing	M-1	Mixed Use Business (County) Agricultural (Yorkville)	A-1 and M-1
East	Agricultural	R-2 and R-3 (Yorkville)	Estate/Conservation Residential (Yorkville)	R-2 and R-3 (Yorkville)
West	Agricultural	A-1	Rural Residential (Max 0.65 DU/Acre (County)  Agricultural (Yorkville)	A-1

The A-1 special use permit to the north is for a landscaping business.

## **PHYSICAL DATA**

### **ENDANGERED SPECIES REPORT**

EcoCAT Report submitted and consultation was terminated (see Attachment 1, Pages 17-18).

### **NATURAL RESOURCES INVENTORY**

The application for NRI was submitted on March 12, 2024 (see Attachment 1, Page 16). The LESA Score was 157 indicating a low level of protection. The NRI Report is included as Attachment 8.

## **ACTION SUMMARY**

### **KENDALL TOWNSHIP**

Petition information was sent to Kendall Township on March 20, 2024. The Kendall Township Planning Commission reviewed the proposal on April 15, 2024, and recommended approval of the proposal. The Kendall Township Board reviewed the proposal on April 16, 2024, and concurred with the Kendall Township Planning Commission. The email from the Township is included as Attachment 9.

### **UNITED CITY OF YORKVILLE**

Petition information was sent to the United City of Yorkville on March 20, 2024. Yorkville will be reviewing the proposal at their May meetings.

### **BRISTOL-KENDALL FIRE PROTECTION DISTRICT**

Petition information was sent to the Bristol-Kendall Fire Protection District on March 20, 2024.

### **ZPAC**

ZPAC reviewed the proposal at their meeting on April 2, 2024. Discussion occurred regarding the semis already parked at the property and restricting semis on Conservation Drive. Site plan approval will be required and they will need to comply with the M-1 zoning regulations, if the map amendment is approved. ZPAC recommended approval by a vote of seven (7) in favor and (0) in opposition, with three (3) members absent. The minutes of the meeting are included as Attachment 10.

### **KCRPC**

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 24, 2024. It was noted that the subject property had been recently reclassified as Mixed Use Business on the Future Land Use Map. Trucks will not be allowed to access the property via Conservation Drive, per agreement between the Petitioner and Kendall Township. The intention was to use the property for a truck and trailer sales business. If the map amendment was approved, the Petitioner would still need site plan approval. The Petitioner intended to install a paved parking lot, applicable lighting, remodel the existing building, and possibly construct a second building. The Petitioner was attempting to relocate the trailers presently onsite. Discussion occurred regarding current activities on the property; a request was made regarding clarifying the current use of the property because drivers were getting picked up and dropped off at the site. Discussion occurred regarding the County's voluntary compliance policy. It was noted that the subject property and Mixed Use Business area was not very large. The Kendall County Regional Planning Commission recommended approval of the map amendment by a vote of eight (8) in favor and (0) in opposition, with two (3) members absent. The minutes of the meeting are included as Attachment 11.

## **GENERAL INFORMATION**

The Petitioner would like to rezone the property to operate a trucking business.

## **BUILDING CODES**

There are two (2) existing buildings on the property. The northern building is approximately five thousand, three hundred sixty-six (5,366) square feet in size. The southern building is approximately eleven thousand, three hundred (11,300) square feet in size.

Any future buildings would have to meet applicable building codes.

## UTILITIES

The site is serviced by a well and septic. There is electricity and natural gas onsite.

## ACCESS

The property fronts Route 47 and has one (1) access point off of Route 47. There is a deceleration lane for south bound traffic off of Route 47. The property also has one (1) access point off of Conservation Drive.

## PARKING AND INTERNAL TRAFFIC CIRCULATION

There is existing parking around the southern building; the parking spaces are not marked. If improvements are made to the site, parking spaces would need to be marked.

## ODORS

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

## LIGHTING

There are lights on both buildings and a streetlight is lying on the ground at the entrance off of Route 47.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property. Lighting would need to be evaluated as part of site plan review.

## LANDSCAPING AND SCREENING

There are several mature plants around the perimeter of the property. No changes to the landscaping or property screening are proposed as part of the map amendment.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

## SIGNAGE

Any signage would have to meet applicable regulations and secure permits.

## NOISE CONTROL

The owners of the property would have to follow applicable noise control regulations based on future land uses. Noise control measures would need to be evaluated as part of site plan approval.

## STORMWATER

The Petitioner submitted an application for a stormwater permit.

## FINDINGS OF FACT

§13:07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on map amendment applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*Existing uses of property within the general area of the property in question. **The surrounding properties are used for agricultural purposes, single-family residential, office, and light industrial, including outdoor storage. The property is presently vacant, but was previously used as a site for the sale of agricultural equipment.***

*The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1 and M-1 in the unincorporated area and R-2, R-3, and B-3 inside the United City of Yorkville.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The Petitioners proposed use of the property, for the operation of a trucking business, is not allowed in the B-3 Zoning District. The site itself could be used for a trucking business, if properly zoned.***

*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, storage and warehousing, and other light industrial 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 was recently amended to Mixed Use Business. The M-1 Zoning District is consistent with the Mixed Use Business classification.**

#### **RECOMMENDATION**

Staff recommends approval of the proposed map amendment.

#### **ATTACHMENTS**

1. Application Materials
2. Picture of North Building
3. Picture of Entrance from Conservation Drive
4. Picture of North Side of South Building
5. Picture South Building
6. Ordinance 1975-09
7. Plat of Survey
8. NRI Report
9. April 18, 2024, Email from Kendall Township
10. April 2, 2024, ZPAC Meeting Minutes (This Petition Only)
11. April 24, 2024, Kendall County Regional Planning Commission 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 A & D Properties, LLC

FILE #:

NAME OF APPLICANT (Including First, Middle Initial, and Last Name) A & D Properties, LLC		
CURRENT LANDOWNER/NAME(s) A & D Properties, LLC		
SITE INFORMATION ACRES 15.7288	SITE ADDRESS OR LOCATION 7789 Route 47, Yorkville, IL 60560	ASSESSOR'S ID NUMBER (PIN) 05-09-300-015
EXISTING LAND USE Vacant	CURRENT ZONING B-3	LAND CLASSIFICATION ON LRMP B-3
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>M1</u> )	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for:	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (Major, Minor)		
<sup>1</sup> 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.)
<sup>2</sup> ENGINEER CONTACT John Tebrugge	ENGINEER MAILING ADDRESS [REDACTED]	ENGINEER EMAIL [REDACTED]
ENGINEER PHONE # [REDACTED]	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 3/19/24

FEE PAID:\$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County  
<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

Last Revised:  
 10.17.22

Date Stamp Here If  
 Checklist Is Complete

1. The surrounding and neighboring uses of the subject real property are consistent with the proposed use of the Zoning Applicant/Owner. The Predecessor in title used the subject site for years for the sale and Distributorship of International Harvester Implement until they went bankrupt and the local franchise went out of business. Usage of applicant is going to be primarily for that operation of a trucking business for the sale of new semi-trailers, small trailers, and semi-tractors, and related uses which will use the existing building and usage previously undertaken by International Harvester Implement. Since the building has been used over the years for heavy construction equipment repair and storage. Often times sitting vacant until the current Owner purchased the property and he plans to greatly upgrade the facility both inside and outside.
2. The uses in the area are similar and include A-1 Agricultural, B3 Highway, M-1 Manufacturing A-1 Special Use, and the current IDOT Facility that I do not believe has any special zoning but is certainly an M-1 type of use with salt storage, storage of heavy machinery and construction equipment.
3. The property is suitable for the requested uses of the Applicant. The difference is that currently the property has Zoning that does not cover semi-tractors and semi-trailer sales.
4. The trend of development in the area is towards business, commercial, and transportation uses. The proposed use of Applicant is anticipated to generate substantial sales tax revenue and increased real estate tax revenue for all local tax bodies.
5. The project is consistent with the Kendall County Land Resource Management Plan which encourages commercial and manufacturing uses on all weather highways with good transportation access which squarely is on point with Illinois Route 47. The proposed and existing uses conform to the other uses in the area. The Applicant fully intends to comply with all Kendall County Zoning Ordinances and Regulations.

**Petitioners are seeking a change in zoning from A1 Special Use to M-1 for the operation of a trucking business for the sale of new semi-trailers, small trailers, and semi-tractors, and related uses under M-1 Zoning**

**LEGAL DESCRIPTION OF PARCEL 1:**

That Part of the West Half of Section 9, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows:

Commencing at the Southeast Corner of said Section 9; thence Westerly along the Southerly Line of said Section, 2672.0 feet to the tangent center line of Illinois State Route No. 47 extended from the South; thence South along said tangent center line, 869.22 feet; thence South  $89^{\circ}34'04''$  West, 615.0 feet; thence North  $24^{\circ}54'19''$  West, 1015.92 feet for the point of beginning; thence North  $24^{\circ}54'19''$  West, 456.95 feet; thence North  $66^{\circ}41'34''$  East, 1012.15 feet to the Westerly Right of Way Line of said State Route No. 47, being 40.0 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly Right of Way Line, being on a curve to the right having a radius of 5420.43 feet, a distance of 91.87 feet; thence South  $17^{\circ}08'59''$  East along said right of way line, 0.80 feet; thence Southeasterly along said Westerly Right of Way Line, being on a curve to the right having a radius of 5344.41 feet, a distance of 343.71 feet to a line drawn North  $65^{\circ}13'06''$  East from the point of beginning; thence South  $65^{\circ}13'06''$  West, 942.72 feet to the point of beginning, in the Township of Kendall, in Kendall County, Illinois,  
EXCEPT those Parts conveyed to the State of Illinois in the Deeds recorded June 29, 1990 as Document 1990-904189 and October 23, 1990 as Document 1990-906729.

**LEGAL DESCRIPTION OF PARCEL 2:**

Lots 2 and 3 of Walz Subdivision, recorded December 17, 1990 as Document 907919, in the Township of Kendall, Kendall County, Illinois.

Tami pret

# ALTA COMMITMENT FOR TITLE INSURANCE

Issued By:



**CHICAGO TITLE  
INSURANCE COMPANY**

Commitment Number:

[Redacted Commitment Number]

### NOTICE

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

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

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

### COMMITMENT TO ISSUE POLICY

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

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

**Chicago Title Insurance Company**

By:



President

Attest:



Secretary

Countersigned By:



Authorized Officer or Agent

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**CHICAGO TITLE INSURANCE COMPANY****COMMITMENT NO.** [REDACTED]**Transaction Identification Data for reference only:**

ORIGINATING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Chicago Title Insurance Company 10 South LaSalle Street, Suite 3100 Chicago, IL 60603 Main Phone: (312)223-4627 Email: chicagocommercial@ctt.com	Chicago Title and Trust Company 10 South LaSalle Street, Suite 3100 Chicago, IL 60603 Main Phone: (312)223-4627 Main Fax: (312)223-3018

**Order Number:** [REDACTED]**Property Ref.:** 7789 Route 47, Yorkville, IL 60560**SCHEDULE A**

1. Commitment Date: September 11, 2020
2. Policy to be issued:
  - (a) ALTA Owner's Policy 2006  
Proposed Insured: A&D Properties, LLC  
Proposed Policy Amount: \$750,000.00
  - (b) ALTA Loan Policy 2006  
Proposed Insured: Lender with a contractual obligation under a loan agreement with the Proposed Insured for an Owner's Policy  
Proposed Policy Amount: \$520,000.00
3. The estate or interest in the Land described or referred to in this Commitment is:  
Fee Simple
4. The Title is, at the Commitment Date, vested in:  
West Suburban Bank, as Trustee under a Trust Agreement dated October 28, 2002 and known as Trust Number 13250
5. The Land is described as follows:  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**END OF SCHEDULE A**

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



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**EXHIBIT "A"**  
Legal Description

THAT PART OF THE WEST HALF OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 9: THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID SECTION, 2672.0 FEET TO THE TANGENT CENTER LINE OF ILLINOIS STATE ROUTE NO. 47 EXTENDED FROM THE SOUTH; THENCE SOUTH ALONG SAID TANGENT CENTER LINE 869.22 FEET; THENCE SOUTH 89° 34' 04" WEST 615.0 FEET; THENCE NORTH 24° 54' 19" WEST 1015.92 FEET FOR THE POINT OF BEGINNING;

THENCE NORTH 24° 54' 19" WEST 456.95 FEET; THENCE NORTH 66° 41' 34" EAST 1012.15 FEET TO THE WESTERLY RIGHT OF WAY LINE, OF SAID STATE ROUTE NO. 47, BEING 40.0 FEET NORMALLY DISTANT SOUTHWESTERLY FROM THE CENTER LINE OF SAID ROUTE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE, BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5420.43 FEET, A DISTANCE OF 91.87 FEET; THENCE SOUTH 17° 08' 59" EAST ALONG SAID RIGHT OF WAY LINE 0.80 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE, BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5,344.41 FEET A DISTANCE OF 343.71 FEET TO A LINE DRAWN NORTH 65° 13' 06" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 65° 13' 06" WEST 942.72 FEET TO THE POINT OF BEGINNING: IN THE TOWNSHIP OF KENDALL; IN KENDALL COUNTY ILLINOIS.

