

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

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

AGENDA

January 28, 2019 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

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

MINUTES: Approval of Minutes from the August 27, 2018 Zoning Board of Appeals Hearing (Pages 2-23)

PETITIONS:

1. **19 – 04 – Rodolfo and Georgina Nunez (Pages 24-85)**
Request: Special Use Permit for a Landscaping Business
PINs: 02-24-300-017 and 02-24-300-018
Location: 6725 Route 71, (Approximately 0.41 Miles West of Orchard/Minkler Roads on the Northwest Side of Route 71), Oswego Township
Purpose: Petitioners Would Like to Operate a Landscaping Business at the Property; Property is Zoned A-1
2. **19 – 05 – Specialty Oswego, LLC (Current Owners) and Stuart and Paula Weihler (Prospective Buyers) (Pages 86-156)**
Request: Special Use Permit for a Banquet Facility and Variance to Section 7.01.D.10.a of the Kendall County Zoning Ordinance to Allow a Banquet Facility on a Non-Arterial or Non-Major Collector Roadway
PIN: 03-34-100-024 (South 10 Acres)
Location: 5100 Hundred Block of Schlapp Road (Approximately 0.48 Miles South of the Intersection of Plainfield Road and Schlapp Road on the East Side of Schlapp Road), Oswego Township
Purpose: Petitioners Would Like to Operate a Banquet Facility at the Property; Property is Zoned A-1

NEW BUSINESS/ OLD BUSINESS

1. Approval of 2019 Meeting Calendar (Page 157)
2. Discussion of February 2, 2019 Kendall County Regional Planning Commission Annual Meeting (Page 158)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 17-28-Outdoor Gun Range Regulations (Referred back to Committee)
2. Petition 18-03-Roles and Responsibilities of ZPAC and Regional Planning Commission (Withdrawn at Committee)
3. Petition 18-04-LRMP Update in Lisbon Township (Referred back to Committee)
4. Petition 18-07-Special Use Permit Renewals (Withdrawn at Committee)
5. Petition 18-13-Solar Panel Regulations (Approved by County Board)
6. Petition 18-15-Special Use Permit for Solar Panels at 16400 Newark Road (Approved by County Board)
7. Petition 18-20-Fox Metro Rezoning (Approved by County Board)
8. Petition 18-25-Tri-Star Rezoning at Route 52 Near Jughandle Road (Approved by County Board)
9. Petition 18-26-Special Use Permit for a Banquet Facility at 14905 Hughes Road (Approved County Board)

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on March 4, 2019

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, Room 209 and 210
YORKVILLE, IL 60560
August 27, 2018 – 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

Members Present: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Cliff Fox, Tom LeCuyer, and Dick Thompson

Members Absent: Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, Senior Planner and Jasmine Brown Watkins, Office Assistant

Public: Mark Perle, Priscilla Gruber, Margaret Sheehan, Linda Wilkinson, Martin Cann, Ed Gruber, Becky Peterson, Brian Barnwell, Lane Abrell, Tom Grant, Paul Kovacevich, Joe Phillips, Zach Barnwell, Jan Alexander, DJ Kramer, Boyd Ingemunson, John Whitehouse, Scott Wallin, Nate Howell, Deputy Commander Jason Langston, and Bob Davidson

MINUTES

Mr. Thompson stated corrections needed to be made regarding the spelling of Kurt Friestad to Kurk Friestad. Also, he did not agree with the statement regarding the Conservation Foundation. Ms. Clementi clarified that Mr. Whitfield made the comment and not Mr. Thompson.

Motion by Mr. Cherry, seconded by Mr. LeCuyer, to approve the minutes of the July 30, 2018, with Mr. Thompson's amendments. With a voice vote of all ayes, the motion was approved.

Chairman Mohr introduced Cliff Fox. Mr. Fox provided his background information.

PETITIONS

Chairman Mohr swore in all of the members of the audience that wished to speak on this evening's petitions.

The Zoning Board of Appeals started their review of Amended Petition 17-28 at 7:06 p.m.

Amended Petition 17-28 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Sections 7.01.D.32 (Special Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Purpose: Amendments to Regulations of Outdoor Target Practice or Shooting Ranges for Non-Profit and For-Profit Shooting Ranges

Mr. Asselmeier summarized the petition.

The Kendall County Planning, Building and Zoning Committee has been researching outdoor target practice and shooting range regulations for the last several months. Using the regulations of several neighboring and nearby counties, the Planning, Building and Zoning Committee drafted a proposed amendment to the Kendall County Zoning Ordinance and approved initiating a text amendment at their meeting on September 11, 2017.

ZPAC reviewed this proposal at their meeting on October 3rd. A large amount of discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate. ZPAC voted three (3) in favor (Langston, Rybski, and Guritz), one (1) in opposition (Klaas), three (3) abstain (Andrews, Clayton, and Asselmeier), and three (3) absent (Holdiman, Chismark, and Davidson).

The Kendall County Regional Planning Commission met on this proposal on October 25, 2017, and expressed the following concerns regarding the proposal:

1. The Kendall County Regional Planning Commission would like more background/scientific information to explain the proposed regulations; they would like to see expert opinion on the proposal. Commissioners would like a more specific frame of reference as to how the proposal matches or contradicts the National Rifle Association Standards.
2. The proposed text amendments contradict the National Rifle Association Standards.
3. The size and control requirement of the downrange safety area will make it very difficult for ranges to locate in the unincorporated areas.
4. The requirement that the ranges have restrooms facilities is redundant because the Kendall County Health Department regulations require such facilities.
5. The minimum parcel size is proposed to be forty (40) acres. The requirement that the firing line must be at least one thousand five hundred feet (1,500') from the property lines of adjoining properties means that a parcel would need to be larger than forty (40) acres to meet the firing line distance requirements.
6. The exemption of land owned by the Kendall County Forest Preserve District is unneeded if the Forest Preserve District is meeting State law and not desired if the Forest Preserve District must meet local zoning regulations.
7. The insurance requirements seem excessive.
8. Commissioners would like to see "license" be grouped with easement regarding access to public roads.

The Kendall County Planning, Building and Zoning Committee responded by spending the next several months refining the proposal. At their meeting on June 11, 2018, the Kendall County Planning, Building and Zoning Committee approved the proposal in its current format.

The Kendall County Regional Planning Commission reviewed the revised proposal at their meeting on June 27, 2018, and expressed the following concerns regarding the proposal. The Kendall County Planning, Building and Zoning Committee's responses are bolded:

1. The exemption for the Forest Preserve District and lands owned by the State of Illinois and used for parks should be removed. The public health, safety, and welfare issues that the proposal seeks to address are the same for publicly owned lands and privately owned lands.
The activities of the Forest Preserve District are exempt from zoning if the activity is a permissible use as defined by the Downstate Forest Preserve Act.

2. The Commission would like the proposal divided into three (3) parts: shotgun, rifle, and pistol. The Commission believes that this division would resolve issues related to minimum lot size and distance to neighboring structures. In talking with PBZ Chairman Davidson, Staff believes that the resulting division would simply cause petitioners to request three (3) special use permits. **The Planning, Building and Zoning Committee concurred with PBZ Chairman Davidson that prospective gun ranges would seek multiple special use permits. The County can evaluate proposals on a case-by-case basis and place appropriate restrictions on special use permits.**
3. Commissioners were concerned regarding the removal of the five (5) acre minimum lot size requirement; ranges would simply have to meet the setbacks of the zoning district. PBZ Chairman Davidson would like the setbacks to be determined on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that a property would need to be of sufficient size to comply with the setback, berming, and noise requirements contained in the proposal.**
4. Commissioners were concerned regarding the removal of the one thousand foot (1,000') buffer between ranges and churches, schools, and neighboring houses. PBZ Chairman Davidson would like the distances to be determined on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into consideration when evaluating the individual application.**
5. Commissioners were concerned about the noise requirement. Unlike other noise regulations, the sixty-five (65) dBa requirement would be constant instead of lowering to fifty-five (55) dBa at 10:00 p.m. PBZ Chairman Davidson would like the noise regulations to be evaluated on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into consideration when evaluating the individual application.**

Accordingly, the Planning, Building and Zoning Committee made no changes to the proposal.

At their meeting on July 25, 2018, the Kendall County Regional Planning Commission unanimously recommended denial of the proposal.

The following comments on the proposal were provided at the July 25th meeting:

Ms. Wilson looked into the downstate Downstate Forest Preserve Act and could not find exemptions that pertained to the special use permit applied to the Kendall County Forest Preserve. There are permits that can be granted to outside users. Ms. Wilson also questioned where the source of the proposal originated. Mr. Asselmeier noted the Planning, Building and Zoning Committee made the final call for what was put in the proposal. Ms. Wilson questioned what reason for the minimum of five (5) acre lot size. Mr. Asselmeier noted it was set at that requirement back in 2015. The Planning, Building and Zoning Committee wanted the dimensions to be based on the setbacks, berming requirements and type of firearm. All the other setbacks would have to be met, even if the five (5) acre requirement was not obtained.

Mr. Nelson stated that the decision of the County Board on this matter is not based on law. He questioned why the language should be put in if the Kendall County Forest Preserve is exempted. If the regulations are already in the law, there is no reason to put it in the ordinance. Mr. Nelson understood looking at petitions on a case-by-case basis, but did feel that greater direction was needed.

Mr. Shaw questioned the noise requirement and if shooting can last all night. Chairman Ashton responded that it depends on a case-by-case basis and that shooting could occur all night under the proposal. Chairman Ashton noted the Sheriff Department's range was approved years ago and the proposal does not apply to that range.

Discussion occurred regarding the Sheriff Department's range. Mr. Davidson responded that the special use allows lights. Chairman Ashton noted the special use permit did not allow lights. However, the special use permit should include lights if someone wants to put up lights. Mr. Nelson noted, if someone has a special use permit with no restrictions on hours of operation, it is reasonable for the individual to put up lights. Mr. Asselmeier noted the time for the range was 7 a.m. to 8 p.m. and that lighting shall meet the standards of the Zoning Ordinance. Ms. Wilson agreed with Mr. Shaw. She stated she lives next to a shooting range and would not be okay with it going on after 10 p.m. She also advocated for a lower decimal level because noise can be disruptive and dangerous to the public.

Mark Perle, Old Ridge Road, expressed disappointment that none of the points were really discussed at the July 9th meeting. Mr. Perle would like to see commercial businesses to be subject to commercial gun range regulations. He would like to see a maximum number of shooters on private commercial property. Discussion occurred about shooting coming from one property and hitting nearby houses. There was no input taken from the citizens groups. He did not believe the general public will be receptive. The Planning, Building and Zoning Committee referred to David Lombardo as their expert. Mr. Nelson stated the Commission was an advisory board and provided all the information but the Planning, Building and Zoning Committee took a different approach.

Priscilla Gruber, Old Ridge Road, believed that the Planning, Building and Zoning Committee wanted to decide petitions on a case-by-case basis and she objected to that idea. She argued that the public has no guidelines and no one can plan or know what the neighborhood will be like. She argued that too much discretion lay with the people in office at that time, but County Board members change. She did not want to see the County adopt the policy. Mr. Nelson responded that Ms. Gruber should go to the County Board meeting. Ms. Wilson suggested that Ms. Gruber research the Downstate Forest Preserve Act.

Linda Wilkinson, Old Ridge Road, believed the County Board should take measures to enhance the quality of life for the residents. She argued that property values will decrease next to gun ranges. In her case, her property would be unsellable. She requested a negative recommendation.

These proposed changes do not apply to the Sheriff's Office Range or any outdoor gun range or outdoor gun club currently lawfully operating. None of the existing outdoor gun clubs or outdoor gun ranges would meet the requirements of this proposal.

ZPAC has not reviewed the proposal in its current form.

The townships and all of the gun ranges/shooting clubs have been informed of this proposal. The last update letter to the townships and gun ranges/shooting clubs was mailed on August 1, 2018. To date,

none of the townships have provided comments. The gun ranges/shooting clubs provided comments to the Kendall County Planning, Building and Zoning Committee and the proposal was changed to reflect their concerns.

Ms. Clementi sought clarification regarding, if Petition 17-28 did not pass, does the current rules and requirements stay the same. Mr. Asselmeier confirmed, if the proposal fails, the existing regulations will stay in place.

Chairman Mohr questioned Mr. Asselmeier what changes would go into effect compared to the current regulations. Mr. Asselmeier stated anyone who wishes to open an outdoor shooting range in the unincorporated areas zoned agriculture would be required to provide more documentation than what is currently required. The (5) five acre minimum would not be required; they would have to meet the setback of one hundred fifty feet (150') and fifty foot (50') side and rear setbacks. The requirement to have a recognized National Rifle Association (NRA) instructor would not be required and the owner would have the discretion to hire whom they deem qualified. Also, access to the shooting range must have a controlled gate and berming may be substituted for fencing. Proposed gun ranges would not have to be a one thousand feet (1,000') from schools, churches, and similar buildings. Mr. Asselmeier noted the proposed regulations would also change the noise requirement by setting the noise levels at sixty-five (65) DBA for twenty-four (24) hours.

Chairman Mohr restated the proposed changes for clarification.

Mr. Davidson stated the five (5) acre rule can now be more than five (5) acres and the focus was having a set of rules for prospective gun ranges. The goal was not to make the proposal too restrictive, but to allow flexibility.

Chairman Mohr asked what were the noise regulations for banquet facilities. Mr. Asselmeier responded sixty-five (65) DBA until 10 p.m. and fifty-five (55) DBA after 10 p.m.

Chairman Mohr opened the public hearing at 7:34 p.m.

Mr. Asselmeier provided emails from residents Sharon Ward and William Sales for the record. Without objection, these emails were read into the record.

Priscilla Gruber, Old Ridge Road, requested the current proposal be rejected. She did not believe it promotes the welfare of the citizens. Also, the current proposal removes any acreage requirement, allowing a gun range to be on any size lot, and distance requirement to property lines is another negative. She did not believe gun ranges were desirable next to churches or schools. She continued to state the proposal removed the requirement to have a qualified designated person to run the range. She argued the issue of dealing with proposals on a case-by-case basis produces uncertainty and confusion.