EXCEPT THOSE PARTS CONVEYED TO THE STATE OF ILLINOIS IN THE DEEDS RECORDED JUNE 29, 1990 AS DOCUMENT 1990-904189 AND OCTOBER 23, 1990 AS DOCUMENT 1990-906729.

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



CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

### SCHEDULE B, PART I REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
6. Be advised that the "good funds" of the title insurance act (215 ILCS 155/26) became effective 1-1-2010. This act places limitations upon the settlement agent's ability to accept certain types of deposits into escrow. Please contact your local Chicago Title office regarding the application of this new law to your transaction.
7. Effective June 1, 2009, pursuant to Public Act 95-988, satisfactory evidence of identification must be presented for the notarization of any and all documents notarized by an Illinois notary public. Satisfactory identification documents are documents that are valid at the time of the notarial act; are issued by a state or federal government agency; bear the photographic image of the individual's face; and bear the individual's signature.
8. **The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's Policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.**

END OF SCHEDULE B, PART I

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

## SCHEDULE B, PART II EXCEPTIONS

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

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

### General Exceptions

1. **Rights or claims of parties in possession not shown by Public Records.**
  2. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.**
  3. **Easements, or claims of easements, not shown by the Public Records.**
  4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
  5. **Taxes or special assessments which are not shown as existing liens by the Public Records.**
  6. **We should be furnished a properly executed ALTA statement and, unless the land insured is a condominium unit, a survey if available. Matters disclosed by the above documentation will be shown specifically**
  7. **Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.**
- C 8. **Note for additional information: the County Recorder requires that any documents presented for recording contain the following information:**
- A. The name and address of the party who prepared the document;
  - B. The name and address of the party to whom the document should be mailed after recording;
  - C. All permanent real estate tax index numbers of any property legally described in the document;
  - D. The address of any property legally described in the document;
  - E. All deeds should contain the address of the grantee and should also note the name and address of the party to whom the tax bills should be sent.
  - F. Any deeds conveying unsubdivided land, or, portions of subdivided and, may need to be accompanied by a properly executed "plat act affidavit."

In addition, please note that the certain municipalities located in the County have enacted transfer tax ordinances. To record a conveyance of land located in these municipalities, the requirements of the transfer tax ordinances must be met. A conveyance of property in these cities may need to have the

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

appropriate transfer tax stamps affixed before it can be recorded.

This exception will not appear on the policy when issued.

E 9. Taxes for the year 2020.

Taxes for the year 2020 are not yet due or payable.

Taxes for the year 2019, amounting to \$7,448.66 are marked paid of record.

Permanent Index Number: 05-09-300-015.

(Affects Land and other property)

F 10. Please be advised that our search did not disclose any open mortgages of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

B 11. Existing unrecorded leases and all rights thereunder of the lessees and of any person or party claiming by, through or under the lessees.

A 12. The Company should be furnished a statement that there is no property manager employed to manage the Land, or, in the alternative, a final lien waiver from any such property manager.

D 13. Due to office closures in place or that might occur, we should be provided with our standard form of indemnity (GAP Indemnity) for defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Commitment Date but prior to the date of recording of the instruments under which the Proposed Insured acquires the estate or interest or mortgage covered by this commitment. Note: Due to office closures related to covid-19 we may be temporarily unable to record documents in the normal course of business.

G 14. The Land described in Schedule A either is unsubdivided property or constitutes part of a subdivided lot. As a result, a Plat Act Affidavit should accompany any conveyance to be recorded. In the alternative, compliance should be had with the provisions of the Plat Act (765 ILCS 205/1 et seq.)

H 15. Terms, powers, provisions, and limitations of the Trust under which title to the Land is held.

I 16. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: A&D Properties, LLC

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

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

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

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

- N 17. Easement(s) for the purpose(s) and rights incidental thereto, as granted in a document, granted to Commonwealth Edison and Illinois Bell Telephone Company, recorded on January 9, 1990 as Document No. 1990-90210, affects the Land therein described.
- J 18. Easement(s) for the purpose(s) and rights incidental thereto, as granted in a document, granted to Northern Illinois Gas company, an Illinois corporation doing business as Nicor Gas, for purpose a perpetual, non-exclusive easement and right of way for purpose of laying, maintaining, operating, renewing, replacing, and removing gas mains and any necessary gas facilities appurtenant thereto, in, upon, under, along and across the described property, recorded on June 29, 2004 as Document No. 2004-18007, affects a 15 foot wide strip of land.
- (Affects the Land and other property)
- K 19. Terms and provisions of the Subordination of Surace Rights for Public Road Purposes granted by Ameritech to the State of Illinois recorded October 13, 2004 subordinating the interest of a Right of Way recorded December 15, 1950 in Book 107, Page 594 in the recorders office.
- L 20. Note for information (Endorsement Requests):
- All endorsement requests should be made prior to closing to allow ample time for the company to examine required Documentation.
- Note: before any endorsements can be approved, we should be informed as to the land use and as to what type of structure is on the land.
- (This note will be waived for policy)

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO [REDACTED]

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

M 21. Informational Note:

To schedule any closings in the Chicago Commercial Center, please call (312)223-2707.

**END OF SCHEDULE B, PART II**

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

**COMMITMENT CONDITIONS****1. DEFINITIONS**

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

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

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

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

**4. COMPANY'S RIGHT TO AMEND**

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

**5. LIMITATIONS OF LIABILITY**

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

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

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

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

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

Page 9

AMERICAN  
LAND TITLE  
ASSOCIATION



**CHICAGO TITLE INSURANCE COMPANY****COMMITMENT NO. (b) (6)**

(continued)

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
  - (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
  - (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
  - (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
- 7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**  
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.
- 8. PRO-FORMA POLICY**  
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
- 9. ARBITRATION**  
The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is Two Million And No/100 Dollars (\$2,000,000.00) or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

**END OF CONDITIONS****1031 EXCHANGE SERVICES**

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

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

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



Printed: 09.23.20 @ 11:57 AM

KENDALL COUNTY  
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant A+D  
Address [Redacted]  
City [Redacted] State [Redacted] Zip [Redacted]

2. Nature of Benefit Sought Re-Zoning

3. Nature of Applicant: (Please check one)  
 Natural Person  
 Corporation  
 Land Trust/Trustee  
 Trust/Trustee  
 Partnership  
 Joint Venture  
 Limited Liability Company

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
X JERRY STYRCZULA	[Redacted]	50%
KRISTINA STYRCZULA	[Redacted]	50%

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:  
X [Redacted]

7. Jerry Styruczula VERIFICATION  
I, Jerry Styruczula, 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 19th day of March, A.D. 2024

(seal)

[Redacted Signature]  
Notary Public





Kendall County Soil & Water Conservation District

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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: A & D Properties, LLC Contact Person: Attorney Daniel J. Kramer
Address: [Redacted]
City, State, Zip: [Redacted]
Phone Number: [Redacted]
Email: [Redacted]

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

Site Location & Proposed Use

Township Name Kendall Township 36 N, Range 7 E, Section(s) 9
Parcel Index Number(s) 05-09-300-015
Project or Subdivision Name A & D Properties, LLC Number of Acres 15.7288
Current Use of Site Vacant Proposed Use Trucking Business
Proposed Number of Lots as is Proposed Number of Structures
Proposed Water Supply Existing Well Proposed type of Wastewater Treatment Existing Septic
Proposed type of Storm Water Management See attached Report

Type of Request

[X] Change in Zoning from A-1 to M-1
[ ] Variance (Please describe fully on separate page)
[ ] Special Use Permit (Please describe fully on separate page)
Name of County or Municipality the request is being filed with: Kendall County Planning, Building, and Zoning

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

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

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

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.
Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Table with 2 columns: Description, Amount. Rows: Fee for first five acres and under (\$ 375.00), 11 Additional Acres at \$18.00 each (\$ 198.00), Total NRI Fee (\$ 573.00)

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

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

Petitioner or Authorized Agent

Date

3/12/24

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

FOR OFFICE USE ONLY

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



**Applicant:** A&D Properties  
**Contact:** Jerry Styrzula  
**Address:** [Redacted]  
  
**Project:** 7789 IL Route 47 Site Plan  
**Address:** 7789 IL Route 47, Yorkville

**IDNR Project Number:** 2411116  
**Date:** 02/27/2024

**Description:** Construct a storage area for truck trailer parking and sales with gravel storage lot and detention pond.

### Natural Resource Review Results

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

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

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

#### Location

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

**County:** Kendall

**Township, Range, Section:**  
36N, 7E, 9



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

**Government Jurisdiction**  
IL Environmental Protection Agency  
Division of Water Pollution Control  
PO Box 19276  
Springfield, Illinois 62794

#### Disclaimer

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

IDNR Project Number: 2411116

### **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.

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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.

Attachment 2 Picture of North Building



Attachment 3 Picture of Entrance from Conservation Drive



Attachment 4 Picture of North Side of South Building



Attachment 5 Picture of South Building



05-09-376-001  
002

ORDINANCE  
75-9

AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

05-09-377-001

WHEREAS, Robert Dhuse and Carol Dhuse did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted May 10, 1960; and

05-09-300-005

Walz Sub.

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 5th day of November, A.D., 1975 on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the County Board of Kendall County, Illinois that the petition be granted and the Zoning maps and ordinance be amended in the manner required by law; and

NOW, THEREFORE, BE IT ORDAINED by the County Board of Kendall County, Illinois that the following described property be and it is hereby rezoned from A1, Agricultural District to B3, Highway Business and that the County Clerk be and she is hereby ordered and directed to change the zoning map, to show the change in zoning classification:

That part of the West half of Section 9, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Southeast corner of said Section 9; thence Westerly along the Southerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47 extended from the South; thence south along said tangent center line of said tangent center line extended 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 1015.92 feet for the point of beginning; thence continuing North 24°54'19" West 865.92 feet; thence North 65°13'06" East 1045.82 feet to the Westerly firt of way line of said State Route No. 47, being 40.0 feet normally distant southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5420.43 feet; a distance of 528.25 feet; thence South 17°08'59" East along said right of way line 0.80 feet; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet, a distance of 343.71 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West 942.72 feet to the point of beginning; containing 20.000 acres, in the Township of Kendall, Kendall County, Illinois.

Passed this 10th day of November, 1975.

Howard Stinger  
Chairman, County Board of  
Kendall County, Illinois

ATTEST: Jean P. Brady  
County Clerk

# PLAT OF SURVEY AND TOPOGRAPHY OF LOTS 2 AND 3 WALZ SUBDIVISION and PART OF THE WEST HALF OF SECTION 9, T36N-R7E, 3rd PM KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS

SCALE  
1"=60'



- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Concrete ROW Monument
- - - Indicates Line of Fence
- - - Indicates Overhead Utilities
- +632.82 Indicates Spot Elevation
- 632- Indicates Contour Elevation

PIN: 05-09-300-015

BENCHMARKS -- (NAVD88)

BM#1 - Northeast Corner of Concrete Pad at Northeast Corner of Parcel 1. Elevation = 740.58

BM#2 - Rim of Watermain Valve Vault North of Office Building. Elevation = 740.38

40'x40' Temporary Turnaround Easement to be automatically vacated when the public road is extended by dedication.