Mark Perle, Old Ridge Road, stated his concerns were with the private shooting ranges that should be defined as commercial shooting ranges. He stated this issue needs to be addressed if the rules are going to be changing. He argued there are currently businesses commercially providing shooting ranges on their private property. He did not believe someone can be a private shooting range and commercial. He continued to say people were abusing their special use permit but did not have a

problem with residents shooting on their property. He recommended the County implement liability insurance for the gun ranges. He did not agree with removal of the range master, setbacks, one thousand foot (1,000') feet distance requirement, and five (5) acre rules. He referenced that commercial paint ball ranges are required to have a minimum of twenty (20) acres. Lastly, the National Rifle Association (NRA) is a private organization that can change their rules at any time. Kendall County should follow a federal agency's regulations.

Chairman Mohr questioned if there were any good aspects of the proposal. Mr. Perle stated changing the verbiage for shooting in yards to shooting on property is beneficial. He did not agree with gun ranges next to schools and churches.

Linda Wilkinson, Old Ridge Road, stated that she did not agree with the proposed changes and requested the Zoning Board of Appeals to deny the changes. She stated the proposed changes did not promote safety and regulate the noise properly. She referenced the National Rifle Association (NRA) certification for range master and she argued property next to shooting ranges suffer from loss of value. The three (3) main reasons for the lower value are noise, safety, and environmental factors. She agreed with the Environmental Protection Agency (EPA) standards that were under consideration. However, these regulations are very difficult to enforce.

Mr. Thompson questioned Ms. Wilkinson regarding the sources she used for the decibels of firing from rifles. Ms. Wilkinson responded she used multiple sites along with having the police department recording the decibels while shooting occurred. Mr. Thompson stated that, compared to jet engines, the dBA of the shooting seemed inflated. Also, he stated he has been around the shooting of rifles and did not believe it be that loud.

Becky Peterson, Church Road, stated she has concerns regarding the proposed changes and have been dealing with the issue of unauthorized gun ranges for the last three (3) years. She stated residents should be able to enjoy their property without the fear of bullets. The issues of downgrading the property size, lowering the acreage size, and noise regulation were problems. She argued there needed to be a concrete set of rules for gun ranges and not be handled on a case-by-case basis. She argued property value and the quality of life for other residents will diminish. She stated she believed no gun ranges should be allowed in agriculture zoned areas. She did not believe the proposal was conducted on a bipartisan level and did not include the residents.

Ms. Peterson stated a potential gun range was proposed next to her property. She requested to provide video regarding that proposed range as evidence. Mr. Asselmeier questioned if the video was current. Ms. Peterson responded the video was recorded during the time when the neighboring property owner was attempting to obtain a special use permit. She stated there was still shooting on at the neighboring property. However, she cannot prove that shooting was occurring as part of a business.

Ms. Clementi stated she agreed with keeping agriculture in Kendall County. However, the Zoning Board of Appeals cannot tell someone what to do with their property. Ms. Peterson responded that the focus should be on safety and place gun ranges in commercial areas. She recommends no gun ranges in agriculturally zoned areas.

Lane Abrell, Superintendent for Plainfield School District 202, stated that he believes the proposal is a bad idea; specifically deleting the acre (5) acre requirement and the requirement that ranges be at

least one thousand feet (1,000') from a school. He stated residential growth within Kendall County will cause the school district to look for more properties in the future and gun ranges could be located next to these properties.

Margaret Sheehan, White Oak Drive, stated she that was concerned with the supervisor position because the proposed regulations make it unsafe for the participants at the range. She is an active shooter and believes it would be too dangerous. She was opposed to the idea that decisions could be made on a case-by-case basis.

Zack Barnwell, Thomas Court, stated that he is a member of the Barber Greene Hunting and Fishing Club and also an active shooter. Barber Greene has been a business in Kendall County since the 1960s and has not had a safety issue at their club. Also, there is another gun range located next to them. He stated the firing lines from the two gun ranges are over nine hundred feet (900') apart. He recommended the Zoning Board of Appeals vote yes for the proposal. He stated that the National Rifle Association (NRA) courses for ranger supervisors were vigorous, but not law. He recommended, if other residents were concerned with the noise of a fire arm, they should contact their state or local representatives.

Mr. Fox questioned if Barber Greene had designated people over the shooting range. Mr. Barnwell stated the Barber Greene was self policed, but it would not hurt if more training was provided for some of the workers.

Mr. Davidson questioned, if a range officer was present at Barber Greene, would it be a safer range. Mr. Barnwell agreed that it could be a safer range with a range officer present.

Chairman Mohr questioned how far Mr. Barnwell's home was from a shooting range. Mr. Barnwell stated over one (1) mile. Mr. Barnwell stated there is a home within one hundred feet (100') of the range. Chairman Mohr clarified that the residents moved in after the range was already established. Mr. Barnwell agreed.

Mr. LeCuyer clarified that the new proposal would not apply to Barber Greene. Mr. Barnwell agreed. Mr. Asselmeier stated the Barber Greene does not have a special use permit. They are in operation under the 1940s zoning ordinance where outdoor shooting ranges were permitted under A-1.

Chairman Mohr questioned if Barber Greene was lighted and allowed night time shooting. Mr. Barnwell responded that no night shooting was allowed.

Scott Wallin, Ashley Road, stated he is the neighbor of a potential gun range site. He did not believe the County should be trying to police an issue such as outdoor gun ranges. He stated the idea that a gun range could be placed near his home does not appeal to him. Also, the rules of the proposal require policing from the County and he did not believe Kendall County had the personnel or finances for effective enforcement.

Ms. Clementi questioned if Mr. Wallin would favor gun ranges be prohibited in A-1 altogether. Mr. Wallin agreed that gun ranges should be prohibited in A-1.

David Lombardo, SAFER USA Consulting Firm, stated many aspects in the proposal he had a part in drafting. He agreed with many issues concerning the instructor, but claimed it was a wording issue. He stated there should be flexibility for people who are professionals in fire arm operations.

Ms. Sheehan questioned how many of the experts that Mr. Lombardo mention were actually from Kendall County. Mr. Lombardo stated none of the people that he had trained are from Kendall County. He stated that limiting people to National Rifle Association (NRA) standards was not beneficial for the people who were knowledgeable of shooting.

Ms. Sheehan reiterated that she is more worried about the fact that anyone could be the supervisor of a gun range under the new proposal.

Mr. Lombardo stated he understood the issue of setbacks, but did not believe ranges would be next to schools and churches. He argued enforcing the noise regulation was equivalent to setbacks.

Chairman Mohr questioned Mr. Barnwell if Boy Scouts were allowed to shoot at their facility. Mr. Barnwell responded no.

Martin Cann, Old Ridge Road, stated that the requirements for the shooting instructors for Boy Scouts were aligned with the National Rifle Association (NRA) standards. He was concerned that someone unskilled in firearms could teach his son. He requests the National Rifle Association (NRA) qualifications be included in the proposal.

Nate Howell, Church Road, stated he owns Howell Shooting Range. His problem lies with the one thousand foot (1,000') rule because it's a contradiction. He stated, under his family's trust, if he put his property in his name, under the new proposal, he would be too close to his sister's property to have his shooting range.

Chairman Mohr requested clarification that Mr. Howell was separating the property into four (4) separate lots. Mr. Howell responded yes and he would not be able to keep his shooting range because he would not meet the new standards. He would not be able to move one thousand five hundred feet (1,500) from neighboring properties.

Chairman Mohr questioned if the one thousand five hundred feet (1,500') was in regards to the direction of the shot and not from lot. Mr. Davidson stated the issue of the distance was the reason why the five (5) acre rule was removed; the proposal did not make sense with one thousand feet (1,000'). He stated the Kendall County Board would not allow for a gun range to be placed next to a school or church.

Joe Phillips, Whitewillow Road, stated he lives near the proposed gun range on Church Road that was proposed in 2017. He stated the value of his property would decrease by One Hundred Fifty Thousand Dollars (\$150,000) due to gun range. Also, the proposal will negatively affect the community and property taxes. From his understand, prior to 2014 gun ranges were not allowed in the agriculture zoning. He suggested putting the gun ranges in the mining and industrial districts and not in the agriculture zoned areas.

Priscilla Gruber stated that she agreed with Mr. Phillips and believed that gun ranges should be removed from agricultural and placed in the mining areas.

Mr. Asselmeier clarified that gun ranges were permitted before the 1970s. However, when the zoning ordinances were updated in the 1970s, gun ranges became a special use. Ms. Gruber questioned if the special use provisions were stricter than the permitted uses. Mr. Asselmeier stated yes; more requirements exist under the special use provisions. Ms. Gruber believed gun ranges did not belong in agriculture.

Deputy Commander Jason Langston, Kendall County Sheriff's Department, stated there are standards that the Sheriff's Department follows.

Chairman Mohr questioned if the Kendall County Sheriff's Department was missing out on training due to lack of sites. Deputy Commander Langston responded that the Department uses the Knollwood Shooting Range and works with the Naperville Police Department.

Chairman Mohr questioned if the afterhours shooting was done with pistols or long range shooting. Deputy Commander Langston responded they use both, however this type of shooting was done at the Naperville Police Department. Chairman Mohr asked if other shooters need lights for night shooting other than a police department.

Brian Barnwell, Fields Drive, stated he purchased his home in Kendall County because he is close to the shooting ranges that he attends. He stated that he is a board member of Barber Greene. He hears gun shots at night where the police officers normally shoot. He stated there was self policing within the gun ranges and it was important to keep the neighborhood safe. Furthermore, there are gun ranges set up behind homes near his property. He stated he does not feel threaten by the gunshots; however he wants to ensure people are doing it on their property and within the law.

Chairman Mohr adjourned the public hearing at 9:00 p.m.

Mr. Thompson stated, when the County received petitions for gun clubs, the County has a right to determine the location. He continued to state, if the range was near a church or school, the petition can be denied. Mr. Asselmeier responded that it depends on the provided documentation, but, with the new proposal, the various studies have to be provided at time of application. If the board does not feel the plans are sufficient, the petitioner can be required to provide more documentation.

Chairman Mohr stated the petitioner can apply for a variance of the special use if they are seeking to put a gun range near a school. Mr. Asselmeier agreed that this type of request could happen.

Chairman Mohr questioned if a berm replaced a fence. He continued to state there were no landscaping requirements, so nothing would discourage people from going onto the properties. Mr. Davidson stated there would be a dilemma with the type of fence required depending on the amount of acres. Also, it would be an expensive cost to put fencing around large ranges. Chairman Mohr responded there should be a landscaping plan provided. Mr. Davidson stated the proposal should not be too restrictive.

Mr. Asselmeier stated the fencing requirement could be restrictive; however, what is done in one situation would have to be done for all unless variances were secured.

Mr. LeCuyer questioned if the fencing could be around the shooting area only.

Ms. Clementi stated she would like to see a time restriction for shooting. Also, if there would be services for night operations, the petitioner could request a variance for those situations. Chairman Mohr stated the issue lies with having to notify neighbors and the frequency.

Mr. Davidson recommended handling each case individually because every case has unique situations.

Chairman Mohr questioned Mr. Barnwell of Barber Greene regarding the number of people that can be on the range shooting at once. Mr. Barnwell responded three hundred (300) individuals can be shooting at one time.

Ms. Clementi stated another issue for her is the range supervisor; she believes the wording needs to be changed. She referenced the ranges safety plan and, if someone was not qualified to oversee a shooting range, how is that information acceptable in the safety plan. Mr. Davidson stated it had to be covered in the safety plan because the safety plan specifies the required qualifications. Mr. LeCuyer recommended the safety plan section be referenced.

Ms. Clementi questioned if the safety plan addressed the concerns the raised by the public. Chairman Mohr stated it was not the Zoning Board of Appeals' job to rewrite the proposal, but provide a recommendation.

Mr. Thompson made a motion, seconded by Ms. Clementi, to recommend approval of the proposed text amendment.

The votes were as follows:

Ayes (2):	Clementi and Thompson
Nays (4):	Cherry, Fox, LeCuyer, and Mohr
Absent (1):	Whitfield

The motion failed.

Mr. LeCuyer stated the proposal needs to reference the qualifications for the range masters. Mr. Fox stated the overall issues with the proposal such as safety, qualifications for range master, and the hours of operation. Mr. Cherry stated the proposal has too many grey issues for him and the proposal needs to be reworked. Chairman Mohr stated his concerns are there should be a minimum standard and modified later with variances if needed. The range master qualifications needed to be fixed and minimum should be kept in the proposal.

Mr. Asselmeier stated the townships have thirty (30) days to file a formal objection and Amended Petition 17-28 will go onto to the Planning, Building and Zoning Committee on October 9, 2018.

The Zoning Board of Appeals concluded review of Amended Petition 17-28 at 9:20 p.m.

The Zoning Board of Appeals started their review of Petition 18-24 at 9:20 p.m.

18 – 24 – Dorothy Flisk on Behalf of Skyfall Equestrian, LLC-Petitioner Requests a Layover

Request: Major Amendment to a Special Use Permit to Increase the Number of Horses Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36) and to Allow Non-Residents of the Equestrian Estates at Legacy Farm Subdivision to Board Horses at the Property

PINs: 01-01-200-020 and 02-06-102-009

Location: 17 Ashe Road, Little Rock and Bristol Townships

Purpose: Increase the Number of Horses Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36) and to Allow Non-Residents of the Equestrian Estates at Legacy Farm Subdivision to Board Horses at the Property

Mr. Asselmeier summarized the petition.

Dorothy Flisk, on behalf of Skyfall Equestrian, LLC, submitted a petition requesting a major amendment to her special use permit to increase the number of horses allowed to be boarded at her property at 17 Ashe Road from twenty-four (24) to thirty-six (36).

Upon further discussions with the Petitioner, Ms. Flisk would like to demolish two (2) barns on the property and construct an additional barn to store hay, straw, and boarding space for twelve (12) horses. The Petitioner currently has twenty-six (26) horse stalls. The Petitioner did not submit a site plan, EcoCat application, or NRI application because the construction of buildings was not mentioned in her original application.

Accordingly, at the August 7, 2018 ZPAC meeting, ZPAC laid over the request until the Petitioner provided an updated site plan, a more detailed manure management plan, proof of application for EcoCat, and proof of application for a NRI.

The notice of the Zoning Board of Appeals hearing was already printed prior to the ZPAC meeting. The Petitioner requests that the hearing be continued until after the requested site plan, manure management plan, EcoCat application, and NRI application are submitted.

Chairman Mohr opened the public hearing at 9:21 p.m. and, without objection, recessed the public hearing until after the Petitioner supplied an updated site plan to the Planning, Building and Zoning Department.

The Zoning Board of Appeals concluded their review of Petition 18-24 at 9:21 p.m.

The Zoning Board Appeals started their review of Petition 18-25 at 9:21 p.m.

18 – 25 – Paul Kovacevich on Behalf of Tri-Star Development, Inc.

Request: Map Amendment Rezoning the Subject Properties from A-1 Agricultural District to R-1 One Family Residential District

PINs: 09-15-300-014, 09-16-400-002, 09-16-400-005, 09-16-400-006, 09-21-200-004, and 09-22-100-010

Location: Approximately 0.5 Miles West of Jughandle Road on the South Side of U.S. Route 52, Seward Township

Purpose: Petitioner wants to Rezone the Property in Order to Develop a Forty (40) Lot Single-Family Residential Subdivision

Mr. Asselmeier summarized the petition.

Paul Kovacevich, on behalf of Tri-Star Development, Inc., is requesting a map amendment rezoning the subject property from A-1 to R-1 in order to be able to build a forty (40) lot single-family residential subdivision. The Petitioner would like to have the zoning in place prior to going through the subdivision process.

At their meeting on October 10, 2017, the Planning, Building and Zoning Committee received general information from the Petitioner and his attorney about this proposed development. The Planning, Building and Zoning Committee was open to allowing the Petitioner to submit an application for a traditional subdivision instead of a Residential Planned Development.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on July 5, 2018. The NRI report was completed on August 6, 2018. The LESA Score was 230 indicating a high level of protection. The NRI Report also noted concerns about soil suitability for certain uses.

Petition information was sent to Seward Township on July 31, 2018.

The subject property is within one point five (1.5) miles of the City of Joliet. The City of Joliet submitted comments on July 27, 2018. They encouraged development to follow the Aux Sable Creek Watershed Plan.

The Village of Shorewood expressed no opposition to the proposal.

Petition Information was sent to the Minooka Fire Protection District on July 31, 2018.

Chief Tim Wallace spoke at the August 22, 2018, Kendall County Regional Planning Commission meeting. He asked if retention would be installed. He asked about the setbacks for the houses in the development. He expressed concerns regarding the single access point to Route 52. There are no cul-de-sacs in the existing proposed subdivision. Accessory buildings would be allowed in the development as long as they followed the Kendall County Zoning Ordinance. The issues raised by the Chief would be addressed as part of the subdivision process.

ZPAC reviewed the request at their meeting on August 7, 2018. Ms. Andrews stated that a couple potential wetlands were located on the property. She requested that the Petitioner work with a wetland delineation specialist to identify these areas. The Petitioner said that the area was wet because of plugged drain tile. Ms. Andrews noted that three (3) lots were in floodway and six (6) lots were in the floodplain as shown on the current version of the preliminary plat. Soils ranged from poorly drained to somewhat poorly drained. Some building limitations exist because of the soils. A secondary septic field will be needed. Ms. Andrews expressed concerns about draw-down of the aquifer. Mr. Rybski expressed concerns about the difficulty of placing conventional septic systems on the proposed lots. The septic systems will have ongoing maintenance requirements. Many of the technologies are newer and they are still working out some of the issues with new technologies. Mr. Klaas asked if the Petitioner had any contact with the Illinois Department of Transportation regarding access off of Route 52. The response was they contacted the Illinois Department of Transportation, but have not received comments to date. The Petitioner stated a development like this does not exist in Kendall County and

the covenants and restrictions are very restrictive. The clientele the Petitioner is targeting should not have difficulty maintaining the system. ZPAC unanimously recommended approval of the requested map amendment.

The Forest Preserve District did not have a representative at the ZPAC meeting. Following the meeting, they expressed concerns regarding the point of access for the lot that was proposed to be Forest Preserve property. As noted in the letter, the Forest Preserve District did not have any objections to the map amendment request.

The Kendall County Regional Planning Commission reviewed this request at their meeting on August 22, 2018. Mr. Asselmeier read an email from Dan Roberts, Seward Township Trustee, expressing his concerns about stormwater and public safety; this email is included with the minutes of the Kendall County Regional Planning Commission meeting. Discussion occurred regarding allowing horses in the development; horses would be addressed in the covenants and restrictions of the subdivision. The Petitioner was advised that the zoning does not guarantee the development of the subdivision will occur as currently presented. Jaime Torres expressed concerns regarding flooding and stormwater issue on Bell and Jughandle Roads and increased traffic. Discussion occurred regarding have the development inside the jurisdiction of one (1) fire protection district instead of two (2) fire protection districts. This issue will be discussed further during the subdivision process. Matt Ewert expressed concerns regarding access on Route 52 and the speed that drivers travel on Route 52; discussion occurred regarding having a turn lane into the property from Route 52. Jim Martin, Seward Township Trustee, stated that, to date, Seward Township has yet to issue either a positive or negative recommendation regarding the proposal. He expressed concerns regarding traffic in the area. Mr. Martin would like the proposal to be reviewed by the Seward Township Planning Commission. The Petitioner was encouraged to take the concerns expressed by everyone under advisement as they move forward with the platting process. The Kendall County Regional Planning Commission recommended approval of the request with six (6) Commissioners voting in favor and two (2) Commissioners voting in opposition. Chairman Ashton voted no because of the LESA Score.

The Petitioner desires the map amendment in order to construct a forty (40) lot single-family residential subdivision in the future. The Petitioner would like to secure the applicable zoning before submitting preliminary and final plats. One (1) of the forty (40) lots will be transferred to the Forest Preserve District.

Lots 29 through 39 have an "A" designated lot attached to the primary lot. The "A" lot is floodplain and cannot have structures. The primary lot and the associated "A" lot is considered one (1) zoning lot under Kendall County's Zoning Ordinance. Lot 40 will be transferred to the Forest Preserve District.

Because zoning cannot be conditioned under Illinois law, any of the requirements associated with development (i.e. construction of trails, restricting the sale of "A" lots from their primary lot, etc.) cannot occur until the subdivisions plats are submitted.

The Land Resource Management Plan calls for this area to be Rural Residential in the future. This classification has a maximum zero point six-five (0.65) density units per acre. If the zoning is approved, the maximum number of lots that could be developed is sixty-one (61); (183 acres/2.99 acres). This figure does not take into consideration the undevelopable lands (i.e. wetlands, roads, etc.). The Petitioner is proposing fewer than the maximum number of lots. However, if the Petitioner did create a

subdivision with R-1 zoning and the maximum number of lots permitted, the density units per acre would still be below zero point six-five (0.65).

Because the Land Resource Management Plan calls for this area to be Rural Residential in the future, Staff does not believe that the approval of this request would constitute spot zoning.

Any new homes or accessory structures would be required to meet applicable building codes. Building related matters for a subdivision would be addressed during the subdivision process.

The property fronts Route 52. Staff has no concerns regarding the ability of Route 52 to support the proposed map amendment. The Illinois Department of Transportation submitted a letter outlining conditions for accessing Route 52. Access related issues for a subdivision would be addressed during the subdivision process.

No new odors are foreseen. Odor related issues for a subdivision would be addressed during the subdivision process.

Any new lighting would be for residential use only. Lighting related issues for a subdivision would be addressed during the subdivision process.

No fencing or buffer is presently planned for the property. Screening related issues for a subdivision would be addressed during the subdivision process.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance. WBK submitted comments on the proposal. Stormwater related issues for a subdivision would be addressed during the subdivision process.

Electricity is onsite. New well and septic information would have to be evaluated as part of the subdivision or building permit processes.

Chairman Mohr asked if petition 18-25 is considered a RPD. Mr. Asselmeier responded it is not a RPD because the Petitioner is requesting to construct a subdivision under the R-1 zoning.

Chairman Mohr opened the public hearing at 9:30 p.m.

Tom Grant, attorney for the Petitioner, stated the Petitioner started the process over a year ago and consulted with the Planning, Building and Zoning Committee regarding the subdivision. He stated the goal was to allow space in between the houses instead of clustering them. The zoning petition is the only thing that's on the agenda and not the division of the property into forty (40) lots. He stated the issues raised by the neighbors are valid but are platting issues and not part of the zoning issues. He stated the Illinois Department of Transportation (IDOT) had no problems with the preliminary plat provided the conditions listed in their letter are met. He requested the Zoning Board of Appeals recommend approval.

Ms. Clementi stated there was no wastewater facility within the area. Mr. Grant stated the subdivision would be served by wells and septic systems.

Mr. Davidson questioned if there would be a wet or dry detention. Mr. Kovacevich referenced the Subdivision Control Ordinance that stated detention is not required within a large lot subdivision. Mr. Asselmeier stated the R-1 minimum lot size is two point nine-nine (2.99) acres.

Chairman Mohr questioned what the Forest Preserve would do with the acres they are receiving. Mr. Grant and Mr. Kovacevich both stated the Forest Preserve requested the access to their property moved north.

Chairman Mohr questioned the potential of horses within the subdivision. Mr. Grant stated it was brought up in another meeting; however, they have already submitted documentation stating horses would be prohibited.

Mr. Cherry questioned if the property is open farm ground. Mr. Kovacevich stated yes; over one hundred fifty (150) acres are currently cropped. Mr. Cherry questioned if there were drainage issues. Mr. Kovacevich stated, in extreme weather, drainage issues can occur.

Mr. Grant stated they are only there for the rezoning.

Chairman Mohr adjourned the public hearing at 9:39 p.m.

Ms. Clementi made a motion, seconded by Mr. LeCuyer, to approve the Findings of Fact as proposed by Staff.

The votes were as follows:

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

The motion passed.

Mr. LeCuyer made a motion, seconded by Ms. Clementi, to recommend approval of the map amendment.

The votes were as follows:

Ayes (4):	Cherry, Clementi, Fox, and LeCuyer
Nays (2):	Mohr and Thompson
Absent (1):	Whitfield

The motion passed.

Mr. Thompson stated he knows the area is hard to drain.

Mr. Mohr stated he voted against the proposal because of the high LESA score.

Mr. Asselmeier stated the proposal will go to the Planning Building and Zoning Committee on October 9, 2018.

The Zoning Board of Appeals concluded their review of Petition 18-25 at 9:41 p.m.

The Zoning Board Appeals started their review of Petition 18-26 at 9:41 p.m.

18 – 26 – Maurice E. Ormiston as Trustee u/t/a No. 101 and Marilyn J. Ormiston as Trustee u/t/a 102 (Owners) and Gay Hoddy (Tenant)

Requests: Special Use Permit to Operate a Banquet Center at the Subject Property
Variance to Section 7.01.D .10.a of the Kendall County Zoning Ordinance to Allow a Banquet Center on a Non-Arterial or Non-Major Collector Roadway
Variance to Section 11.02.F.2 of the Kendall County Zoning Ordinance to Allow Off Street Parking and Driving Aisles to Not Be Improved with a Permanent, Concrete, Unit Paver, Asphalt Surface or Some Other Environmentally Friendly or Green Design Practice
Variance to Section 11.02.F.12.B of the Kendall County Zoning Ordinance to Waive the Requirement for “Fully Shielded” or “Cut Off” Light Fixtures for the Parking Facility

PIN: 04-34-100-001

Location: 14905 Hughes Road, Fox Township

Purpose: Petitioners Desire to Operate a Banquet Facility with Variances at the Subject Property

Mr. Asselmeier summarized the petition.

Gay Hoddy is the daughter-in-law of the Owners of the subject property. Ms. Hoddy would like to establish a banquet facility at the subject property and is requesting variances to the requirement that the facility must be located on an arterial or major collector road, the requirement for hard surface parking areas (except for the ADA required parking spaces), and that the property not be required to have fully shielded parking facility lighting.

EcoCat submitted on July 11, 2018; consultation was termination.

NRI application submitted on July 11, 2018. The NRI was completed on August 14, 2018. The LESA Score was 201 indicating a medium level of protection.

Fox Township was emailed information on July 30, 2018.

Newark Fire Protection District was emailed information on July 30, 2018.

The United City of Yorkville was emailed information on July 30, 2018. While the property is within one point five (1.5) miles of the Yorkville City Limits, the subject property is not included in Yorkville’s extraterritorial planning area as shown on the Yorkville Future Land Use Map.