### LEGAL DESCRIPTION OF PARCEL 1:

That Part of the West Half of Section 9, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Southeast Corner of said Section 9; thence Westerly along the Southerly Line of said Section, 2672.0 feet to the tangent center line of Illinois State Route No. 47 extended from the South; thence South along said tangent center line, 869.22 feet; thence South 89°34'04" West, 615.0 feet; thence North 24°54'19" West, 1015.92 feet for the point of beginning; thence North 24°54'19" West, 456.95 feet; thence North 66°41'34" East, 1012.15 feet to the Westerly Right of Way Line of said State Route No. 47, being 40.0 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly Right of Way Line, being on a curve to the right having a radius of 5420.43 feet, a distance of 91.87 feet; thence South 17°08'59" East along said right of way line, 0.80 feet; thence Southeasterly along said Westerly Right of Way Line, being on a curve to the right having a radius of 5344.41 feet, a distance of 343.71 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West, 942.72 feet to the point of beginning, in the Township of Kendall, in Kendall County, Illinois, EXCEPT those Parts conveyed to the State of Illinois in the Deeds recorded June 29, 1990 as Document 1990-904189 and October 23, 1990 as Document 1990-906729.

### LEGAL DESCRIPTION OF PARCEL 2:

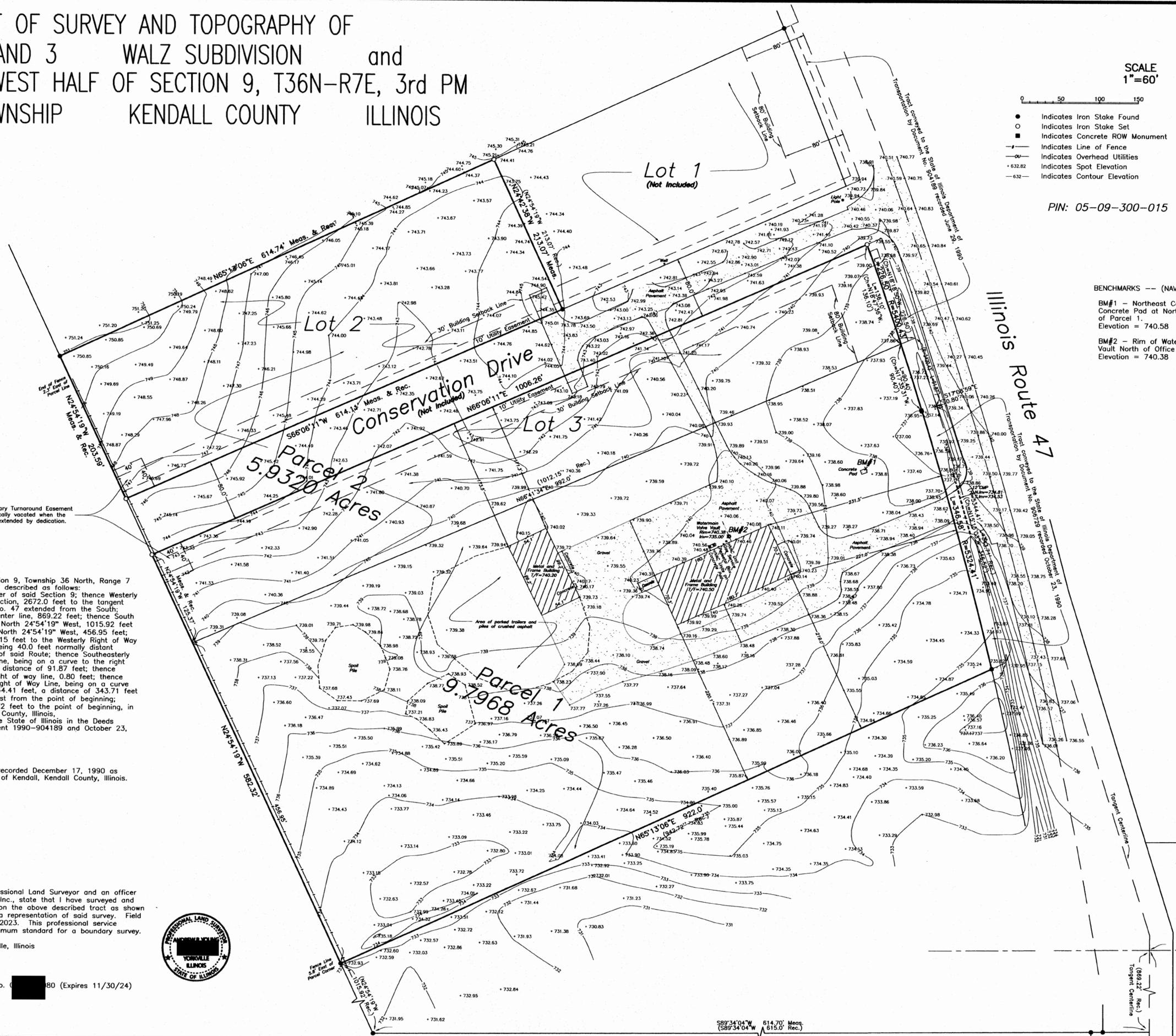
Lots 2 and 3 of Walz Subdivision, recorded December 17, 1990 as Document 907919, in the Township of Kendall, Kendall County, Illinois.

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 herein drawn which is a representation of said survey. Field work was completed December 15, 2023. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated December 21, 2023 at Yorkville, Illinois

Andrew R. Young  
Illinois Professional Land Surveyor No. [REDACTED] 80 (Expires 11/30/24)



9	10
16	15

Southwest Corner of Section 9, T36N-R7E  
(2672.0' Rec.)  
North Line of Section 16, T36N-R7E

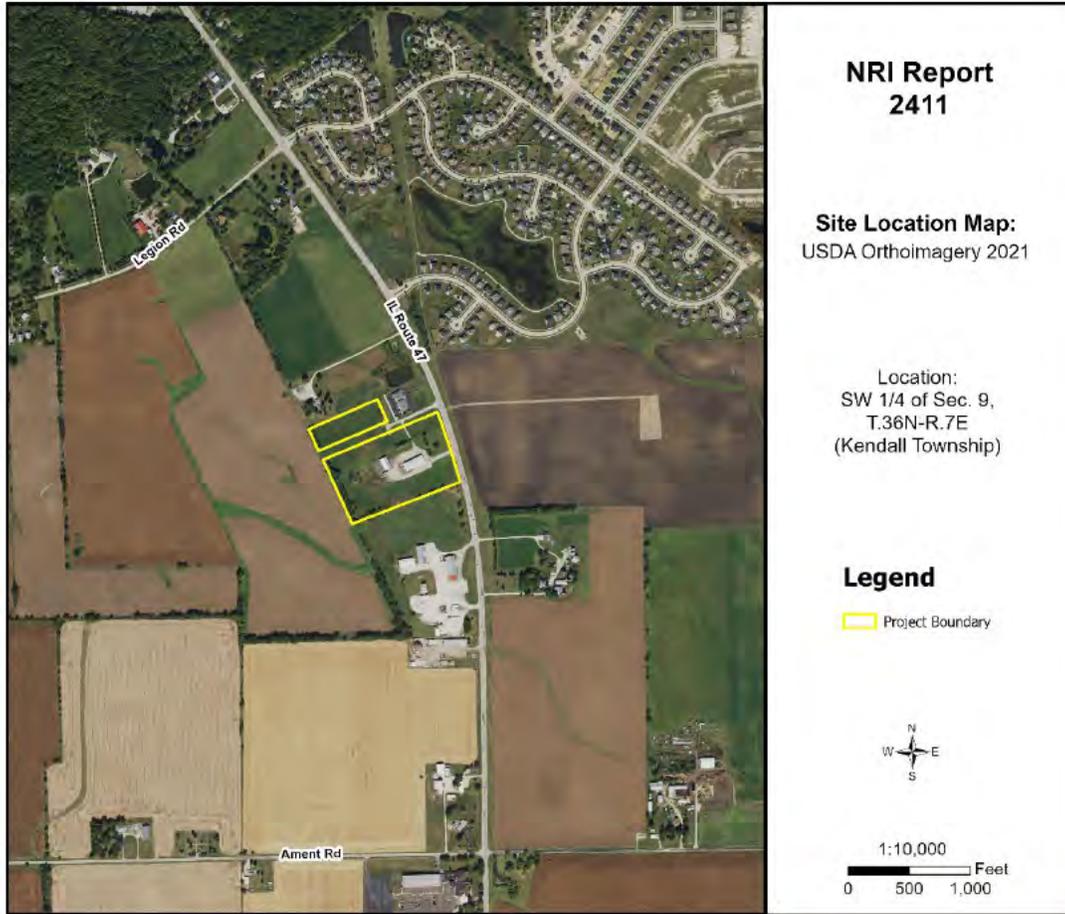
1107B South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630)553-1580

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

03/18/2024  
Plat revised to show Easements and Setback Lines on Lots in Walz Subdivision.

JOB NO.	23154
JOB NAME	TERRACE ENGINEERING
DWG FILE	23154B
REVISION DATE	03/18/2024

# NATURAL RESOURCE INFORMATION (NRI) REPORT: #2411



Apr.  
2024

Petitioner: A&D Properties, LLC  
Contact: Attorney Daniel J. Kramer

Prepared By:



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

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

Natural Resource Information Report Number	2411
Date District Board Reviews Application	April 2024
Applicant's Name	A&D Properties, LLC
Size of Parcel	(+/-) 15.7 acres
Current Zoning & Use	B-3 Highway Business District; Vacant
Proposed Zoning & Use	M-1 Limited Manufacturing District; Trucking Business
Parcel Index Number(s)	05-09-300-015
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](mailto:Alyse.Olson@il.nacdnet.net)**

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## **TABLE OF CONTENTS**

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EXECUTIVE SUMMARY .....	1
PARCEL LOCATION .....	7
ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION .....	9
ECOLOGICALLY SENSITIVE AREAS .....	10
SOILS INFORMATION .....	12
SOILS INTERPRETATIONS EXPLANATION.....	14
BUILDING LIMITATIONS .....	15
SOIL WATER FEATURES .....	21
SOIL EROSION AND SEDIMENT CONTROL.....	23
PRIME FARMLAND SOILS .....	24
LAND EVALUATION AND SITE ASSESSMENT (LESA) .....	25
LAND USE PLANS.....	27
DRAINAGE, RUNOFF, AND FLOOD INFORMATION .....	27
WATERSHED PLANS .....	31
WETLAND INFORMATION .....	32
HYDRIC SOILS .....	34
WETLAND AND FLOODPLAIN REGULATIONS.....	36
GLOSSARY.....	37
REFERENCES.....	40

---

## **LIST OF FIGURES**

---

FIGURE 1: Soil Map .....	2
FIGURE 2: Soil Limitations .....	4
FIGURE 3: 2021 Plat Map .....	7
FIGURE 4: 2021 Aerial Map with NRI Site Boundary .....	8
FIGURE 5: Soil Map .....	13
FIGURE 6A-6D: Maps of Building Limitations .....	17-20

FIGURE 7: Map of Prime Farmland Soils .....	24
FIGURE 8: Flood Map .....	29
FIGURE 9: Topographic Map .....	30
FIGURE 10: Wetland Map .....	33
FIGURE 11: Hydric Soils Map .....	35

---

### ***LIST OF TABLES***

---

TABLE 1: Soils Information .....	2
TABLE 2: Soil Limitations .....	4
TABLE 3: Soil Map Unit Descriptions .....	13
TABLE 4: Building Limitations .....	16
TABLE 5: Water Features .....	22
TABLE 6: Soil Erosion Potential .....	23
TABLE 7: Prime Farmland Soils .....	24
TABLE 8A: Land Evaluation Computation .....	25
TABLE 8B: Site Assessment Computation .....	26
TABLE 9: LESA Score Summary .....	26
TABLE 10: Hydric Soils .....	34