ZPAC reviewed this proposal at their meeting on August 7, 2018. The consensus of ZPAC was to allow the Petitioner to install or expand her septic system in the future (thus removing the need for porta-potties) without having to amend her site plan. Discussion also occurred about requiring landscaping, berming, and/or trees if the neighbors complain. John Whitehouse, engineer for the Petitioner, expressed concerns installing buffering because of a complaint; he wondered who would investigate a

complaint and if a complaint, whether founded or unfounded, would trigger a buffering requirement. The Petitioner agreed not to have music outside the barn except wedding ceremony music. No private security would be provided. Mr. Rybski indicated that private events are not under the jurisdiction of the Health Department so long as the well is not used. If all the water is trucked in, that is fine. Mr. Whitehouse said that he would provide additional information on the lines for the septic field. Mr. Asselmeier indicated that WBK had concerns about the unpaved parking area. Mr. Asselmeier indicated that, if the area looked bad, Ms. Hoddy's business would suffer because some prospective customers would not want to have events at a location that looked undesirable. Mr. Davidson said the Petitioner will have to let the grass grow slightly higher and mow it frequently. ZPAC unanimously recommended approval of the proposal with restrictions.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 22, 2018. Discussion occurred regarding verifying that the property owners supported the application. No music would be allowed to originate from tents. The special use permit would run with the land; a resident of the property could operate a banquet facility. Ms. Wilson expressed concerns regarding noise, particularly wedding reception music, created by the proposed use. The Petitioner indicated that no bands shall perform at events. Mr. Bledsoe expressed concerns regarding the impact of noise and lights on the house across the street from the property. Ms. Zubko suggested adding landscaping south of the parking area to block lights from the parking lot. She also suggested adjusting the handicapped stall or walkway to prevent a vehicle from blocking the south access point of the path from the handicapped parking area to the barn. Mr. Nelson suggested adding arborvitae to block the headlights from motorists on the driveway. Discussion occurred regarding adding a right-turn only sign. However, the consensus of the Commission was that people would not follow the instruction and that enforcing the sign would be difficult. Anne Vickery stated that she visited her daughter who lives near another banquet facility and did not hear any noise from that banquet facility. She also stated that people will travel down the path of least resistance and a right-turn only sign will not work. The Kendall County Planning Commission recommended approval the conditions proposed by Staff with seven (7) Commissioners in favor and one (1) Commissioner in opposition. Ms. Wilson voted no because of the lack of mitigation of noise and light. She was unsure that the property owner was in favor of the petition. She also does not think the County does an adequate job of enforcing the noise regulations.

Gay Hoddy would like to operate the Harvest Moon Barn banquet facility. Ms. Hoddy requires a special use permit to operate a banquet facility at the subject property. The barn furthest to the north will be used for events. The building with red doors will not be used for events.

This type of use is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

1. **The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan. (Variance is required for this requirement.)**
2. The subject parcel must be a minimum of 5 acres.
3. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
4. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.

5. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
6. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
7. 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.

Ms. Hoddy's business plans were provided. The site plan was provided. The site plan was revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

Events would be held in the frame barn located on the north side of site. Tents could be set up to the west of the barn. Based on the current size of the barn (approximately 1100 square feet), approximately one hundred twenty (120) people could fit inside the barn. Ms. Hoddy anticipates the largest group of attendees to be approximately two hundred fifty (250) people including staff. No members of the public would be allowed in the loft of the barn. At some point in the future, Ms. Hoddy may put concrete pavement in the barn; the current pavement is compacted gravel.

The facility would be operational from May 1st through October 31st. Ms. Hoddy would like the ability to have events outside these dates, weather permitting. The majority of events would be on weekends. However, she would like the ability to have weekday events as well. She seemed open to capping the number of events per week. The proposed hours of operation for events would be from 4:00 p.m. until Midnight. Setup for events would start at 10:00 a.m. and take down from events would be completed by 1:00 a.m.

Ms. Hoddy plans to have two (2) hostesses and four (4) servers at a maximum.

In the event of a security issue, Ms. Hoddy would call 911. The Sheriff's Department had no objections to this plan.

All events would be catered, both food and drink.

The reserving party would be responsible for securing applicable insurance. Ms. Hoddy will also have insurance.

The banquet hall will be used for weddings, birthdays, retirement parties, and similar events.

Ms. Hoddy and her husband live on the property. She has over twenty (20) years of experience as a waitress and banquet related work. She has taken CPR classes in the past and plans to take a refresher course.

Ms. Hoddy reported that she has received at least four (4) phone calls requesting weddings at the property. She had her wedding at the property. One (1) niece had a wedding at the property and another niece is planning a wedding at the property.

Ms. Hoddy agreed to follow all applicable laws related to this type of business and she also agreed to follow the Kendall County Right to Farm Clause.

If approved, Ms. Hoddy would like to start having events in May 2019.

A Change of Occupancy permit would be required for all structures that will be used in conjunction with the proposed banquet facility.

Ms. Hoddy indicated that all water used for events will be brought into the site; no well water will be used. Porta-potties will be used for events. According to the site plan, one (1) handicapped accessible porta-potty and two (2) other porta-potties will be located to the northeast of the barn. Refuse containers and a dumpster will be located near the porta-potties. An ADA approved path from the barn to the handicapped accessible porta-potty will be installed with lights.

The Fox Township Highway Commissioner informed the Kendall County Highway Engineer that he had no issues with the proposed use at the subject property.

Ms. Hoddy submitted a parking plan showing sixty-three (63) parking spaces including four (4) handicapped parking spaces. The parking area is planned to be grass except for the handicapped parking spaces; Ms. Hoddy is requesting a variance to allow this type of parking. Parking will be to the south of the house west of the driveway and to the east of the driveway. No parking will encroach in the required setbacks. The site plan was revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

Staff discussed the lack of paved parking areas with WBK. WBK submitted comments on this proposal. If the grass is maintained correctly, no parking or erosion issues related to bare soil should arise.

The ADA parking areas will be hard surfaced.

The Kendall County Sheriff's Department expressed no concerns regarding the internal traffic circulation pattern as it relates to public health and safety concerns at the site.

Ms. Hoddy submitted a photometric plan and lighting is shown on the parking plan. According to the plan, two (2) new lights would be added for the parking lot west of the driveway. Two (2) new lights would be added to the parking lot east of the driveway. One (1) new light would be installed north of the handicapped parking area. Eight (8) solar powered lights will be installed on the walkway between

the barn and the handicapped parking area. Ms. Hoddy indicated additional lighting could be installed along the south and east sides of the barn. The photometric and site plans were revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

A non-illuminated sign is proposed on the west side of the driveway as shown on the site plan. The sign will be approximately thirty-two (32) square feet in size and two (2) faced. The location and type of sign proposed meet the requirements of the Kendall County Zoning Ordinance.

Ms. Hoddy does not plan to install any additional landscaping.

The barn would not be air conditioned and the doors on the south and east sides would likely be open during events.

Ms. Hoddy indicated that no music related to events would originate outside the barn except for music related to a wedding ceremony.

Ms. Hoddy agreed to follow the Kendall County noise regulations. However, she did not provide a method for tracking noise.

Kendall County previously granted a special use permit (Ordinance 2016-05) for a nearby banquet facility. This banquet facility is approximately one point two (1.5) miles from the nearest major collector road (Newark Road via Hollenback Road). The proposed banquet facility at the subject property is approximately one point two (1.2) miles from Route 71.

Based on the Kendall County GIS, the barn at the subject property is approximately six hundred two feet (602') from the house at 14838 Hughes Road. The parking area east of the driveway is approximately two hundred twenty-four feet (224') from the house at 14838 Hughes Road. In comparison, the closest barn at 9111 Ashley Road is approximately six hundred twenty-four feet (624') from the house across the street and the parking area is approximately four hundred eleven feet (411') from the house across the street. The impact of noise and light on the adjoining property are concerns.

Chairman Mohr questioned if the number of parking spaces met the Zoning Ordinance. Mr. Asselmeier responded yes. Chairman Mohr recommended verbiage regarding posting no parking signs on Hughes Road. Mr. Asselmeier stated the townships highway department would have to establish the postings. Chairman Mohr questioned if it should be the County's responsibility if the use is under a special use. Mr. Asselmeier responded, if the township allowed parking on the side of the road, then the township had to make the decision.

Chairman Mohr opened the public hearing at 9:58 p.m.

Boyd Ingemunson, attorney for the Petitioner. He stated they are in agreement with the recommendations mentioned. He referenced two letters be entered into the record. Letter one from property owner Maurice Ormiston stating he consented to allowing Ms. Gay Hoddy to use his property under Petition 18-26. The second letter stated the neighbor across from the property, Mr. Brian Ladwig, did not object to the banquet facility. Without objection, both letters were entered as exhibits.

John Whitehouse, engineer for the Petitioner stated that parking on the side of the road would be in violation of the front yard setback. Also, the parking that would take place all meets the requirements of the Zoning Ordinance.

Chairman Mohr questioned if the front of the property was considered a yard or an easement. Mr. Asselmeier responded that the property has a one hundred fifty foot (150') front yard setback from the center of Hughes Road.

Chairman Mohr questioned if liquored would be allowed. Mr. Ingemunson stated the events would be catered. Chairman Mohr questioned who would make sure the caterers/bartenders were licensed and qualified. Mr. Ingemunson responded caterers are normally licensed and it should not be a problem.

Mr. Fox questioned if the Newark Fire District has gave on opinion regarding the proposed banquet facility. Mr. Ingemunson stated there has not been any objections filed by the Newark Fire Protection District.

Mr. Davidson questioned how the facility will be lighted from the parking lot to the barn. Mr. Whitehouse stated there will be solar lights along the sidewalk.

Chairman Mohr adjourned the public hearing at 10:03 p.m.

Mr. LeCuyer made a motion, seconded by Mr. Thompson, to approve the Findings of Fact for both the special use permit and variances as proposed by Staff.

The votes were as follows:

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

The motion passed.

Ms. Clementi made a motion, seconded by Mr. Cherry, to recommend approval of the special use permit and variances.

The votes were as follows:

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

The motion passed.

Mr. Asselmeier stated that Fox Township will be notified of the decision of the Zoning Board of Appeals and this proposal will go to the Planning Building and Zoning Committee on September 10, 2018.

The Zoning Board of Appeals concluded their review of Petition 18-26 at 10:04 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Petition 18-04 is at the Planning, Building and Zoning Committee.

Petitions 18-15 and 18-20 were approved by the County Board.

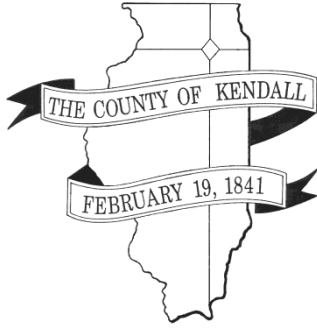
ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Mr. LeCuyer, seconded by Mr. Whitfield, made a motion to adjourn. By voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 10:06 p.m.

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

Exhibits

1. Staff Report on Amended Petition 17-28 Dated August 13, 2018.
2. Certificate of Publication for Amended Petition 17-28 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. Email from Sharon Ward to Kendall County Board Members Dated August 25, 2018.
4. Letter from William Sales to the Kendall County Zoning Board of Appeals Dated August 3, 2018.
5. Staff Report on Petition 18-24 Dated August 10, 2018
6. Certificate of Publication and Mailings for Petition 18-24 (Not Included with Report but on file in Planning, Building and Zoning Office).
7. Staff Report on Petition 18-25 Dated August 24, 2018
8. Certificate of Publication and Mailings for Petition 18-25 (Not Included with Report but on file in Planning, Building and Zoning Office).
9. Staff Report on Petition 18-26 Dated August 24, 2018
10. Certificate of Publication and Mailings for Petition 18-24 (Not Included with Report but on file in Planning, Building and Zoning Office).
11. Statement of Support of Petition 18-26 from Maurice E. Ormiston.
12. Statement of No Objection from Brian Ladwig Dated August 27, 2018.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 19-04

Rodolfo and Georgina Nunez

6725 Route 71

A-1 Special Use – Landscape Operation

INTRODUCTION

Rodolfo and Georgina Nunez are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property.

SITE INFORMATION

PETITIONER Rodolfo and Georgina Nunez

ADDRESS 6725 Route 71

LOCATION Approximately 0.41 Miles West of Orchard/Minkler Roads on the Northwest Side of Route 71



TOWNSHIP Oswego

PARCEL # 02-24-300-018 and 02-24-300-017

LOT SIZE 3.00 +/- acres

EXISTING LAND USE Residential/Agricultural

ZONING A-1 Agricultural District

LRMP	Existing Land Use	Farmstead (Residential/Agricultural)
	Future	Rural Residential

Land Use	
Roads	Route 71 is a State Highway classified as a Major Arterial Road.
Trails	Oswego has a Trail Planned along Route 71.
Floodplain/ Wetlands	There is a pond on the property to the northwest, but NOT on the subject property.

REQUESTED ACTION A-1 Special Use to operate a landscaping business

APPLICABLE REGULATIONS Section 7.01 D.28 – A-1 Special Uses – Permits Landscape Businesses with the following stipulations:

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. (Amended 7/17/2007)
3. No landscape waste generated off the property can be burned on this site

Section 13.08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural/Residential/ Horse Related	A-1	Rural Residential (0.60 DU/Acre)	A-1 and R-3
South	Agricultural	A-1	Rural Residential	A-1
East	Agricultural	A-1	Rural Residential.	A-1 and Court Ordered Mining (County) B-3 Commercial Business (Oswego)
West	Agricultural/Residential/ Horse Related	A-1	Rural Residential	A-1

Thirty-nine (39) homes are located within one half (1/2) mile of the property.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

The EcoCAT Report was submitted and several species were identified to be in the area. IDNR submitted a response stating that the consultation was closed on the condition that best management practices are employed when constructing structures and earthmoving on the property. The EcoCat Report and IDNR response are included as Attachment 6.

NATURAL RESOURCES INVENTORY

Application submitted on December 20, 2018. LESA Score was 152 indicating a low level of protection. The NRI Report is included as Attachment 13.

ACTION SUMMARY

OSWEGO TOWNSHIP

Petition information was sent to Oswego Township on December 21, 2018. Oswego Township met on January 15, 2019 and stated no objections to the proposal. This correspondence is included as Attachment 11.

VILLAGE OF OSWEGO

Petition information was sent to the Village of Oswego on December 21, 2018. The Village of Oswego did not request any right-of-way dedication as part of this special use permit. The Village of Oswego did not submit any comments in general regarding this proposal. The right-of-way comment email is included as Attachment 12.

OSWEGO FIRE PROTECTION DISTRICT

Petition information was sent to Oswego Fire Protection District on December 21, 2018. The Petitioner and Oswego Fire Protection District exchanged correspondence regarding sprinkler requirements. This correspondence is included as Attachment 7.

ZPAC

ZPAC met on this case on January 8, 2019. ZPAC unanimously recommended approval of this proposal; the minutes of this meeting are included as Attachment 9.