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## **EXECUTIVE SUMMARY**

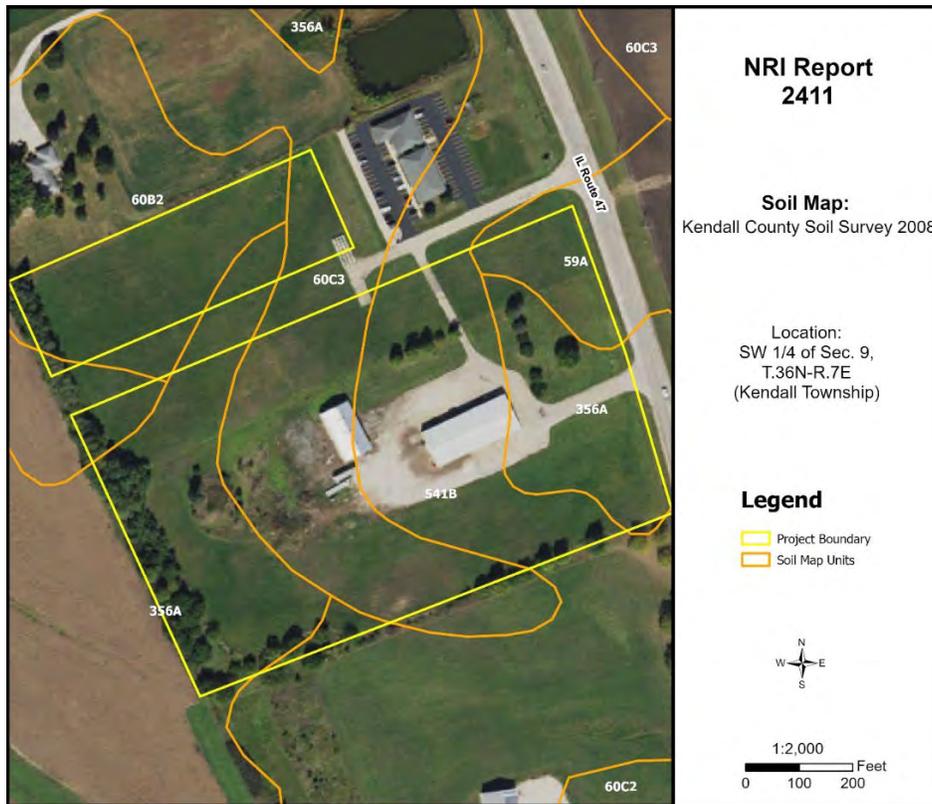
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Natural Resource Information Report Number	#2411
Petitioner	A&D Properties, LLC
Contact Person	Attorney Daniel J. Kramer
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	Southwest ¼ of Section 9, Township 36 North, Range 7 East (Kendall Township) of the 3 <sup>rd</sup> Principal Meridian
Project or Subdivision Name	A&D Properties, LLC
Existing Zoning & Land Use	B-3 Highway Business District; Vacant
Proposed Zoning & Land Use	M-1 Limited Manufacturing District; Trucking Business
Proposed Water Source	Existing well
Proposed Type of Sewage Disposal System	Existing septic
Proposed Type of Storm Water Management	Detention pond
Size of Site	(+/-) 15.7 acres
Land Evaluation Site Assessment (LESA) Score	157 (Land Evaluation: 87; Site Assessment: 70)

**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	%
59A	Lisbon silt loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric with Hydric Inclusions	Prime Farmland	0.7	4.5%
60B2	La Rose silt loam, 2-5% slopes, eroded	Moderately Well Drained	C	Non-Hydric	Prime Farmland	2.1	13.4%
60C3	La Rose clay loam, 5-10% slopes, severely eroded	Moderately Well Drained	C	Non-Hydric	Farmland of Statewide Importance	4.1	26.1%
356A	Elpaso silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained	5.0	31.8%
541B	Graymont silt loam, 2-5% slopes	Moderately Well Drained	C	Non-Hydric with Hydric Inclusions	Prime Farmland	3.8	24.2%

**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), two are classified as non-hydric soil (60B2 La Rose silt loam & 60C3 La Rose clay loam), and two are classified as non-hydric soil with hydric inclusions likely (59A Lisbon silt loam & 541B Graymont silt loam).

**Prime Farmland** – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, three are designated as prime farmland (59A Lisbon silt loam, 60B2 La Rose silt loam & 541B Graymont silt loam), one is designated as prime farmland if drained (356A Elpaso silty clay loam), and one is designated as farmland of statewide importance (60C3 La Rose clay loam).

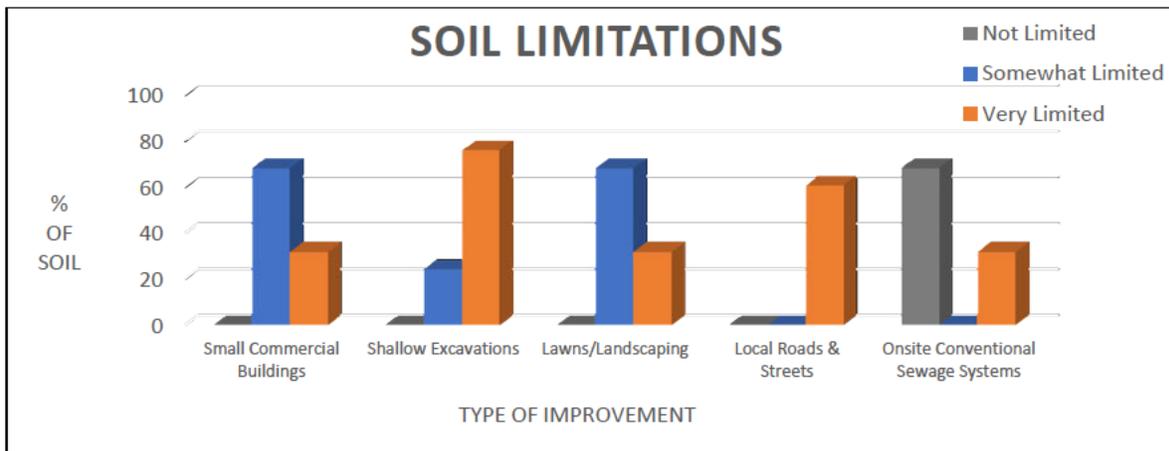
**Soil Limitations** – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings, small commercial buildings, solar arrays, shallow excavations, lawns/landscaping, local roads and streets, etc. Soils have different properties which influence the development of building sites. The USDA-NRCS 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.

**Septic Systems** – The factors considered for determining suitability are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding

hazards, and slope. Soils are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information, please contact the Kendall County Health Department (811 W. John Street, Yorkville, IL; (630) 553-9100 ext. 8026).

**Table 2:** Soil Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns/Landscaping	Local Roads & Streets	Onsite Conventional Sewage Systems
59A	Somewhat Limited	Very Limited	Somewhat Limited	Very Limited	Suitable / Not Limited
60B2	Somewhat Limited	Very Limited	Somewhat Limited	Somewhat Limited	Suitable / Not Limited
60C3	Somewhat Limited	Very Limited	Somewhat Limited	Somewhat Limited	Suitable / Not Limited
356A	Very Limited	Very Limited	Very Limited	Very Limited	Unsuitable / Very Limited
541B	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Suitable / 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 out of 100**, 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 **70 out of 200**.

The **LESA Score for this site is 157 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. 17093C0125G (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 does not appear to be located within the 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 A&D Properties, LLC. The petitioner is requesting a change in zoning from B-3 Highway Business District to M-1 Limited Manufacturing District on one, parcel (Parcel Index Number 05-09-300-015) to utilize the site for a trucking business. The parcel is in Section 9 of Kendall Township (T.36N-R.7E) of the 3<sup>rd</sup> Principal Meridian in Kendall County, IL. 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, 73.9% 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 an 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 157 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, 75.8% are considered very limited for shallow excavations, 60.5% are considered very limited for local roads/streets and 31.8% are considered very limited for small commercial buildings and lawns/landscaping. The remaining soils are considered somewhat limited for these types of uses. Additionally, 31.8% of the soils are considered unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Upper Illinois River watershed and the Middle Aux Sable Creek sub watershed. This development should include a soil erosion and sediment control plan to be implemented during construction. It is critical to have vegetative cover during 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 Statues, Ch. 70, Par 405/22.02a).

  
SWCD Board Representative

4-8-24  
Date

# PARCEL LOCATION

Southwest ¼ of Section 9, Township 36 North, Range 7 East (Kendall Township). This parcel contains approximately 15.7 acres and is located on the west side of Route 47, north of Ament Road, and south of Legion Road. The parcel is within unincorporated Kendall County, IL.

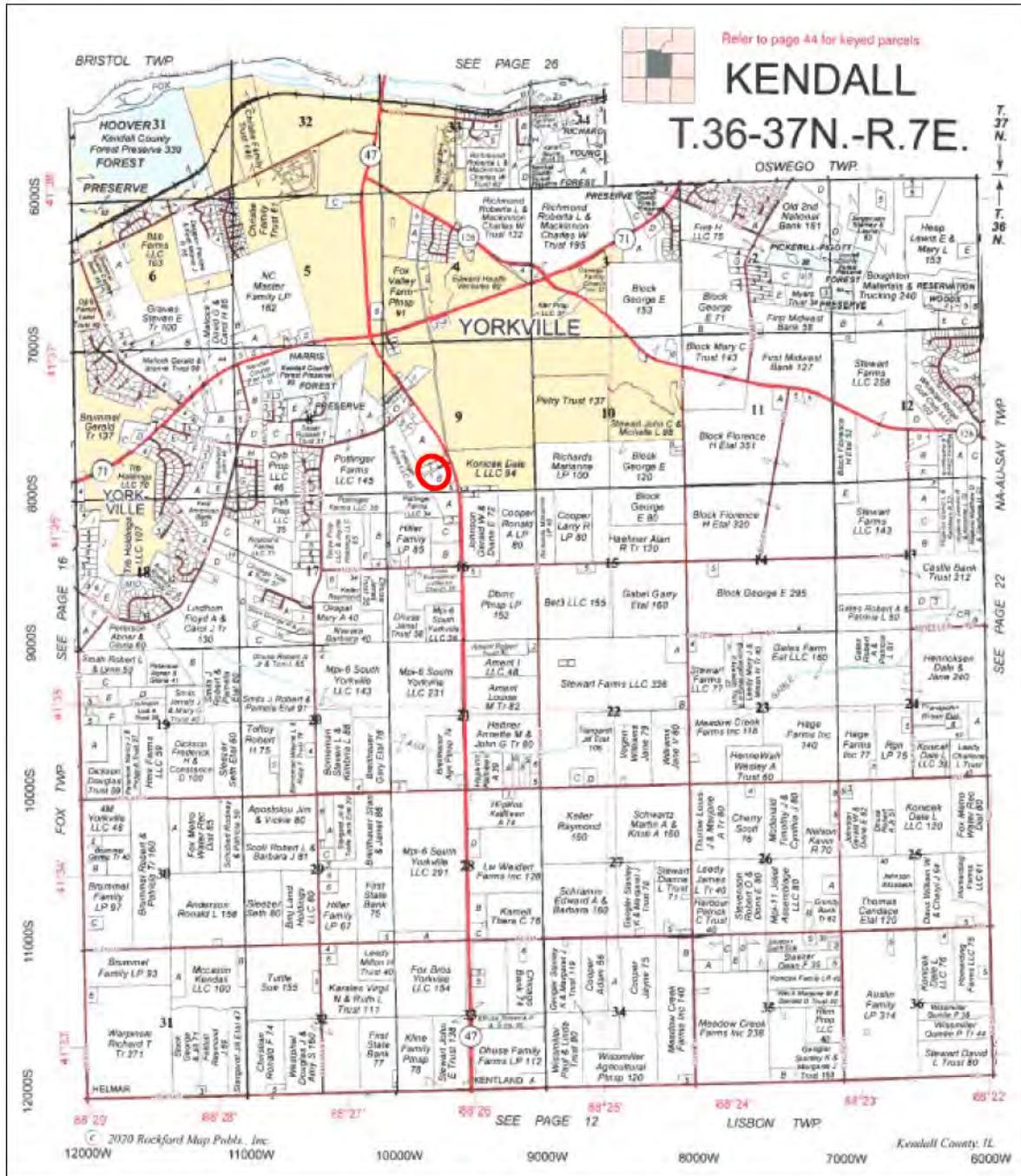


Figure 3: 2021 Plat Map

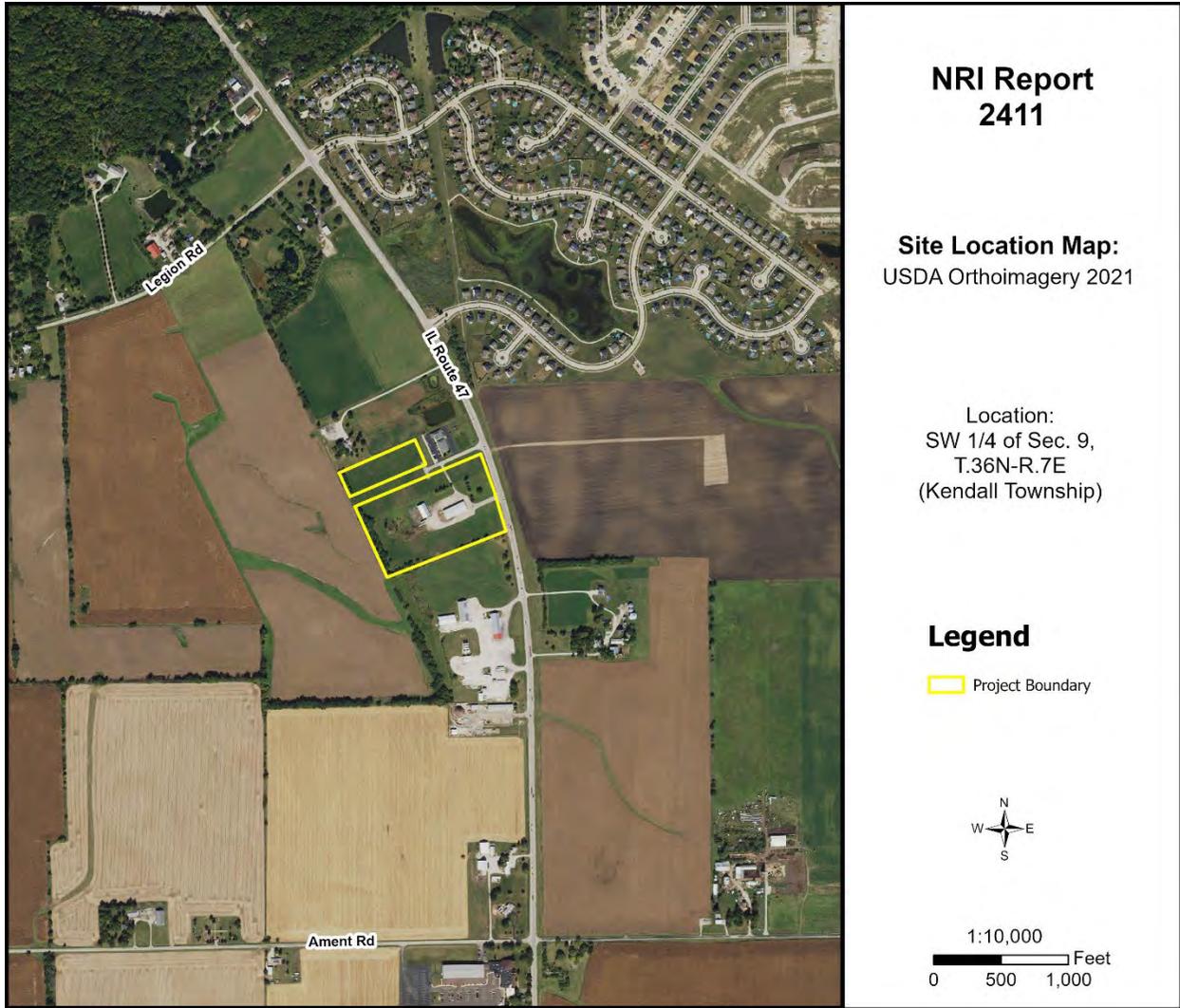


Figure 4: 2021 Aerial Map with NRI Project Boundary

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## **ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION**

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

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

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

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

**The Illinois State Historic Preservation Office has not been notified of the proposed land use change by the Kendall County SWCD. There may be historic features in the area. The applicant may need to contact them according to current Illinois law.**

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## ***ECOLOGICALLY SENSITIVE AREAS***

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### **WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?<sup>1</sup>**

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

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

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

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

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

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

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

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

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

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

#### **BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL**

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

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

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

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## ***SOILS INFORMATION***

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### **IMPORTANCE OF SOILS INFORMATION**

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

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

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

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

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

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

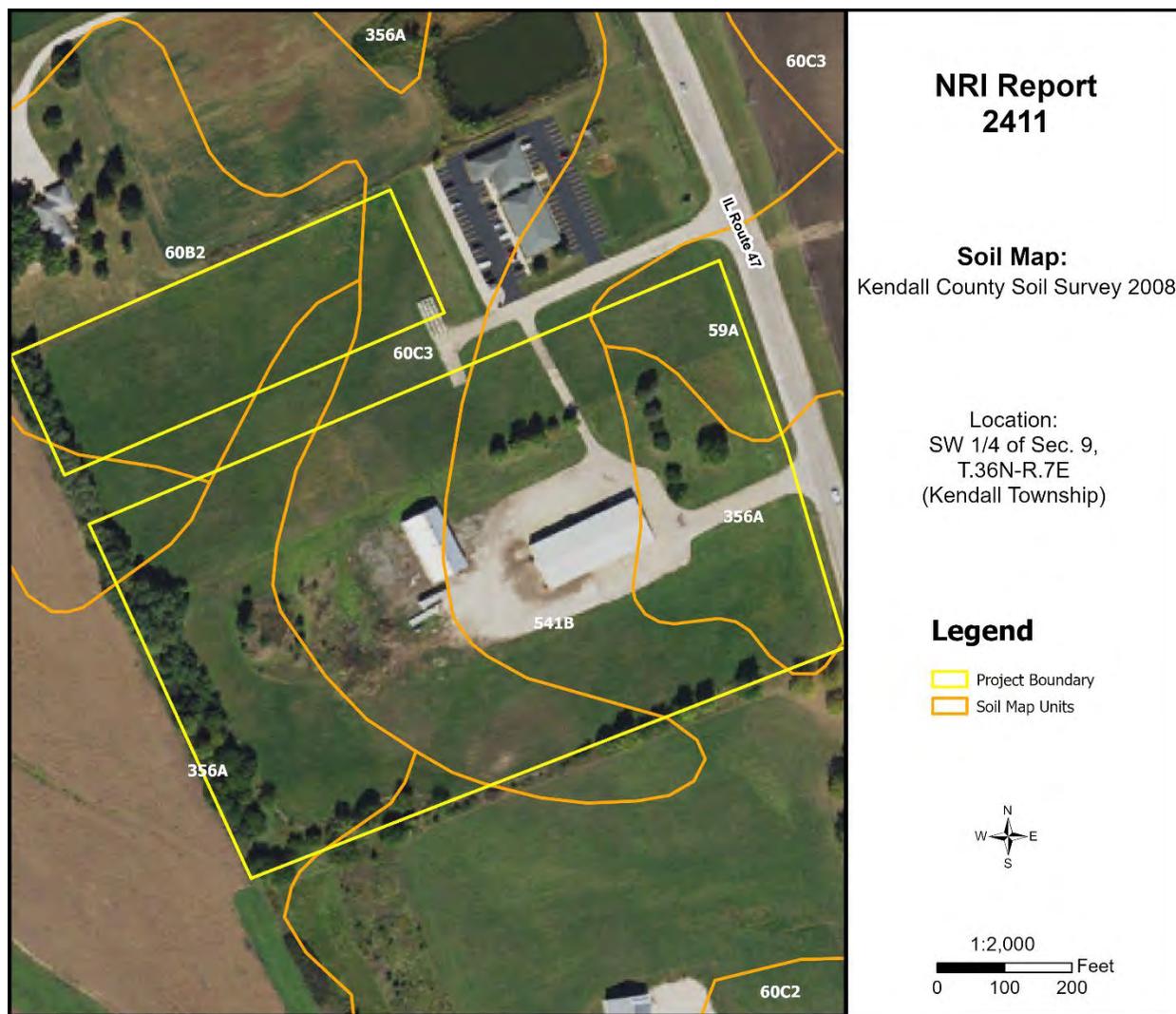


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Soil Type	Soil Name	Acreage	Percent
59A	Lisbon silt loam, 0-2% slopes	0.7	4.5%
60B2	La Rose silt loam, 2-5% slopes, eroded	2.1	13.4%
60C3	La Rose clay loam, 5-10% slopes, severely eroded	4.1	26.1%
356A	Elpaso silty clay loam, 0-2% slopes	5.0	31.8%
541B	Graymont silt loam, 2-5% slopes	3.8	24.2%

Source: National Cooperative Soil Survey – USDA-NRCS

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## ***SOILS INTERPRETATIONS EXPLANATION***

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### **GENERAL – NONAGRICULTURAL**

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

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

### **LIMITATIONS RATINGS**

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

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## ***BUILDING LIMITATIONS***

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### **BUILDING ON POORLY SUITED OR UNSUITABLE SOILS**

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

**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 Conventional 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

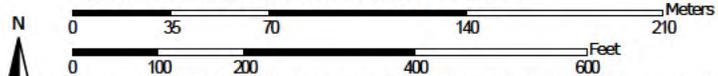
Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Roads & Streets	Onsite Conventional Sewage Systems*	Acres	%
59A	<b>Somewhat Limited:</b> Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Depth to saturated zone Dense layer Dusty Unstable excavation walls Ponding	<b>Somewhat Limited:</b> Depth to saturated zone Dusty	<b>Very Limited:</b> Frost action Low strength Depth to saturated zone Shrink-swell Ponding	<b>Suitable/ Not Limited</b>	0.7	4.5%
60B2	<b>Somewhat Limited:</b> Depth to saturated zone Slope	<b>Very Limited:</b> Depth to saturated zone Dusty Unstable excavation walls	<b>Somewhat Limited:</b> Depth to saturated zone Dusty	<b>Somewhat Limited:</b> Frost action Low strength Depth to saturated zone	<b>Suitable/ Not Limited</b>	2.1	13.4%
60C3	<b>Somewhat Limited:</b> Slope Depth to saturated zone	<b>Very Limited:</b> Depth to saturated zone Dusty Unstable excavation walls	<b>Somewhat Limited:</b> Depth to saturated zone Dusty	<b>Somewhat Limited:</b> Frost action Low strength Depth to saturated zone	<b>Suitable/ Not Limited</b>	4.1	26.1%
356A	<b>Very Limited:</b> Ponding Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Ponding Depth to saturated zone Dusty Unstable excavation walls Too clayey	<b>Very Limited:</b> Ponding Depth to saturated zone Dusty	<b>Very Limited:</b> Ponding Depth to saturated zone Frost action Low strength Shrink-swell	<b>Unsuitable/ Very Limited: Wet</b>	5.0	31.8%
541B	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone Dusty Unstable excavation walls	<b>Somewhat Limited:</b> Dusty	<b>Very Limited:</b> Frost action Low strength Shrink-swell Ponding Depth to saturated zone	<b>Suitable/ Not Limited</b>	3.8	24.2%
<b>% Very Limited</b>	<b>31.8%</b>	<b>75.8%</b>	<b>31.8%</b>	<b>60.5%</b>	<b>31.8%</b>		

\*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 conventional sewage disposal.

Figure 6A: Map of Building Limitations - Small Commercial Buildings & Lawns / Landscaping



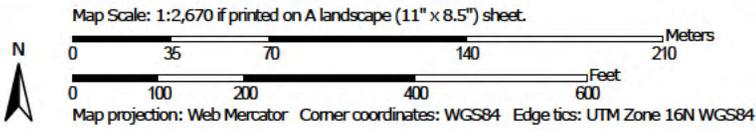
Map Scale: 1:2,670 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84



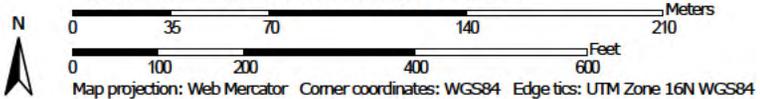
Attachment 8, Page 23  
Figure 6B: Map of Building Limitations - Shallow Excavations



Attachment 8, Page 24  
Figure 6C: Map of Building Limitations - Local Roads / Streets



Map Scale: 1:2,670 if printed on A landscape (11" x 8.5") sheet.