KCRPC

The Kendall County Regional Planning Commission met on this case on January 23, 2019. No customers will come to the site. Employees will park on the existing driveway and will use the restrooms inside the house. No landscape material will be stored onsite. No members of the public spoke in favor or in opposition to the proposal. The Kendall County Regional Planning Commission unanimously recommended approval of the request with restrictions. Minutes of the meeting are included as Attachment 14.

BUSINESS OPERATION

The Petitioner originally planned to have at most three (3) employees report to the site for work. The Petitioner changed this request to have a maximum five (5) employees report to the site for work shortly before the Kendall County Regional Planning Commission meeting.

No landscaping debris would be stored onsite. The Petitioner might place nursery stock onsite. All equipment shall be stored in doors after sunset; the Petitioner indicated that he might keep a company vehicle parked (a truck) parked outside overnight.

BUILDING CODES

The Petitioner originally planned to remove the containers on the property and construct an approximately two thousand four hundred (2,400) square foot building on the property. The building will have to meet all applicable codes. Shortly before the Kendall County Regional Planning Commission meeting, the Petitioner requested permission to keep the containers on the property and construct the proposed building within one (1) year of the date of the issuance of the special use permit.

ACCESS

The property fronts Route 71.

TRAILS

The Village of Oswego's plans called for a trail along Route 71. Neither the Village of Oswego nor the Illinois Department of Transportation requested an easement or land dedication for right-of-way for a trail.

PARKING

The site plan shows parking around the existing house.

LIGHTING

No additional lighting was proposed.

SIGNAGE

No signage was proposed.

SCREENING

The Zoning Ordinance requires 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. An existing berm with evergreens and other trees is located on the property.

STORMWATER

The property drains to the northwest and southwest of the site. WBK submitted a comment letter which is included as Attachment 8.

FINDINGS OF FACT

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

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided that the property is developed in accordance with the submitted site plan, that the maximum number of employees reporting to the site is minimal, that landscaping debris is not stored onsite, that the majority of equipment is stored in an enclosed structure, and that the new structure is constructed per applicable codes, the proposed use will not be detrimental to or endanger the public, health, safety, morals, comfort, or general welfare.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The submitted site plan shows the construction of a new two thousand four hundred (2,400) square foot building. A berm is already located on the subject property. The proposed use is consistent with similar agricultural related uses. The proposed use will not be located near any structures on adjoining properties. With appropriate restrictions, the proposed use should not adversely impact adjacent uses.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The existing well, septic, and electrical systems are adequate for the proposed use. Route 71 is State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs). If best management practices are followed when constructing the new building and if no landscape debris is stored onsite, no concerns about drainage of stormwater runoff exist.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **The proposed business and site plan conform to all other applicable regulations of the A-1 Zoning District.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The LRMP encourages agriculture and agribusiness (Page 3-3). The proposed use is consistent with the purpose and objectives of the LRMP.***

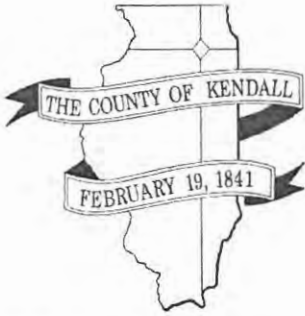
RECOMMENDATION

Staff recommends approval of the proposed special use permit subject to the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan.
2. Within sixty (60) days of the approval of this special use, the Petitioner shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioner and the Kendall County Health Department.
3. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within enclosed structures. The owner of the business allowed by this special use permit may store nursery stock outdoors. All equipment related to the business allowed by this special use permit shall be inside the enclosed structures between sunset and sunrise. The owner of the business allowed by this special use permit may keep one (1) company truck parked outdoors between sunset and sunrise.
4. No landscape waste generated off the property can be burned on this site
5. A maximum of five (5) employees of the business allowed by this special use permit may report to this site for work. **(Raised from 3 at Petitioner's request prior to RPC)**
6. Within sixty (60) days of the approval of this special use permit, the Petitioner shall remove the containers currently located on the property. **(Petitioner would like this request removed; they would like to keep the containers on the property).**
7. No permanent commercial related signage may be displayed at the property.
8. 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.
9. 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.
10. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

ATTACHMENTS

1. Application (Including Site Plan and Petitioner's Findings of Fact)
2. Aerial
3. Facing Southwest
4. Facing Straight
5. Facing Northeast
6. EcoCat and IDNR Comments
7. Oswego Fire Protection District Related Correspondence
8. 1-5-19 WBK Comment Letter
9. 1-8-19 ZPAC Minutes
10. Health Department Related Correspondence
11. Oswego Township Correspondence
12. Village of Oswego Correspondence
13. NRI Report
14. 1-23-19 Kendall County Regional Planning Commission Minutes

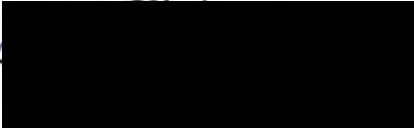


DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME Nunez FILE #: 19-07

NAME OF APPLICANT		
Rodolfo and Georgina Nunez		
CURRENT LANDOWNER/NAME(s)		
Rodolfo and Georgina Nunez		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 3 acres	6725 Route 71, Yorkville, IL 60560	02-24-300-003
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
	A-1	Agricultural
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1 PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Daniel J. Kramer	1107A S. Bridge St., Yorkville, IL 60560	dkramer@dankramerlaw.com
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
630-553-9500	630-553-5764	
2 ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE
		8-30-18

FEE PAID: \$ 1155.00
CHECK #:

RECEIVED

DEC 21 2018

KENDALL COUNTY
PLANNING, BUILDING
& ZONING

¹Primary Contact will receive all correspondence from County

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

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the Southwest Quarter of Section 24, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northwestern Corner of Herren's Third Subdivision; thence South $68^{\circ}16'35''$ West, along the Southerly Right-of-Way Line of Illinois Railnet (formerly known as Chicago, Burlington and Quincy Railroad Company), 493.67 feet; thence South $23^{\circ}13'27''$ East, 405.50 feet; thence South $51^{\circ}25'35''$ West, 523.58 feet; thence South $41^{\circ}56'10''$ West, 1071.73 feet; thence South $66^{\circ}46'00''$ East, 742.45 feet to a point on the Northerly Right-of-Way Line of Illinois Route 71 hereinafter referred to as "Point A"; thence North $66^{\circ}46'00''$ West, 337.64 feet; thence North $41^{\circ}47'24''$ East, 141.40 feet for the point of beginning; thence South $66^{\circ}46'00''$ East, 316.51 feet to said Northerly Right-of-Way; thence Northeasterly, along said Northerly Right-of-Way being a curve to the right with a radius of 3233.23 feet and a chord bearing North $38^{\circ}34'44''$ East, an arc distance of 455.93 feet to a point on said Northerly Right-of-Way which is an arc distance of 592.09 feet from "Point A" aforesaid; thence North $66^{\circ}46'00''$ West, 289.60 feet; thence South $41^{\circ}47'24''$ West, 463.40 feet to the point of beginning in Oswego Township, Kendall County, Illinois.



WARRANTY DEED

(Deed #1)

AFTER RECORDING MAIL TO:

Morrise Brady Malone & Cwik



NAME & ADDRESS OF GRANTEE AND TAXPAYER:

Georgina M. Nunez



201800003604
DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL

RECORDED: 3/20/2018 08:29 AM
WD: 39.00 RHSPS FEE: 10.00
STATE TAX: 360.00
COUNTY TAX: 180.00
PAGES: 4

The Grantor, **Ezekiel LLC**, an Illinois limited liability company, with its principal place of business in the United City of Yorkville, County of Kendall, State of Illinois, for and in consideration of TEN AND 00/100THS (\$10.00) DOLLARS and other good and valuable consideration in hand paid, CONVEYS AND WARRANTS to the Grantee, **Georgina M. Nunez**, to have and to hold the following described real estate situated in the County of Kendall, in the State of Illinois, to wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

SUBJECT TO: (a) General real estate taxes not due and payable at time of closing; (b) Special taxes and assessments confirmed after contract date; (c) Building, building line and use or occupancy restrictions, easements, conditions and covenants of record; (d) Zoning laws and ordinances which conform to the present usage of the premises; (e) Public roads and highways, if any; and (f) Drainage ditches, feeders lateral and drain tile, pipe or other conduit.

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

Permanent Index Numbers: 02-24-300-003

Common Address: 6725 State Highway 71, Yorkville, Illinois 60560

17 NW 7131689 AM
1st CS

DATED this 13 day of March, 2018.

Ezekiel LLC, an Illinois Limited Liability Company

By: _____

Sandra Goeken Miles, manager

STATE OF ILLINOIS)

) ss

COUNTY OF KENDALL)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that **Sandra Goeken Miles**, manager of **Ezekiel LLC**, known to me to be the same person whose name is subscribed to the foregoing Warranty Deed, appeared before me this day in person and acknowledged that she signed and delivered the said Warranty Deed, pursuant to the authority granted her in the operating agreement of the company and in her capacity as manager, as her free and voluntary act and deed of said company for the uses and purposes therein set forth.

Given under my hand and official seal this 13 day of March, 2018.



Notary Public

NAME AND ADDRESS OF PREPARER:
Dean J. Kleronomos, Esq.
LORENZINI & ASSOCIATES, LTD.
2679 US Route 34
Oswego, Illinois 60543

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$180.00 lw

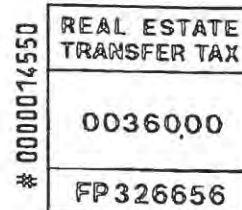


Exhibit A

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWESTERLY CORNER OF HERREN'S THIRD SUBDIVISION; THENCE SOUTH 68 DEGREES 16 MINUTES 35 SECONDS WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE CHICAGO BURLINGTON AND QUINCY RAILROAD COMPANY LANDS, 493.67 FEET; THENCE SOUTH 23 DEGREES 13 MINUTES 27 SECONDS EAST 405.50 FEET; THENCE SOUTH 51 DEGREES 25 MINUTES 35 SECONDS WEST 523.58 FEET; THENCE SOUTH 41 DEGREES 56 MINUTES 10 SECONDS WEST 1071.73 FEET; THENCE SOUTH 66 DEGREES 46 MINUTES EAST 741.70 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF ILLINOIS STATE HIGHWAY ROUTE NO. 71 FOR THE POINT OF BEGINNING; THENCE NORTH 66 DEGREES 46 MINUTES WEST 337.64 FEET; THENCE NORTH 41 DEGREES 46 MINUTES 03 SECONDS EAST 445.18 FEET; THENCE SOUTH 66 DEGREES 46 MINUTES EAST 291.26 FEET TO THE AFORESAID NORTHWESTERLY RIGHT OF WAY LINE; THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE 432.99 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

Unofficial

Attachment 1, Page 6
RECORDER OF KENDALL COUNTY
AFFIDAVIT - PLAT ACT

STATE OF ILLINOIS

} SS


COUNTY OF
KENDALL

SANDRA GOEKEN MILES, being duly sworn on oath, states that she resides at 6621 Route 71, Yorkville, Illinois 60560. That the attached deed is not in violation of 765 ILCS 205/1 for one of the following reasons:

1. The sale or exchange is of an entire tract of land not being a part of a larger tract of land.
2. The division or subdivision of the land is into parcels or tracts of five acres or more of size which does not involve any new streets or easements of access.
3. The division is of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
4. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
5. The conveyance is of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easement of access.
6. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
7. The conveyance is of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
8. The conveyance is made to correct descriptions in prior conveyances.
9. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access.
10. The sale is of a single lot of less than five acres from a larger tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configurations of said larger tract on October 1, 1973, and no sale prior to this sale, or any lot or lots from said larger tract having taken place since October 1, 1973, and a survey of said single lot having been made by a registered land surveyor.


THE APPLICABLE STATEMENT OR STATEMENTS ABOVE ARE CIRCLED.

Affiant further states that she makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording, and that all local requirements applicable to the subdivision of land are met by the attached deed and the tract described therein.


Sandra Goeken Miles

SUBSCRIBED AND SWORN to before me

this 13 day of March, 2018.


Notary public

KAPLATAF





WARRANTY DEED

(Deed #2)

AFTER RECORDING MAIL TO:

Morreale Brady Malone & Co.

NAME & ADDRESS OF GRANTEE
AND TAXPAYER:

Georgina M. Nunez

201800003605

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL

RECORDED: 3/20/2018 08:29 AM

WD: 39.00 RHSPS FEE: 10.00

PAGES: 4

The Grantor, **Ezekiel LLC**, an Illinois limited liability company, with its principal place of business in the County of Kendall, State of Illinois, for and in consideration of TEN AND 00/100THS (\$10.00) DOLLARS and other good and valuable consideration in hand paid, CONVEYS AND WARRANTS to the Grantee, **Georgina M. Nunez**, to have and to hold the following described real estate situated in the County of Kendall, in the State of Illinois, to wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

SUBJECT TO: (a) General real estate taxes not due and payable at time of closing; (b) Special taxes and assessments confirmed after contract date; (c) Building, building line and use or occupancy restrictions, easements, conditions and covenants of record; (d) Zoning laws and ordinances which conform to the present usage of the premises; (e) Public roads and highways, if any; and (f) Drainage ditches, feeders lateral and drain tile, pipe or other conduit.

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

Permanent Index Numbers: Part of 02-24-300-002

Common Address: Part of 6621 Route 71, Yorkville, Illinois 60560

17 MW 7131699 A4
245 CR



CHICAGO TITLE INSURANCE CO.
RECORDED KENDALL COUNTY

DATED this 13 day of March, 2018.

Ezekiel LLC, an Illinois Limited Liability Company

By: [REDACTED]
Sandra Goeken Miles, its manager

STATE OF ILLINOIS)
) ss
COUNTY OF KENDALL)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that **Sandra Goeken Miles**, manager of **Ezekiel LLC**, known to me to be the same person whose name is subscribed to the foregoing Warranty Deed, appeared before me this day in person and acknowledged that she signed and delivered the said Warranty Deed, pursuant to the authority granted her in the operating agreement of the company and in her capacity as manager, as her free and voluntary act and deed of said company for the uses and purposes therein set forth.