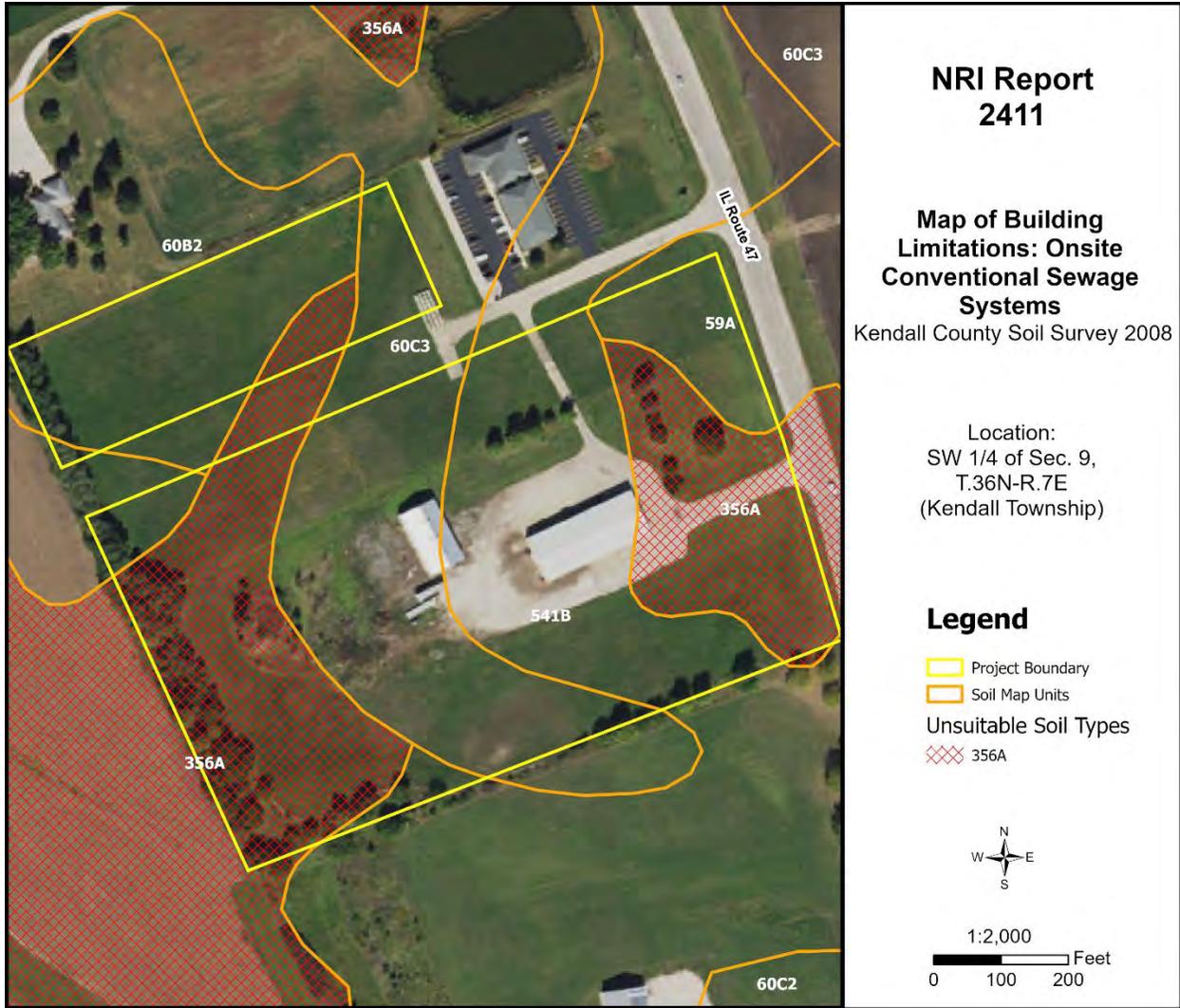


Figure 6D: Map of Building Limitations – Onsite Conventional Sewage Systems

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## **SOIL WATER FEATURES**

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

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

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

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

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

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

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

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

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

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

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

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

**Table 5:** Water Features

Soil Type	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
59A	C/D	Low	January – May Upper Limit: 1.0'-2.0' Lower Limit: 2.0'-4.0'	January – December Frequency: None	January – December Frequency: None
60B2	C	Medium	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	January – December Frequency: None	January – December Frequency: None
60C3	C	Medium	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	January – December Frequency: None	January – December Frequency: None
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

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## **SOIL EROSION AND SEDIMENT CONTROL**

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

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

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

The general principles of erosion and sedimentation control measures include:

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

Erosion control practices are useful controls only if they are properly located, installed, inspected, and maintained. Soil erosion and sedimentation control plans, including maintenance responsibilities, should be clearly communicated to all contractors working on the site.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby. Additionally, a National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

**Table 6:** Soil Erosion Potential

<b>Soil Type</b>	<b>Slope</b>	<b>Rating</b>	<b>Acreage</b>	<b>Percent</b>
59A	0-2%	Slight	0.7	4.5%
60B2	2-5%	Moderate	2.1	13.4%
60C3	5-10%	Severe	4.1	26.1%
356A	0-2%	Slight	5.0	31.8%
541B	2-5%	Slight	3.8	24.2%

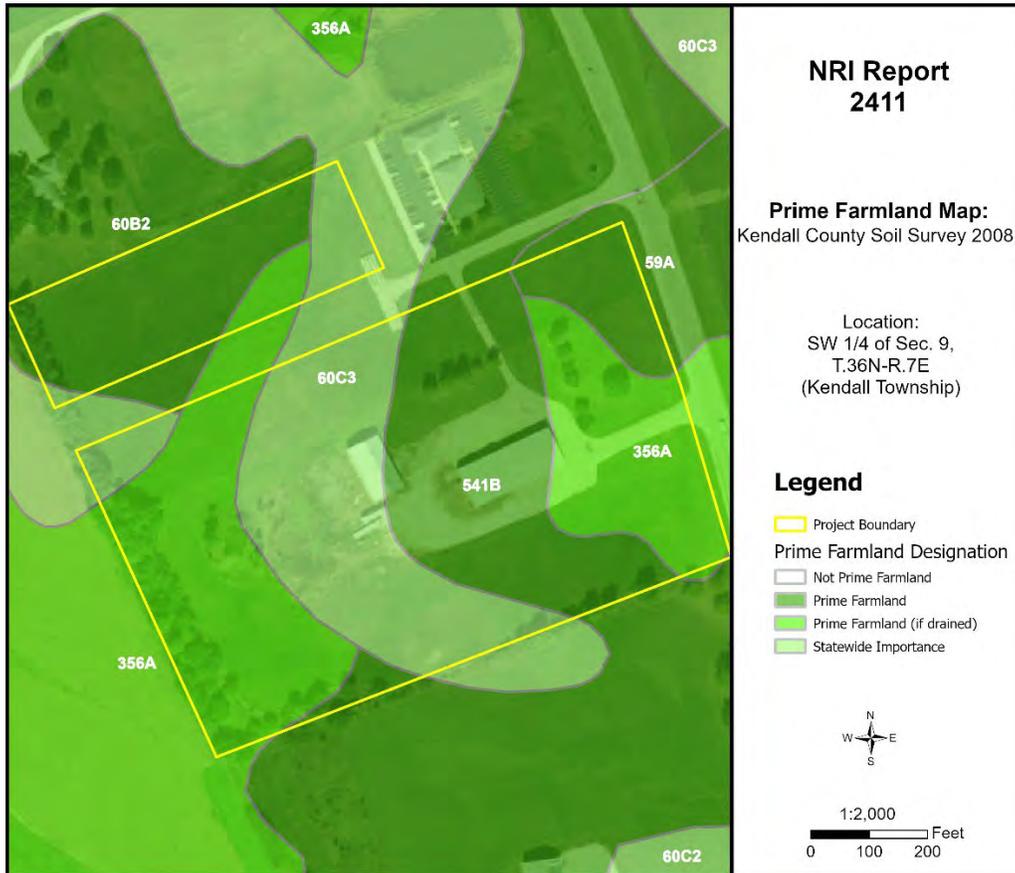
## PRIME FARMLAND SOILS

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

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of 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
59A	Prime Farmland	0.7	4.5%
60B2	Prime Farmland	2.1	13.4%
60C3	Farmland of Statewide Importance	4.1	26.1%
356A	Prime Farmland if Drained	5.0	31.8%
541B	Prime Farmland	3.8	24.2%
<b>% Prime Farmland</b>	<b>73.9%</b>		



**Figure 7:** Map of Prime Farmland Soils

## **LAND EVALUATION AND SITE ASSESSMENT (LESA)**

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

### **LAND EVALUATION (LE)**

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

### **SITE ASSESSMENT (SA)**

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

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

**Table 8A:** Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres*	Product (Relative Value x Acres)
59A	2	94	0.7	65.8
60B2	4	79	2.1	165.9
60C3	6	69	4.1	282.9
356A	1	100	5.0	500.0
541B	2	94	3.8	357.2
			<b>15.7</b>	<b>1,371.8</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) 1,371.8 / 15.7 = 87.4	
<b>LE Score</b>			<b>LE = 87</b>	

\*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

<b>A.</b>	<b>Agricultural Land Uses</b>	<b>Points</b>
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	10
	2. Current land use adjacent to site. (30-20-15-10-0)	15
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	5
	4. Size of site. (30-15-10-0)	0
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	0
	2. Availability of public water system. (10-8-6-0)	0
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	<b>Site Assessment Score:</b>	<b>70</b>

**Land Evaluation Value: 87 + Site Assessment Value: 70 = LESA Score: 157**

**Table 9:** LESA Score Summary

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

**The LESA Score for this site is 157 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.

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## ***LAND USE PLANS***

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

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## ***DRAINAGE, RUNOFF, AND FLOOD INFORMATION***

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

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

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

### **WHAT IS A WATERSHED?**

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

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

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

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

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

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

### **IMPORTANCE OF FLOOD INFORMATION**

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

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

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 contains soils with slopes of 0-10% and an elevation of approximately 734'-750' above sea level. The highest point is at the northwest corner, and the lowest point is at the southwest portion 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.**

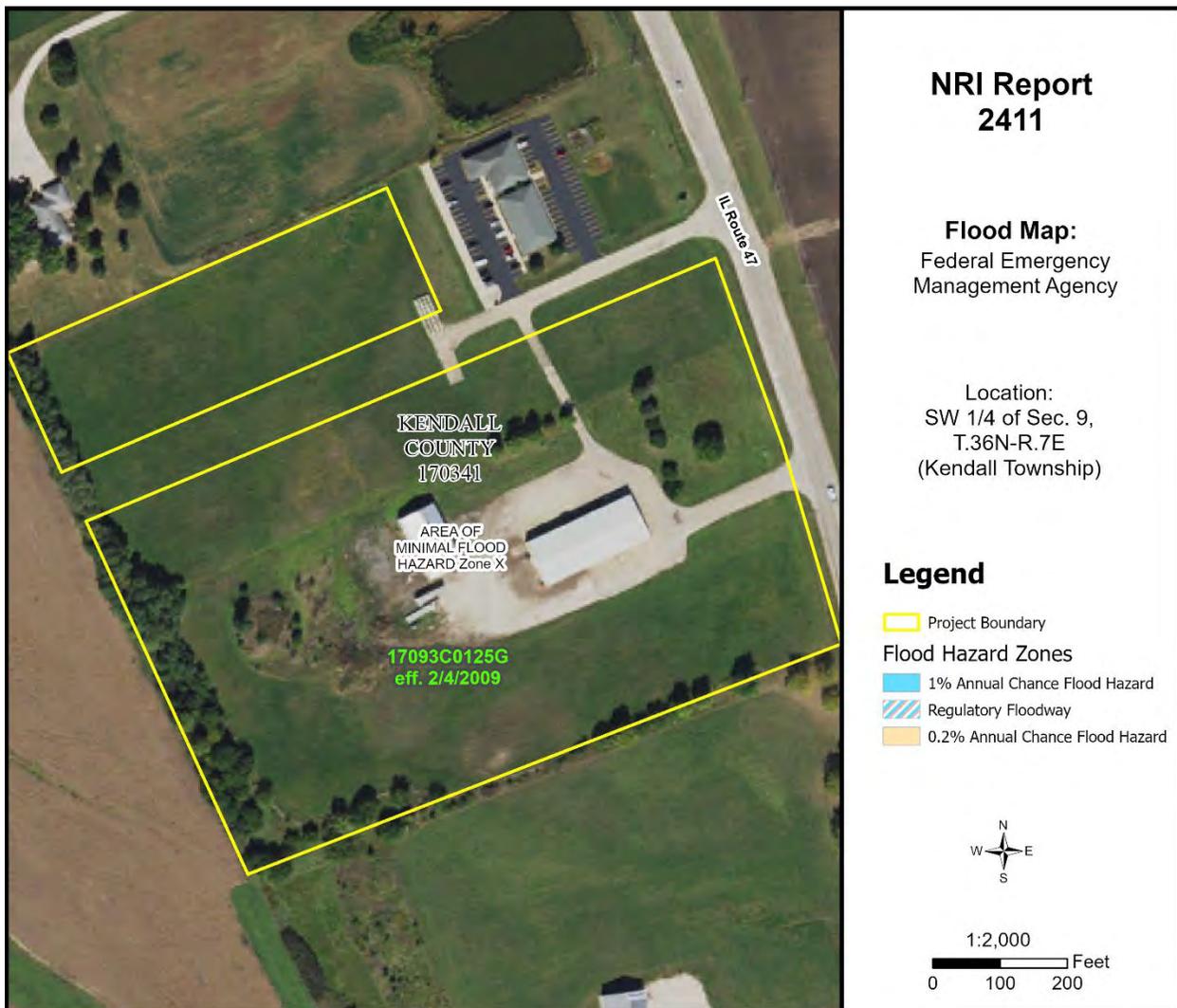


Figure 8: Flood Map

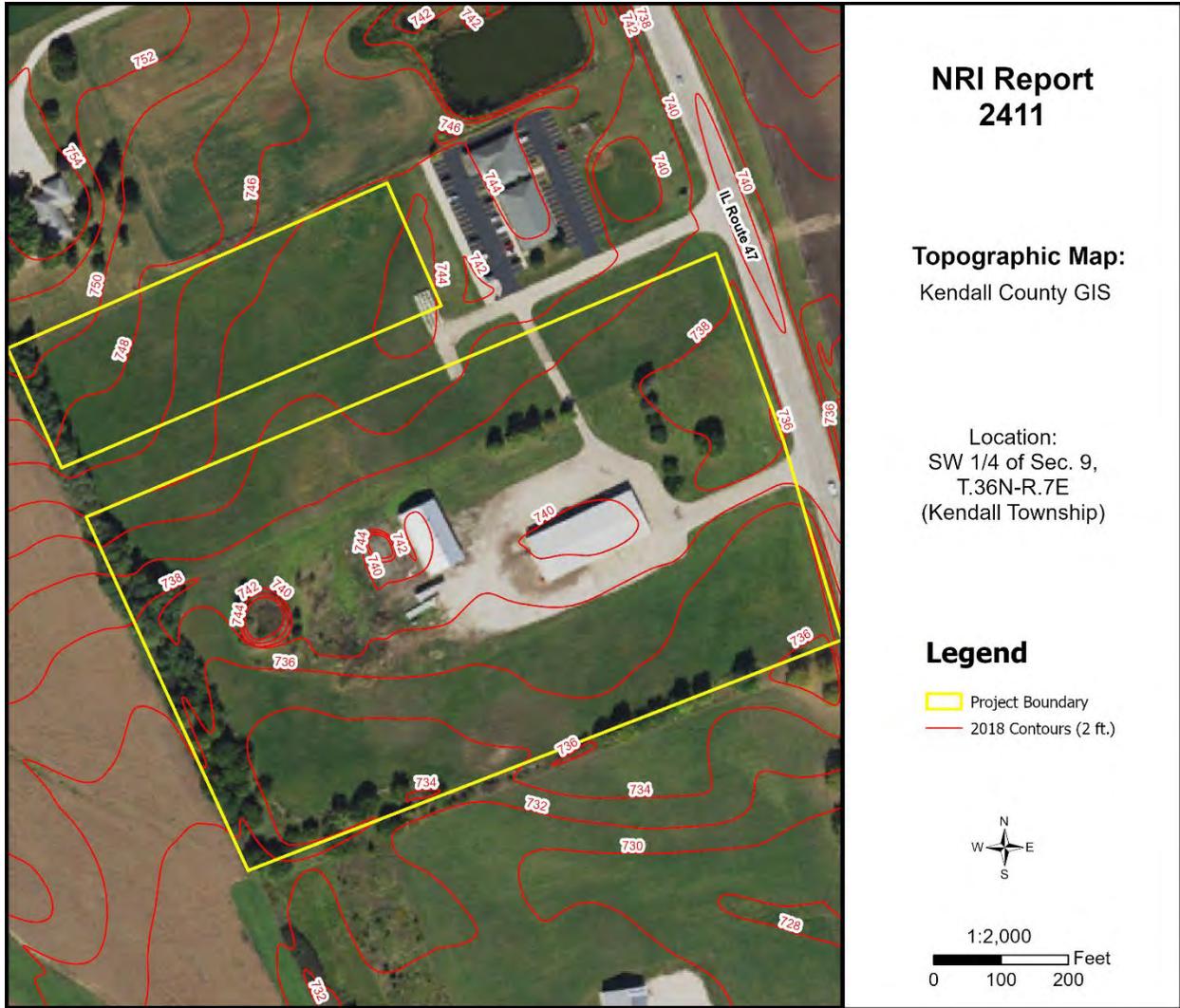


Figure 9: Topographic Map

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## **WATERSHED PLANS**

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### **WATERSHED AND SUB WATERSHED INFORMATION**

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

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

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

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

**This parcel is located within the Upper Illinois River watershed and the Middle Aux Sable Creek sub watershed (HUC 12 – 071200050103). The Middle Aux Sable Creek sub watershed comprises 16,396.78 acres of Kendall County.**

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## WETLAND INFORMATION

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### IMPORTANCE OF WETLAND INFORMATION

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

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

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

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

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

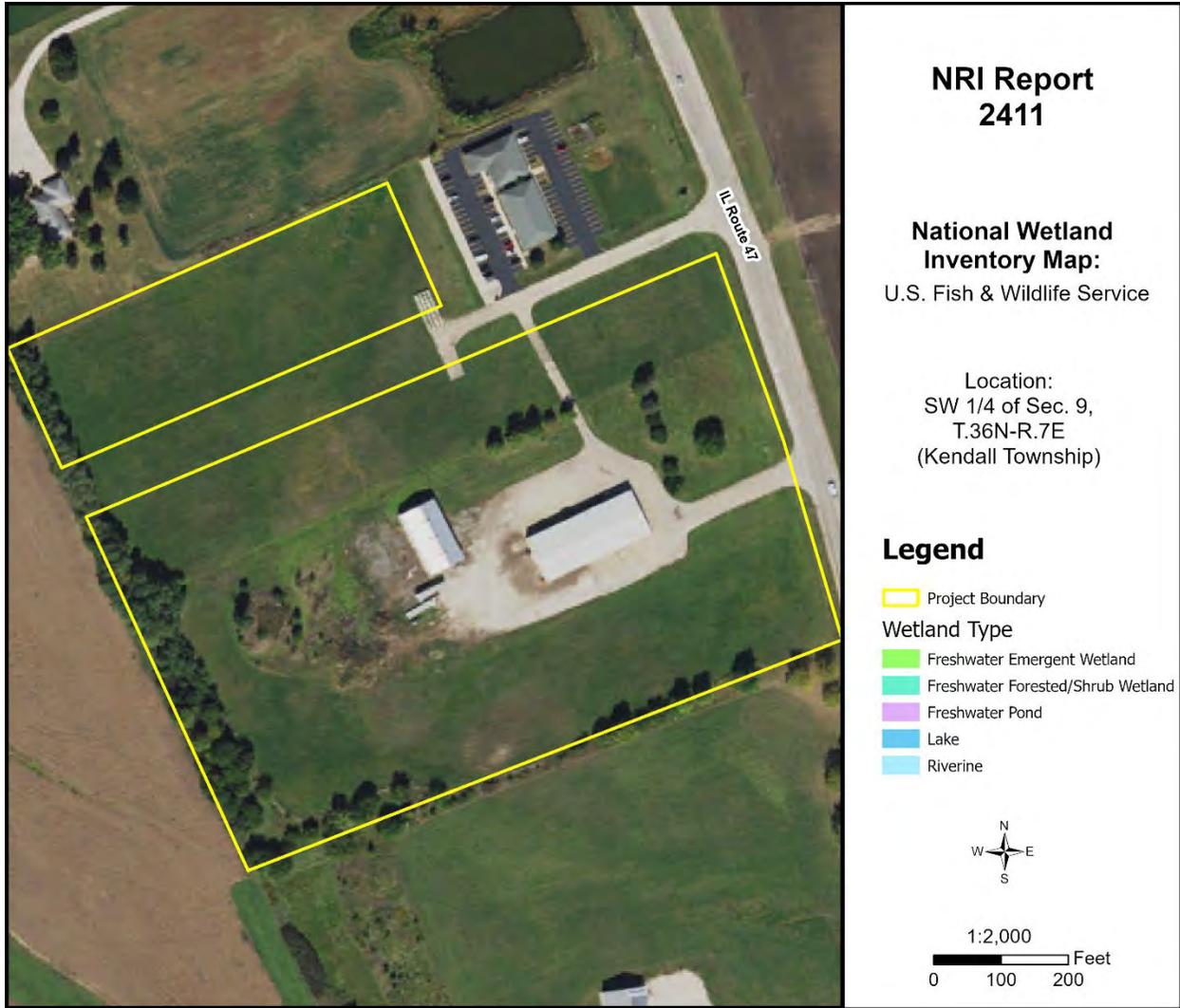


Figure 10: Wetland Map

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.

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## **HYDRIC SOILS**

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

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

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

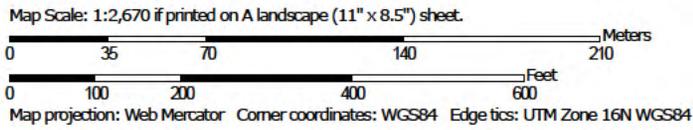
For an intense land use, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions, and a drainage tile survey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

**Table 10:** Hydric Soils

<b>Soil Types</b>	<b>Drainage Class</b>	<b>Hydric Designation</b>	<b>Hydric Inclusions Likely</b>	<b>Hydric Rating %</b>	<b>Acreage</b>	<b>Percent</b>
59A	Somewhat Poorly Drained	Non-Hydric	Yes	1-32%	0.7	4.5%
60B2	Moderately Well Drained	Non-Hydric	No	0%	2.1	13.4%
60C3	Moderately Well Drained	Non-Hydric	No	0%	4.1	26.1%
356A	Poorly Drained	Hydric	N/A	100%	5.0	31.8%
541B	Moderately Well Drained	Non-Hydric	Yes	1-32%	3.8	24.2%



Soil Map may not be valid at this scale.



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## **WETLAND AND FLOODPLAIN REGULATIONS**

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

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

### **WHO MUST APPLY?**

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

### **REGULATORY AGENCIES**

- **Wetland or U.S. Waters:** U.S. Army Corps of Engineers, 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.**

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## **GLOSSARY**

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

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

**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.

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**Matt Asselmeier**

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**From:** Steve Gengler <sgengler@kendalltwp.com>  
**Sent:** Thursday, April 18, 2024 6:49 AM  
**To:** Matt Asselmeier  
**Subject:** Re: [External]Planning commission

Sorry Matt,

We had a busy day yesterday.

The Township Board did approve the recommendation of the Planning Commission to approve the application from A & D properties.

Thanks again for coming to the meeting.

Steve

Steve Gengler  
Kendall Township Supervisor

Sent from my T-Mobile 5G Device  
[Get Outlook for Android](#)

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**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Wednesday, April 17, 2024 4:05:48 PM  
**To:** Steve Gengler <sgengler@kendalltwp.com>  
**Subject:** RE: [External]Planning commission

Steve:

Did the Kendall Township Board issue a recommendation regarding the proposed rezoning of 7789 Route 47?

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

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**From:** Steve Gengler <sgengler@kendalltwp.com>  
**Sent:** Wednesday, April 10, 2024 7:22 AM  
**To:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Subject:** [External]Planning commission

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
April 2, 2024 – Unapproved Meeting Minutes**

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

Present:

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

Absent:

Matt Asselmeier – PBZ Department  
Greg Chismark – WBK Engineering, LLC  
Aaron Rybski – Health Department

Audience:

Larry Nelson, Dan Kramer (Attended Remotely), Christina Burns, and Nancy Villa

**PETITIONS**

**Petition 24-06 Jerry Styruczula on Behalf of A&D Properties, LLC**

Chairman Wormley summarized the request.

A&D Properties, LLC would like a map amendment rezoning approximately sixteen point four more or less (16.4 +/-) acres located on the west side of Route 47 addressed as 7789 Route 47 from B-3 Highway Business District to M-1 Limited Manufacturing District in order to operate a trucking business for the sale and storage of semi-trailers, small trailers, semi-tractors, and similar uses at the subject property.