Given under my hand and official seal this 13 day of March, 2018.



[REDACTED]
Notary Public

COUNTY - ILLINOIS TRANSFER STAMPS

EXEMPT UNDER PROVISIONS OF PARAGRAPH "E"
SECTION 4, REAL ESTATE TRANSFER ACT
DATE: 3/13/18

[REDACTED]
Buyer, Seller or Representative

NAME AND ADDRESS OF PREPARER:
Dean J. Kleronomos, Esq.
LORENZINI & ASSOCIATES, LTD.
2679 US Route 34
Oswego, Illinois 60543

**EAST PROPERTY LEGAL DESCRIPTION
FROM EZEKIEL TO NUNEZ**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWESTERLY CORNER OF HERREN'S THIRD SUBDIVISION; THENCE SOUTH 68 DEGREES, 16 MINUTES, 35 SECONDS WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF IL RAILNET (FORMERLY CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY), 493.67 FEET; THENCE SOUTH 23 DEGREES, 13 MINUTES, 27 SECONDS EAST, 405.50 FEET; THENCE SOUTH 51 DEGREES, 25 MINUTES, 35 SECONDS WEST, 523.58 FEET; THENCE SOUTH 41 DEGREES, 56 MINUTES, 10 SECONDS WEST, 1071.73 FEET; THENCE SOUTH 66 DEGREES, 46 MINUTES, 00 SECONDS EAST, 742.45 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY, BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 3233.23 FEET, AN ARC DISTANCE OF 592.09 FEET FOR THE POINT OF BEGINNING, THENCE NORTH 66 DEGREES, 46 MINUTES, 00 SECONDS WEST, 289.60 FEET; THENCE SOUTH 41 DEGREES, 47 MINUTES, 24 SECONDS WEST, 159.67 FEET; THENCE SOUTH 66 DEGREES, 46 MINUTES, 00 SECONDS EAST, 291.30 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 3233.23 FEET, AN ARC DISTANCE OF 159.15 FEET TO THE POINT OF BEGINNING, ALL IN OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS.

Unofficial

Attachment 1, Page 10
RECORDER OF KENDALL COUNTY
AFFIDAVIT - PLAT ACT

STATE OF ILLINOIS

} SS


COUNTY OF
KENDALL

SANDRA GOEKEN MILES, being duly sworn on oath, states that she resides at 6621 Route 71, Yorkville, Illinois 60560. That the attached deed is not in violation of 765 ILCS 205/1 for one of the following reasons:

1. The sale or exchange is of an entire tract of land not being a part of a larger tract of land.
2. The division or subdivision of the land is into parcels or tracts of five acres or more of size which does not involve any new streets or easements of access.
3. The division is of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
- ④ 4. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
5. The conveyance is of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easement of access.
6. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
7. The conveyance is of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
8. The conveyance is made to correct descriptions in prior conveyances.
9. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access.
10. The sale is of a single lot of less than five acres from a larger tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configurations of said larger tract on October 1, 1973, and no sale prior to this sale, or any lot or lots from said larger tract having taken place since October 1, 1973, and a survey of said single lot having been made by a registered land surveyor.


THE APPLICABLE STATEMENT OR STATEMENTS ABOVE ARE CIRCLED.

Affiant further states that she makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording, and that all local requirements applicable to the subdivision of land are met by the attached deed and the tract described therein.


Sandra Goeken Miles

SUBSCRIBED AND SWORN to before me

this 13 day of March, 2018.


Notary public

KAPLATAF





**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: Rodolfo and Georgina Nunuez

Address: [REDACTED]

City, State, Zip: [REDACTED]

Phone Number: [REDACTED]

Email: outdoorscapesinc@gmail.com

Contact Person: Attorney Daniel J. Kramer

1107A S. Bridge Street

Yorkville, IL 60560

(63) 553-9500

dkramer@dankramerlaw.com

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

Site Location & Proposed Use

Township Name Oswego Township 37 N, Range 7 E, Section(s) 24

Parcel Index Number(s) 02-24-300-003

Project or Subdivision Name _____ Number of Acres 3

Current Use of Site _____ Proposed Use _____

Proposed Number of Lots 1 Proposed Number of Structures 1

Proposed Water Supply well Proposed type of Wastewater Treatment _____

Proposed type of Storm Water Management septic

Type of Request

☐ Change in Zoning from _____ to _____

☐ Variance (Please describe fully on separate page)

☒ Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: _____

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

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

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

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.

Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under \$ 375.00

_____ Additional Acres at \$18.00 each \$ _____

Total NRI Fee \$ _____

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.

X

Petitioner or Authorized Agent

8-30-18

Date

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

FOR OFFICE USE ONLY

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

PART OF THE SOUTHWEST QUARTER OF SECTION 24, T37N-R7E, 3rd PM
OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS

DEVELOPER:

OutdoorScapes, Inc.
Rodolfo Nunez
P.O. Box 851
Montgomery, Illinois 60538

PROPERTY LOCATION:

PINs: 02-24-300-017 and -018
6725 State Highway 71
Yorkville, Illinois 60560

AREA TO BE REZONED:

3.0004 Acres

PRESENT ZONING:

A-1

PROPOSED ZONING:

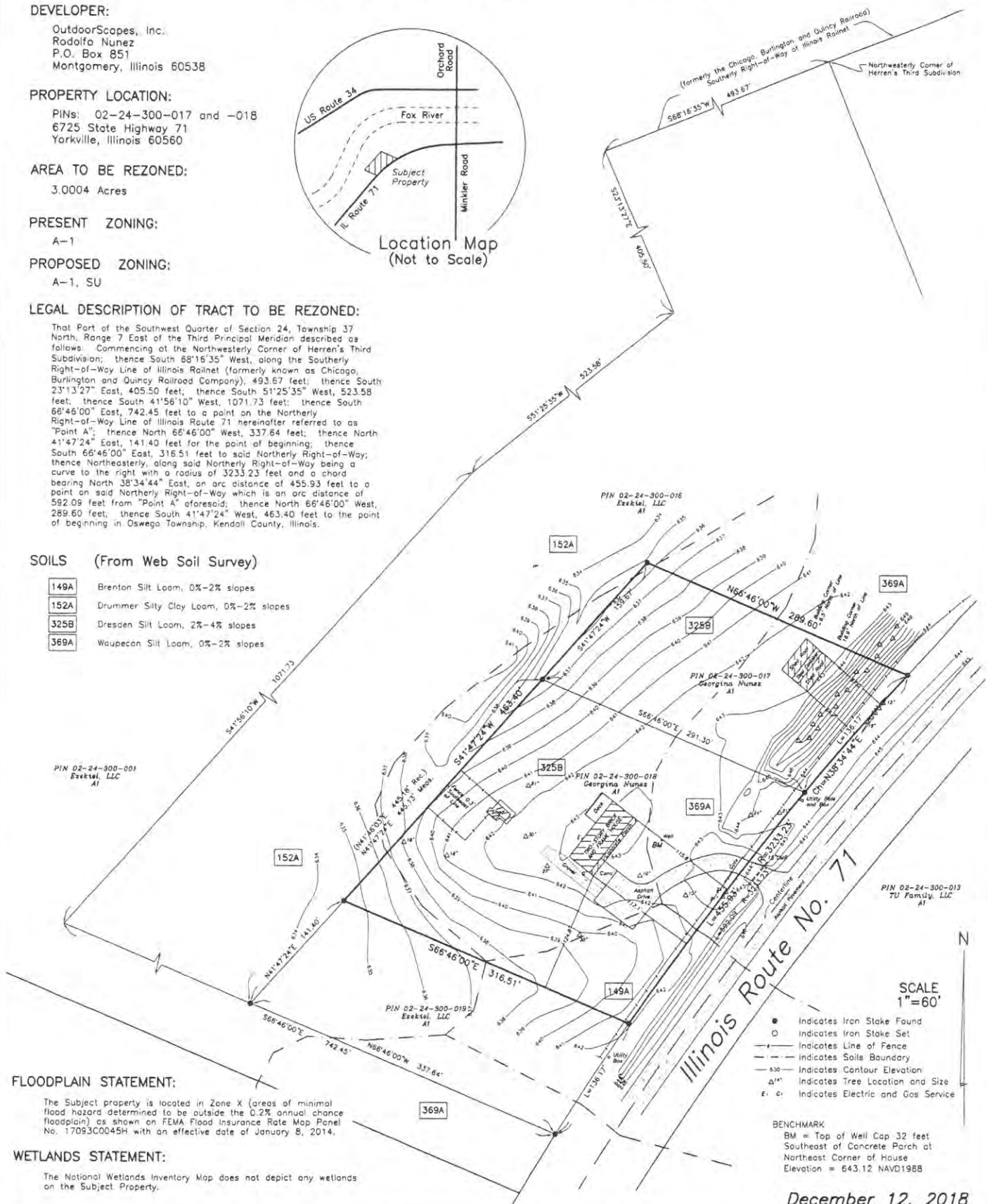
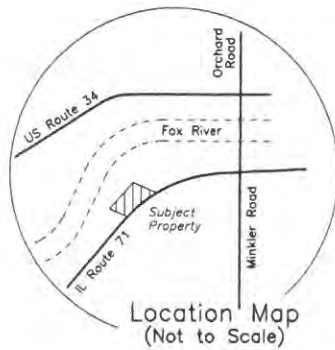
A-1, SU

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the Southwest Quarter of Section 24, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northwestern Corner of Herren's Third Subdivision; thence South 68°16'35" West, along the Southern Right-of-Way Line of Illinois Railroad (formerly known as Chicago, Burlington and Quincy Railroad Company), 493.67 feet; thence South 23°13'27" East, 405.50 feet; thence South 51°25'35" West, 523.58 feet; thence South 41°56'10" West, 1071.73 feet; thence South 66°46'00" East, 742.45 feet to a point on the Northern Right-of-Way Line of Illinois Route 71 hereinafter referred to as "Point A"; thence North 66°46'00" West, 337.64 feet; thence North 41°47'24" East, 141.40 feet for the point of beginning; thence South 66°46'00" East, 316.51 feet to said Northern Right-of-Way; thence Northeasterly, along said Northern Right-of-Way being a curve to the right with a radius of 3233.23 feet and a chord bearing North 38°34'44" East, an arc distance of 455.93 feet to a point on said Northern Right-of-Way which is an arc distance of 592.09 feet from "Point A" aforesaid; thence North 66°46'00" West, 289.60 feet; thence South 41°47'24" West, 463.40 feet to the point of beginning in Oswego Township, Kendall County, Illinois.

SOILS (From Web Soil Survey)

- | | |
|------|---------------------------------------|
| 149A | Brenton Silt Loam, 0%-2% slopes |
| 152A | Drummer Silty Clay Loam, 0%-2% slopes |
| 325B | Dresden Silt Loam, 2%-4% slopes |
| 369A | Waupeca Silt Loam, 0%-2% slopes |



FLOODPLAIN STATEMENT:

The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0045H with an effective date of January 8, 2014.

WETLANDS STATEMENT:

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

December 12, 2018

JOB NO.	18305
JOB NAME	NUNEZ
DWG FILE	18305

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

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

Please fill out the following findings of fact to the best of your capabilities. §13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

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

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

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

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





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.

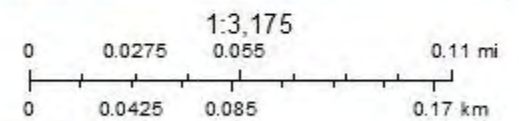
1. No impact what so ever will affect public health, safety, morals, comfort, or general welfare. Prior to the Applicants purchasing the subject property, a berm was constructed along the front of the property which shields the where their proposed Special Use Building would be located. Immediately adjacent north is a commercial horse stable with multiple out buildings that currently has multiple outside storage. The proposed use here would have all indoor storage in a building to be constructed by Applicants. Applicants do all of their work off-site and are primarily engaged in professional tree planting and landscaping. They currently do not have a large number of employees only using part time help in addition to applicants. It would be estimated that at its peak they would have no more than 3 employees parking their vehicles at the site in the morning and returning in the evening and removing those vehicles at night.
2. The current landscape buffer along Route 71 shelters the existing building on-site and the replacement building.
3. Adequate road access exists in that the property is located on Route 71, an area that is adjacent to a commercial stable and across the street form a gravel pit.
4. No variations form current Ordinance requirements of Kendall County.
5. Landscape and tree specialists are Special Uses that are allowed in A-1 Agricultural Districts throughout the County. In the preface to the Kendall County Land Resource Management Plan there is a stated purpose in Kendall County to preserve agricultural in endeavors which would of course include Special Uses that are allowed under the Agricultural Ordinances of Kendall County.

Attachment 2



December 17, 2018

-  Agricultural
 Agricultural-Building Permit
 Agricultural-Special Use
 Agricultural-Special Use-Planned Unit Development



Kendall County Illinois GIS



Attachment 4-Facing Straight







Applicant: Rodolfo and Georgina Nunez
Contact: Daniel J. Kramer
Address: 6725 Route 71
Yorkville, IL 60560

Project: Nunez Special Use
Address: 6725 Route 71, Yorkville

IDNR Project Number: 1906159
Date: 12/27/2018

Description: Petitioners would like an A-1 Special Use Permit to operate a landscaping business out of their home and store equipment

Natural Resource Review Results

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

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

Fox River INAI Site
Yorkville Prairie INAI Site
Yorkville Prairie Nature Preserve
Yorkville Prairie South Natural Heritage Landmark
Yorkville Railroad Prairie Natural Heritage Landmark
Greater Redhorse (*Moxostoma valenciennesi*)

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

Location

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

County: Kendall

Township, Range, Section:
37N, 7E, 24



IL Department of Natural Resources
Contact
Justin Dillard
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kendall County Planning, Building, & Zoning
Matt Asselmeier
111 W Foxt Street
Yorkville, Illinois 60560

Disclaimer

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

IDNR Project Number: 1906159

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.

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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.

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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.