The application materials and pictures of the property were provided.

The property has been zoned B-3 since 1975. The ordinance rezoning the property to B-3 was provided. The property was previously used as a distributorship for International Harvester.

The plat of survey was provided.

If the map amendment is approved and if the Petitioner wants to make changes to the site, site plan approval will be required. To date, the Petitioner was working on a site plan proposal.

The property is addressed as 7789 Route 47, Yorkville.

The property is approximately sixteen (16) acres in size.

The current land use is Vacant and Improved Commercial.

The property is zoned B-3 Highway Business District.

The County's Future Land Use Map calls for this property to be Mixed Use Business. Yorkville Future Land Use Map calls for the property to be Estate/Conservation Residential.

Route 47 is a State maintained Arterial Road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Single-Family Residential, Agricultural, and Vacant Manufacturing.

The adjacent properties are zoned A-1 and M-1 in the unincorporated area and R-2 and R-3 inside Yorkville.

The County's Future Land Use Map calls for the area to be Rural Residential and Mixed Use Business. Yorkville's Future Land Use Map calls for the area to be Agricultural, Suburban Neighborhoods, and Estate/Conservation Residential.

The properties within one point five (1.5) miles are zoned A-1, A-1 SU, R-1, R-4, B-3, and M-1 in the County and R-2, R-3, B-1, and B-3 in Yorkville.

The A-1 special use permit to the north is for a landscaping business.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on March 12, 2024.

Petition information was sent to Kendall Township on March 20, 2024.

Petition information was sent to the United City of Yorkville on March 20, 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on March 20, 2024.

The Petitioner would like to rezone the property to operate a trucking business.

There are two (2) existing buildings on the property. The northern building is approximately five thousand, three hundred sixty-six (5,366) square feet in size. The southern building is approximately eleven thousand, three hundred (11,300) square feet in size.

Any future buildings would have to meet applicable building codes.

The site is serviced by a well and septic. There is electricity and natural gas onsite.

The property fronts Route 47 and has one (1) access point off of Route 47. There is a deceleration lane for south bound traffic off of Route 47. The property also has one (1) access point off of Conservation Drive.

There is existing parking around the southern building; the parking spaces are not marked. If improvements are made to the site, parking spaces would need to be marked.

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

There are lights on both buildings and a streetlight is lying on the ground at the entrance off of Route 47.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property. Lighting would need to be evaluated as part of site plan review.

There are several mature plants around the perimeter of the property. No changes to the landscaping or property screening are proposed as part of the map amendment.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

Any signage would have to meet applicable regulations and secure permits.

The owners of the property would have to follow applicable noise control regulations based on future land uses. Noise control measures would need to be evaluated as part of site plan approval.

The Petitioner submitted an application for a stormwater permit.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes, single-family residential, office, and light industrial, including outdoor storage. The property is presently vacant, but was previously used as a site for the sale of agricultural equipment.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and M-1 in the unincorporated area and R-2, R-3, and B-3 inside the United City of Yorkville.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioners proposed use of the property, for the operation of a trucking business, is not allowed in the B-3 Zoning District. The site itself could be used for a trucking business, if properly zoned.

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, storage and warehousing, and other light industrial 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 was recently amended to Mixed Use Business. The M-1 Zoning District is consistent with the Mixed Use Business classification.

Staff recommends approval of the proposed map amendment.

Dan Kramer, Attorney for the Petitioner, provided a history and description of the business and property.

Chairman Wormley asked about the existing trailers onsite. Mr. Kramer provided a history of the trailers on the property. The Petitioner owns the property.

Mr. Klaas noted Kendall County Township's concerns regarding the use of Conservation Drive by semis.

Mr. Holdiman noted that this proposal is about the rezoning and further discussion would occur during the site plan review process.

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

The votes were follows:

Ayes (7): Briganti, Guritz, Holdiman, Klaas, Langston, Olson, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (3): Asselmeier, Chismark, and Rybski

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on April 24, 2024.

#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

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

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

The ZPAC, at 9:35 a.m., adjourned.

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

Attachment 11, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

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

**Unapproved - Meeting Minutes of April 24, 2024 - 7:00 p.m.**

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

**ROLL CALL**

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

Members Absent: Tom Casey and Bob Stewart

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

Others Present: Kelly Helland, Steve Graves, and Steve Grebner

**PETITIONS**

**Petitions 24-06 Jerry Styrezula on Behalf of A&D Properties, LLC**

Mr. Asselmeier summarized the request.

A&D Properties, LLC would like a map amendment rezoning approximately sixteen point four more or less (16.4 +/-) acres located on the west side of Route 47 addressed as 7789 Route 47 from B-3 Highway Business District to M-1 Limited Manufacturing District in order to operate a trucking business for the sale and storage of semi-trailers, small trailers, semi-tractors, and similar uses at the subject property.

The application materials and pictures of the property were provided.

The property has been zoned B-3 since 1975. The ordinance rezoning the property to B-3 was provided. The property was previously used as a distributorship for International Harvester.

The plat of survey was provided.

If the map amendment is approved and if the Petitioner wants to make changes to the site, site plan approval will be required. To date, the Petitioner was working on a site plan proposal.

The property is addressed as 7789 Route 47, Yorkville.

The property is approximately sixteen (16) acres in size.

The current land use is Vacant and Improved Commercial.

The property is zoned B-3 Highway Business District.

The County's Future Land Use Map calls for this property to be Mixed Use Business. Yorkville Future Land Use Map calls for the property to be Estate/Conservation Residential.

Route 47 is a State maintained Arterial Road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Single-Family Residential, Agricultural, and Vacant Manufacturing.

The adjacent properties are zoned A-1 and M-1 in the unincorporated area and R-2 and R-3 inside Yorkville.

The County's Future Land Use Map calls for the area to be Rural Residential and Mixed Use Business. Yorkville's Future Land Use Map calls for the area to be Agricultural, Suburban Neighborhoods, and Estate/Conservation Residential.

The properties within one point five (1.5) miles are zoned A-1, A-1 SU, R-1, R-4, B-3, and M-1 in the County and R-2, R-3, B-1, and B-3 in Yorkville.

The A-1 special use permit to the north is for a landscaping business.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on March 12, 2024. The LESA Score was 157 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Kendall Township on March 20, 2024. The Kendall Township Planning Commission reviewed the proposal on April 15, 2024, and recommended approval of the proposal. The Kendall Township Board reviewed the proposal on April 16, 2024, and concurred with the Kendall Township Planning Commission. The email from the Township was provided.

Petition information was sent to the United City of Yorkville on March 20, 2024. Yorkville will be reviewing the proposal at their May meetings.

Petition information was sent to the Bristol-Kendall Fire Protection District on March 20, 2024.

ZPAC reviewed the proposal at their meeting on April 2, 2024. Discussion occurred regarding the semis already parked at the property and restricting semis on Conservation Drive. Site plan approval will be required and they will need to comply with the M-1 zoning regulations, if the map amendment is approved. ZPAC recommended approval by a vote of seven (7) in favor and (0) in opposition, with three (3) members absent. The minutes of the meeting were provided.

The Petitioner would like to rezone the property to operate a trucking business.

There are two (2) existing buildings on the property. The northern building is approximately five thousand, three hundred sixty-six (5,366) square feet in size. The southern building is approximately eleven thousand, three hundred (11,300) square feet in size.

Any future buildings would have to meet applicable building codes.

The site is serviced by a well and septic. There is electricity and natural gas onsite.

The property fronts Route 47 and has one (1) access point off of Route 47. There is a deceleration lane for south bound traffic off of Route 47. The property also has one (1) access point off of Conservation Drive.

There is existing parking around the southern building; the parking spaces are not marked. If improvements are made to the site, parking spaces would need to be marked.

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

There are lights on both buildings and a streetlight is lying on the ground at the entrance off of Route 47.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property. Lighting would need to be evaluated as part of site plan review.

There are several mature plants around the perimeter of the property. No changes to the landscaping or property screening are proposed as part of the map amendment.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

Any signage would have to meet applicable regulations and secure permits.

The owners of the property would have to follow applicable noise control regulations based on future land uses. Noise control measures would need to be evaluated as part of site plan approval.

The Petitioner submitted an application for a stormwater permit.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes, single-family residential, office, and light industrial, including outdoor storage. The property is presently vacant, but was previously used as a site for the sale of agricultural equipment.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and M-1 in the unincorporated area and R-2, R-3, and B-3 inside the United City of Yorkville.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioners proposed use of the property, for the operation of a trucking business, is not allowed in the B-3 Zoning District. The site itself could be used for a trucking business, if properly zoned.

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, storage and warehousing, and other light industrial 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 was recently amended to Mixed Use Business. The M-1 Zoning District is consistent with the Mixed Use Business classification.

Staff recommended approval of the proposed map amendment.

It was noted that the subject property had been recently reclassified as Mixed Use Business on the Future Land Use Map.

Member Wilson asked about the number of lots proposed for rezoning. Kelly Helland, Attorney for the Petitioner, said the lots were contiguous, but Conservation Drive was a dedicated Kendall Township road.

Ms. Helland said that the Petitioner intended to fence both parcels and they were in discussions with the Kendall Township Highway Commissioner regarding obtaining access easements. The Petitioner did not want Conservation Drive vacated. Semis will not be allowed to access the property by Conservation Drive.

Ms. Helland clarified that the proposed use of the property was as a trailer and truck sales business. The Petitioner currently operates in Shorewood. The trailers would be both new and used.

Member Nelson asked if the truck sales would be held in Kendall County. Ms. Helland responded, yes, the sales tax would be paid in Kendall County.

Member Wilson asked why so many trucks were currently parked at the property. Ms. Helland responded that Plano Molding placed them on the property. The Petitioner owns the trucks and is in the process of trying to relocate and/or sell them. There were over sixty (60) trailers/containers at the property.

Member Bernacki asked why the rezoning was necessary. Mr. Asselmeier said truck sales were not allowed in the B-3 District.

Member Wilson asked if the Petitioner wanted to store containers on the property. Ms. Helland responded no.

Map amendments cannot be conditioned.

It was noted the Land Resource Management Plan calls for this property to be M-1 and, if the rezoning was approved, any use allowed in the M-1 could be placed at the property. Discussion occurred regarding the types of uses allowed in the M-1; site plan approval will still be necessary.

Member Wormley asked about the operations presently occurring at the property. He noted that drivers from the trucks were getting picked up and dropped off at the site; the site was not being used purely for storage. He requested clarification by the next meeting.

Steven Graves asked if any citations had been issued for violations. Mr. Asselmeier responded no and explained the County's voluntary compliance policy.

Mr. Graves asked if Lot 2 of the Walz Subdivision could be rezoned to A-1 and planted in alfalfa in order to reduce taxes. Mr. Asselmeier responded a rezoning was not possible. Mr. Wormely stated the property could be planted in alfalfa. Ms. Helland explained how agricultural taxation worked.

Member Rodriguez asked about future developments at the site. Ms. Helland responded that the Petitioner plans to install a paved parking lot and applicable lighting, remodel the existing building, and possibly construct a second building.

Steve Grebner, Kendall Township Clerk, stated that the Township was watching the property to make sure the intent of use matched what actually happened at the property. He stated that the Township was concerned about trucks using Conservation Drive. The Township approved the request.

Discussion occurred regarding how much land was south of Conservation Drive.

Discussion occurred regarding the need for trailer parking during the off-season of heavy retail transactions.

It was noted that the property and Mixed Use Business area were not very large.

Member Bernacki made a motion, seconded by Member Nelson, to recommend approval of the map amendment.

The votes were as follows:

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

The proposals go to the Kendall County Zoning Board of Appeals on April 29, 2024.

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported that the following items will be on the May agenda, Seward Township is requesting an amendment to the special use for their Township Building because they want to construct an addition, a landscaping business is proposed at 2142 Wooley Road, someone wants to rezone the property next to TZ Landscaping on Route 52 in order have a contractor's office, a solar farm is proposed on Simons Road, and Seward Township is proposing changes to their Future Land Use Map.

**ADJOURNMENT**

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

The Kendall County Regional Planning Commission meeting adjourned at 7:58 p.m.

Respectfully submitted by,  
Wanda A. Rolf, Administrative Assistant

Enc.



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
APRIL 24, 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)
Lara Nelson		
Kelly Helkord		
Steve Grave		
STEVE GREBNER		

om,