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Bruce Rauner, Governor
Wayne A. Rosenthal, Director

December 27, 2018

Daniel J. Kramer
Rodolfo and Georgina Nunez
6725 Route 71
Yorkville, IL 60560

RE: Nunez Special Use
Project Number(s): 1906159
County: Kendall

Mr. Kramer,

The Department has received your submission for this project for the purposes of consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and *Title 17 Illinois Administrative Code Part 1075*. Additionally, the Department may offer advice and recommendations for species covered under the *Fish & Aquatic Life Code* [515 ILCS 5, et seq.]; the *Illinois Wildlife Code* [520 ILCS 5, et seq.]; and the *Herptiles-Herps Act* [510 ILCS 69].

The proposed action being reviewed in this letter consists of an A-1 special use permit application for operation of a landscaping business (EcoCAT submittal #1906159). EcoCAT has identified two Illinois Natural Areas Inventory (INAI) sites, a dedicated Illinois Nature Preserve, two Illinois Natural Heritage Landmarks, and records of the state-listed endangered **greater redhorse** (*Moxostoma valenciennesi*) within the vicinity of the proposed project footprint.

The Department has determined that impacts to protected resources are not likely for this project, assuming all soil erosion and sediment control BMPs are practiced during all potential construction and large-scale earthmoving activities (e.g. grading, trenching) associated with the establishment of the landscaping business.

Consultation on the part of the Department is closed unless the applicant desires additional information or advice related to this proposal. Consultation for Part 1075 is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

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

Please contact me if you have questions regarding this review.



Justin Dillard

Resource Planner, Consultation Services
Illinois Dept. of Natural Resources
(217) 557-6723
Justin.Dillard@Illinois.gov

Matt Asselmeier

From: Alec Keenum [akeenum@oswegofire.com]
Sent: Wednesday, January 02, 2019 11:42 AM
To: Matt Asselmeier
Subject: RE: Kendall County Petition 19-04

Matt,

Project – Special Use for Landscape Business

Location – 6725 Rt 71

Project Mgr: Matt Asselmeier

Project # - 19-04

Date – December 21, 2018

FYI....

- The original address is noted as 6725 Rt 71, however throughout the remainder of the documentation its mistakenly listed as Rt 47
- Current OFPD ordinances require new construction (non single family residential) to be compliantly protected with an NFPA 13 sprinkler system and an NFPA 72 fire alarm system
- Additional comments with respect to access and site may be presented upon project moving forward

Regards,

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District



From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Friday, December 21, 2018 2:13 PM
To: Aaron Rybski; Andrews, Megan - NRCS-CD, Yorkville, IL; Brian Holdiman; David Guritz; Fran Klaas; 'Greg Chismark'; Jason Langston; Matthew G. Prochaska; Meagan Briganti; Scott Koepfel; Brian LeClerc; Kenneth Holmstrom; Bob Rogerson; Alec Keenum; Mike Veseling; Rod Zenner; ttouchette@oswegoil.org
Subject: Kendall County Petition 19-04

To All:

Matt Asselmeier

From: Daniel J Kramer [dkramer@dankramerlaw.com]
Sent: Wednesday, January 02, 2019 1:30 PM
To: Matt Asselmeier
Subject: RE: Kendall County Petition 19-04

We totally disagree. It is an outside cold storage building with no office or living quarters. In other words it is a pull building. We can find no legal authority to require a building of this use or size to be required to sprinkle contrary to regulation sighted by OFD.

Very Truly Yours,

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

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From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Wednesday, January 02, 2019 11:45 AM
To: Daniel J Kramer <dkramer@dankramerlaw.com>
Subject: FW: Kendall County Petition 19-04

Dan:

Do you have any comments or concerns regarding these comments by the Oswego Fire Protection District?

Thanks,

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

From: Alec Keenum [mailto:akeenum@oswegofire.com]
Sent: Wednesday, January 02, 2019 11:42 AM
To: Matt Asselmeier
Subject: RE: Kendall County Petition 19-04

Matt,

Daniel J. Kramer

Law Offices
of
Daniel J. Kramer
1107A S. Bridge Street
Yorkville, Illinois 60560
630-553-9500
Fax: 630-553-5764

Kelly A. Helland
D.J. Kramer

January 3, 2019

Captain Alec J. Keenum
Fire Marshall

Via Email: akeenum@oswegofire.com

Dear Captain Keenum;

Can you please provide us with a copy of the Regulations you site as NFPA 13 sprinkler system and NFPA 72 fire alarm system, as well as a copy of any of your current Ordinance for Oswego Fire Protection District that is requiring sprinkling in a non-single-family residential building.

I have reviewed the correspondence you have sent with regard to Petition 19-04 which is going to be nothing more than a cold storage pole building under 3,000 square feet with no office or bathroom facilities. It literally is a farm building.

I want to see the basis for requiring a sprinkler there.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer
Attorney at Law

DJK:rg

cc: Matt Asselmeier

Oswego Fire Protection District

Chief Michael Veseling



Fire Prevention Bureau



Fire Marshal Alec J Keenum

Station #1 ♦ 3511 Woolley Road ♦ Phone: (630) 906-OFPD
Oswego, IL 60543 Fax: (630) 383-0630

January 7, 2019

Daniel J. Kramer
1107A S, Bridge Street
Yorkville, IL 60560

RE: Petition 19-04 - 67252 Rt. 71

Dear Mr. Kramer,

In response to your inquiry of January 3, 2019 regarding the above petition with Kendall County Planning, Building, and Zoning:

- The Oswego Fire Protection District website (www.oswegofire.com) has links to the fire prevention code ordinance of record. Exhibit A is the original, and exhibit G is the latest, which is an amended version of the International Fire Code (IFC) 2015
- Sections 903.2 of the amended version calls out the requirement for sprinkling new construction
- Section 903.3 of the un-amended IFC 2015 specifies design & installation of the sprinkler system as per NFPA13
- Section 907.2 of the amended version calls out the requirement for a fire alarm system
- Section 907.2 of the un-amended IFC specifies installation in accordance to NFPA 72

In your letter, you indicate that the structure is literally a farm building that will be used for cold storage only - no bathroom facilities, no office. Section 903.2 of the amended version of our fire prevention code also indicates the existence of some standard exceptions to the sprinkler requirement, with one of them being "Agriculture storage building less than 8,000 square feet".

If the petitioner is available to verify and attest to the proposed structure meeting said exception upon construction and thereafter, then it clearly would be exempt from the sprinkler requirement.

However, please note that if at any time additional build-out of the structure occurs such that it is no longer purely "agriculture storage", then the existing ordinances as it relates to sprinkler protection would be enforceable.

If there are any questions, I can be contacted at the above phone number.

Regards,

A black rectangular redaction box covering the signature of Capt. Alec J Keenum.

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District

cc: file

Kendall County Planner Matt Asselmeier

Daniel J. Kramer

Law Offices
of
Daniel J. Kramer
1107A S. Bridge Street
Yorkville, Illinois 60560
630-553-9500
Fax: 630-553-5764

Kelly A. Helland
D.J. Kramer

January 8, 2019

Captain Alec J. Keenum
Fire Marshall

Via Email: akeenum@oswegofire.com

Dear Captain Keenum;

Thank you for your letter of January 7, 2019. My Client Rodolfo and Georgina Nunez will definitely be available when the Building Permit is taken out for the building with the County so that you can see the size and the fact there are no bathrooms. Would you like me in the meantime to get you an Affidavit from my clients so you have it for your files? If so let me know and I will get it produced right away.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer
Attorney at Law

DJK:cth

cc: Matt Asselmeier

Matt Asselmeier

From: Alec Keenum [akeenum@oswegofire.com]
Sent: Thursday, January 10, 2019 1:41 PM
To: Daniel J Kramer
Cc: Matt Asselmeier; outdoorscapesinc@gmail.com
Subject: FW: Kendall County Petition 19-04
Attachments: Ltr to Captain Keenum1-8-19.pdf

Dan,

As indicated, either the petitioners or the building department would need to attest that the structure in question to be constructed is within the definition of that which the IFC considers an "exception". In addition, agreement/understanding that future use shall also remain as such, or it shall be held to the ordinance in affect at the time of the use change.

Regards,

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District



From: Real estate [mailto:realestate@dankramerlaw.com]
Sent: Wednesday, January 9, 2019 8:36 AM
To: Alec Keenum
Cc: masselmeier@co.kendall.il.us; outdoorscapesinc@gmail.com
Subject: Kendall County Petition 19-04

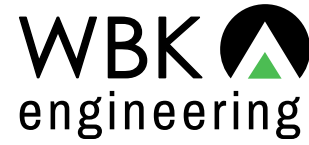
DO NOT RESPOND TO THIS EMAIL PLEASE SEND DIRECT TO: dkramer@dankramerlaw.com

Very Truly Yours,

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

Fax-630.553.5764

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January 5, 2019

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

Subject: Petition 19-04 6725 Rte 71 Outdoorscape

Dear Mr. Asselmeier:

WBK Engineering has reviewed the stormwater submittal and site plans for the subject project. We received the following information:

- Permit Application prepared by Rodolfo and Georgina Nunez including
 - Zoning Plat prepared by Philip D Young and Associates, Inc. dated December 12, 2018 and received December 21, 2018


The following comments are offered for the petitioner's consideration and require resolution prior to our recommendation for approval.

1. Provide a site plan that depicts all anticipated site disturbance for parking, new buildings, landscape material storage and grading to accommodate the business operation.
2. Provide an area summary of all site disturbance including pervious and impervious surfaces.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications.

If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,


Greg Chismark, P.E.
Municipal Practice Principal
WBK Engineering LLC

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
January 8, 2019 – Unapproved Meeting Minutes**

Matthew Prochaska called the meeting to order at 9:02 a.m.

Present:

Aaron Rybski – Health Department
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department
Matthew Prochaska – PBZ Committee Chair

Absent:

Megan Andrews – Soil and Water Conservation District
Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
Deputy Commander Jason Langston – Sheriff's Department

Audience:

Joe Spencer, Dan Kramer, Rodolfo Nunez, Georgina Nunez, Stuart Weihler, and Paula Weihler

AGENDA

Mr. Klaas made a motion, seconded by Mr. Guritz, to approve the agenda as proposed. With a voice vote of all ayes the motion carried unanimously.

MINUTES

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the December 4, 2018, meeting minutes. With a voice vote of all ayes the motion carried unanimously.

PETITIONS

Petition 18-32 Joe Spencer on Behalf of Utility Dynamics – Site Plan Approval for Storage Building at 5237 Light Road (PIN 03-07-227-002) in Oswego Township

Mr. Asselmeier summarized the request. The Petitioner would like to construct an approximately four thousand eight hundred (4,800) square foot storage building on their property. The property is currently vacant and is zoned M-1. There are residential properties located immediately to the east of the subject property. Oswego Township did not submit comments. The Petitioner requested a variance from the sprinkler requirement from the Oswego Fire Protection District. Neither the Village of Montgomery nor the Village of Oswego provided comments.

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands shall and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. The proposed structure shall utilize a minimal amount of the total acreage. There are no wetlands or flood plains on the property. There are no concerns regarding slopes or erosion, provided necessary steps are taken to prevent erosion during construction.

Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. Ample space exists on the property for parking and the building will be setback further from Light Road than is required by the Kendall County Zoning Ordinance. The access point off of Light Road is already in existence.

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large

vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. This is not an issue.

Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. The site will be laid out in a manner that will not impact shadow, noise, odor, traffic, or drainage. The proposal will not adversely affect ground water or aquifer recharge.

Consistent with the Land Resource Management Plan-The proposed use and the design of the site should be consistent with the Land Resource Management Plan. This is true.

Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. Since this is the only building on the property, this item is not a concern.

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. The proposed site development is in harmony with the existing use of neighboring properties provided fencing meets the Kendall County Zoning Ordinance. Petitioner plans to install a mesh over the existing chain-link fence.

Open Space and Pedestrian Circulation-Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property. This is not applicable.

Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. The Petitioner plans to install a mesh over the existing chain-link fence. The proposed building will be used for storage of equipment and no noise, smoke, vapors, fumes, dusts odors, or glare is planned. Given the size of the building and topography, stormwater should not be an issue provided necessary steps are taken during construction.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. Staff would like comments from the Kendall County Sheriff's Department and Oswego Fire Protection District on this issue.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. The proposed building will not be heated or cooled.

Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. The Petitioner plans to install two (2) poles with two (2) floodlights on each pole. As long as the lights are pointed downward, light spilling onto neighboring property is not an issue.

Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. Refuse will not be collected onsite.

If approved, the Petitioner would have to submit information for a building permit.

Mr. Rybski asked about well and septic information on the site. Mr. Spencer responded that no wells or septic systems were onsite.

Mr. Klaas asked about the condition of Commerce Road. Discussion occurred regarding easements over Commerce Road. Mr. Spencer provided a history of improvements to Commerce Road.

Mr. Asselmeier made a motion, seconded by Mr. Holdiman, to approve the site plan subject to the conditions that the floodlights shall be aimed in such a manner that does not cause light spillage onto neighboring residential properties and that the site be developed in accordance with the submitted site plan and in compliance with all applicable federal, state, and local laws.

Ayes (6): Asselmeier, Guritz, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Abstain (0): None
Absent (4): Andrews, Briganti, Chismark, and Langston

The motion passed unanimously.

Petition 19-04 Rodolfo and Georgina Nunez-Special Use Permit for a Landscaping Business at 6725 Route 71 (PINs 02-24-300-017 and 02-24-300-018) in Oswego Township

Mr. Asselmeier summarized the request. The Petitioners are requesting a special use permit to operate a landscaping business. The property is zoned A-1 and is approximately three (3) acres in size.

The EcoCAT Report was submitted and several species were identified in the area. However, IDNR expressed no concerns regarding the proposal provide best management practices are employed when building structures.

The Natural Resource Inventory application submitted on December 20, 2018, and is still under review.

Petition information was sent to Oswego Township on December 21, 2018.

Petition information was sent to the Village of Oswego on December 21, 2018. Information about this Petition will be discussed at a January Village Board meeting.

Petition information was sent to Oswego Fire Protection District on December 21, 2018. The Petitioner is in contact with the Fire Protection District to resolve sprinkling issues.

The Petitioner plans to have at most three (3) employees report to the site for work.

The Petitioner plans to remove the containers on the property and construction a small building on the property.

The property fronts Route 71 and the Village of Oswego's plans call for a trail along Route 71. The site plan shows parking around the existing house.

No additional lighting or signage was proposed.

The Zoning Ordinance requires 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. An existing berm with evergreens and other trees is located on the property.

The property drains to the northwest and southwest of the site. WBK submitted a comment letter on the proposal.

Mr. Rybski asked about well or septic records. He also requested a soil study. Mr. Kramer indicated that no new wells or septic systems were proposed and the Petitioners will locate the existing well and septic system locations and supply that information to the Kendall County Health Department.

Mr. Kramer stated Mr. Nunez was a tree specialist and the proposed business would not be the traditional landscape business. They have one (1) part-time employee.

Mr. Kramer noted the existing berm and that the existing trailer shall be replaced with a building.

Mr. Kramer said that the Petitioner would secure a variance, if necessary, for the sprinkler requirement for the building. Mr. Kramer does not believe a sprinkler system will be required.

Mr. Kramer indicated that this proposal would go before Oswego Township on January 15th.

Mr. Kramer indicated that the Village of Oswego will provide a letter of no objection to the County.

Mr. Kramer confirmed the building size will be approximately two thousand four hundred (2,400) square feet.

No landscaping debris would be outdoors. Shrubs and trees could be stored outside. Equipment storage would be outdoors except for his pickup truck.

Discussion occurred regarding trail dedication. Mr. Kramer expressed concerns about the relocation of the existing berm particularly if Route 71 were widened.

No variances would be needed based on current measurements of structures.

Discussion occurred regarding potential complaints by neighbors. Mr. Kramer could definitively say if objections could or would arise.

Mr. Asselmeier made a motion, seconded by Mr. Holdiman, to recommend approval of the special use permit with the conditions that no landscaping debris or equipment may be stored outside except for nursery stock.

Ayes (6): Asselmeier, Guritz, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Abstain (0): None
Absent (4): Andrews, Briganti, Chismark, and Langston

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on January 23rd.

Petition 19-05 Specialty Oswego, LLC and Stuart and Paula Weihler-Special Use Permit for a Banquet Facility and Variance to the Requirement that Banquet Facilities be Located on a Primary Highway or Major Collector in the 5100 Block of Schlapp Road Approximately 0.48 Miles South of the Intersection of Plainfield Road and Schlapp Road (PIN 03-34-100-024 South 10 Acres) in Oswego Township

Mr. Asselmeier summarized the request. Stuart and Paula Weihler would like to establish a banquet facility, Heritage Homestead at the subject property. The property is currently owned by Specialty Oswego, LLC and the Weihler's have a contract to purchase the property subject to obtaining the required zoning permits to operate a banquet facility. The special use permit would apply to the southern ten (10) acres of the property. A variance would be required because Schlapp Road is not an arterial road or a major collector as defined by the Land Resource Management Plan. The property is zoned A-1.

EcoCat submitted on December 18, 2018 and consultation was terminated

NRI application submitted on December 21, 2018, and currently under review.

Oswego Township was emailed information on December 21, 2018, and no comments have been received.

Oswego Fire Protection District was emailed information on December 21, 2018. The Petitioner is in discussions with the Fire Protection District regarding securing applicable variances.

The Village of Oswego was emailed information on December 21, 2018, and they are currently reviewing the proposal.

The Weihler's business plan, plat of survey, and site plan were provided. As noted in the business plan, plat of survey and site plan, the Weihler's would use the southern ten (10) acres of the current property configuration for their event business. They plan to construct a four thousand, nine hundred fifty (4,950) square foot barn with two (2) two thousand five hundred (2,500) square foot outdoor areas on the southwest and northeast sides of the barn. One two thousand (2,000) square foot tent with concrete pad would be located northwest of the barn. Two (2) grain bins, one (1) for the bride and one (1) for the groom, would be constructed to the northwest of each outdoor area. An additional bar grain bin would be constructed west of the tent. Each grain bin would be one hundred seventy-one (171) square feet in size. One (1) outdoor grassy ceremony area, measuring three thousand five hundred (3,500) square feet would be located east of the barn area. One (1) one hundred eighty-one (181) square foot gazebo would be located southeast of the barn. One (1) additional one thousand five hundred (1,500) square foot storage building would be located to the east of the parking

area. One (1) one hundred (100) square foot trash enclosure is planned east of the parking area. Gravel pathways would connect the parking lot to the various structures and areas of interest on the property.

The Weihlers propose an approximately thirty-seven thousand seven hundred sixty-two (37,762) square foot wet detention pond around the southern portion of the gazebo. Based on the information provided regarding the amount of disturbed ground (land disturbed for parking, facilities, and detention), a stormwater management permit will be required. WBK submitted a letter regarding stormwater requirements.

The Weihlers plan to have events year-round. For weekdays, events would start no sooner than 9:00 a.m. and end no later than 10:00 p.m. For weekends and holidays, events would start no sooner than 9:00 a.m. and end no later than midnight.

The Weihlers plan to use select caterers and will have adequate insurance.

If approved, the Weihlers plan to start construction by April 2019 and start having events in October 2019 with a full season of bookings for 2020.

A Building and Occupancy Permit will be required for each existing structure that will be used in conjunction with the proposed banquet facility.

A raised septic area with three sanitary holding tanks is proposed southwest of the proposed barn. The proposed water well will be located northeast of the tent area.

The property fronts Schlapp Road.

Based on the information provided, the maximum number of attendees would be two hundred eight-five (285) guests. Four (4) additional full-time employees plus the two (2) owners would be onsite during events. Pending any concerns from first responders, the proposed facility would have more than adequate parking facilities. The Weihlers are proposing one hundred fifty-one (151) parking spaces including seven (7) handicapped accessible spaces.

The Weihlers propose five (5) twenty foot (20') fixture light poles and two (2) twenty foot (20') single fixture light poles.

One (1) monument sign is proposed along Schlapp Road. No information was provided regarding the size of the light or whether or not the sign will be illuminated. No information was provided regarding one-way vehicular movement signs.

The landscaping plan call for thirty-two (32) canopy trees, sixteen (16) evergreens, ten (10) understory trees, ten (10) ornamental trees, and one hundred twenty-six (126) deciduous bushes.

The Weihlers plan to have music originate indoors with speakers facing indoors except for processionalists at weddings.

The Weihlers plan to install some berming and, with the combination of distance and new plantings, they believe noise will not be an issue.

The subject property was awarded a special use permit by Kendall County for a residential unit for a stable employee in 1999.

This proposed banquet facility is less than one half (1/2) mile from the nearest road meeting the functional classification requirements in the Zoning Ordinance. By comparison, the banquet facility at 13889 Hughes Road is approximately one point five (1.5) miles from the nearest major collector road (Newark Road via Hollenback Road).

Mr. Holdiman noted that the Petitioners will ask for a variance from the Oswego Fire Protection District for sprinkler requirements. Mr. Kramer indicated that they would apply for a variance from the Fire Protection District for sprinkler system, if necessary. The Petitioners will install a security system. The project would continue to move forward if the variance is not granted. The structures on the property will be heated and cooled.

The Petitioners are working on the septic system information.

Fridays, Saturdays, and the night before holidays are considered weekends. Sunday would be considered a weekday. Cleanup would be finished by 1:00 a.m. on weekends and 11:00 on weekdays.

Discussion occurred regarding the roadway classification of Schlapp Road. Mr. Asselmeier stated that the classification came from the Land Resource Management Plan. Mr. Klaas indicated that the Highway Department classified Schlapp Road as a minor collector.

Mr. Kramer noted that Oswego Township is a dry township; he discussed the caterer's license.

Mr. Rybski discussed the well testing requirements based on the number of events and number of people in attendance at these events. No food would be made onsite. He discussed the requirements of the septic system, including the location of a secondary septic field. The bathroom facilities will be inside the buildings.

The Petitioners acknowledged the Right to Farm Clause.

The Petitioners will use their cell phones to measure noise. The speakers will be turned inward.

The size of the monument sign has not been determined. The sign will be a low-level monument sign. The sign will not be illuminated. Staff requested additional information on the dimensions of the sign. Mr. Kramer was unsure about directional signage at the egress/ingress to the property.

The Petitioners indicated that they no longer needed the special use permit for a stable employee.

The Petitioners will apply for a stormwater management permit.

Mr. Holdiman asked if the barn will be a two (2) story structure. This question was not answered.

Mr. Rybski said that the proposal could be moved forward, but the septic and well review can occur as the proposal moves through the process.

Mr. Asselmeier asked Mr. Klaas if he saw any concerns regarding the ability of Schlapp Road to support this type of use. Mr. Klaas requested that the Township weigh-in on the question. The Township would have to permit the ingress/egress points.

Mr. Klaas requested a right-of-way dedication. The Petitioners agreed to dedicate the appropriate amount of right-of-way; the right-of-way would extend to fifty feet (50') from the centerline of Schlapp Road. The dedication would occur within sixty (60) days of approval of the special use permit. The site plan would be adjusted to reflect the dedication.

Mr. Asselmeier made a motion, seconded by Mr. Rybski, to approve special use permit and variance as requested.

Ayes (6): Asselmeier, Guritz, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Abstain (0): None
Absent (4): Andrews, Briganti, Chismark, and Langston

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on January 23rd.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

Mr. Asselmeier noted that an application for a banquet facility on Crimmins Road could be submitted.

Mr. Kramer indicated that the owner of 17 Ashe Road is working with the homeowners association to resolve issues related to their special use permit amendment request.

ADJOURNMENT

Mr. Klaas made a motion, seconded by Mr. Guritz to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:57 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Law Offices
of
Daniel J. Kramer

1107A S. Bridge Street
Yorkville, Illinois 60560
630-553-9500
Fax: 630-553-5764

Daniel J. Kramer

Kelly A. Helland
D.J. Kramer

January 15, 2019

Rodolfo and Georgina Nunez


Via E-mail: Outdoorscapesinc@gmail.com

RE: Kendall County Special Use Application

Dear Rodolfo and Georgina:

I received the enclosed correspondence from the County Health Officer in regard to the septic and well. The up shot of comments at the ZPAC Meeting and this confirming Memo indicates one of two things either sloppy record keeping on the part of the County given the fact that the home you are in is not ancient; or whoever built the home perhaps in conjunction with Maple Lane simply went out and installed well and septic on their own without permits. To be honest with you I very much doubt the latter explanation because I would suspect the home is no older than sometime from 1970's forward.

I need your permission to contact our well and septic man to do a bit of digging to see if perhaps he can find an old well permit at the State Level because every private well drilled anywhere in the State of Illinois has to be drilled by a licensed well driller, and be recorded with the State so they have an accurate survey of depths of wells. I believe the inspection people I use can follow up on that and find that information out.

The septic might be a bit more difficult, but an on-site inspection may disclose where the tank is and the septic man might be able to plot out a field form that location. Let me know if I have your authority to embark on those inspections and I will contact and get an estimate.

Very truly yours,


Daniel J. Kramer
Attorney at Law

DJK:cth
Enclosures

Daniel J Kramer

From: Daniel J Kramer
Sent: Wednesday, January 09, 2019 4:40 PM
To: 'Aaron Rybski'
Cc: Lauren Belville
Subject: RE: 6725 Rte 71, Nunez

No problem thanks.

Very Truly Yours,

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

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From: Aaron Rybski [mailto:ARybski@co.kendall.il.us]
Sent: Wednesday, January 09, 2019 4:37 PM
To: Daniel J Kramer <dkramer@dankramerlaw.com>
Cc: Lauren Belville <lbelville@co.kendall.il.us>
Subject: 6725 Rte 71, Nunez

Hello,

I'm sending this email to reiterate our conversation yesterday at ZPAC concerning the septic system for the Nunez special use permit.

In order to determine that the home septic system is capable to support the potential change of use of the structure, we need to be able to assess the system. Unfortunately, we have no records for this property for the well or the septic. As such, we need to be provided with a drawing of the septic system including all pertinent measurements, component sizes and types as well as a soil analysis of the septic field area. Please feel free to contact me if you have questions concerning who can provide these services.

While this change of use will likely not overload the system, an assessment is required by Illinois Department of Public Health for us to determine that the system is appropriately sized in change of use situations like these.

Please provide the documents (email is fine if preferred). If there are questions concerning this, please feel free to contact me directly at the number listed below.

A.R.
Aaron J. Rybski, L.E.H.P.
Director of Environmental Health Services

Kendall County Health Department
811 W. John St., Yorkville, IL 60560
630-553-8057

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Visit us on the web at <http://www.kendallhealth.org>. Find us on Facebook!



Matt Asselmeier

From: Brian LeClerc [bleclercq@oswegotownship.com]
Sent: Thursday, January 17, 2019 11:16 AM
To: Matt Asselmeier
Cc: Bob Rogerson
Subject: Re: Petitions 19-04 and 19-05

Nope. Just wanted to make sure that land was dedicated for the future transportation plan.

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From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Thursday, January 17, 2019 10:38 AM
To: Brian LeClerc
Cc: Bob Rogerson
Subject: Petitions 19-04 and 19-05

Brian:

Did Oswego Township have any comments or concerns regarding either Petition 19-04 (Nunez Special Use Permit) or Petition 19-05 (Weihler Banquet Center) other than the ROW dedication for Petition 19-05?

Thanks,

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

Matt Asselmeier

From: Rod Zenner [RZenner@oswegoil.org]
Sent: Wednesday, January 23, 2019 10:38 AM
To: Matt Asselmeier
Subject: RE: Nunez Special Use Question

That would probably be the State's call since it is their road. We don't anticipate anything out there for us. I think the State was looking at their widening needs with a bike path along the south side of the road, so I don't know if that requires right of way from this property.

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Wednesday, January 23, 2019 10:36 AM
To: Rod Zenner <RZenner@oswegoil.org>
Subject: Nunez Special Use Question

Rod:

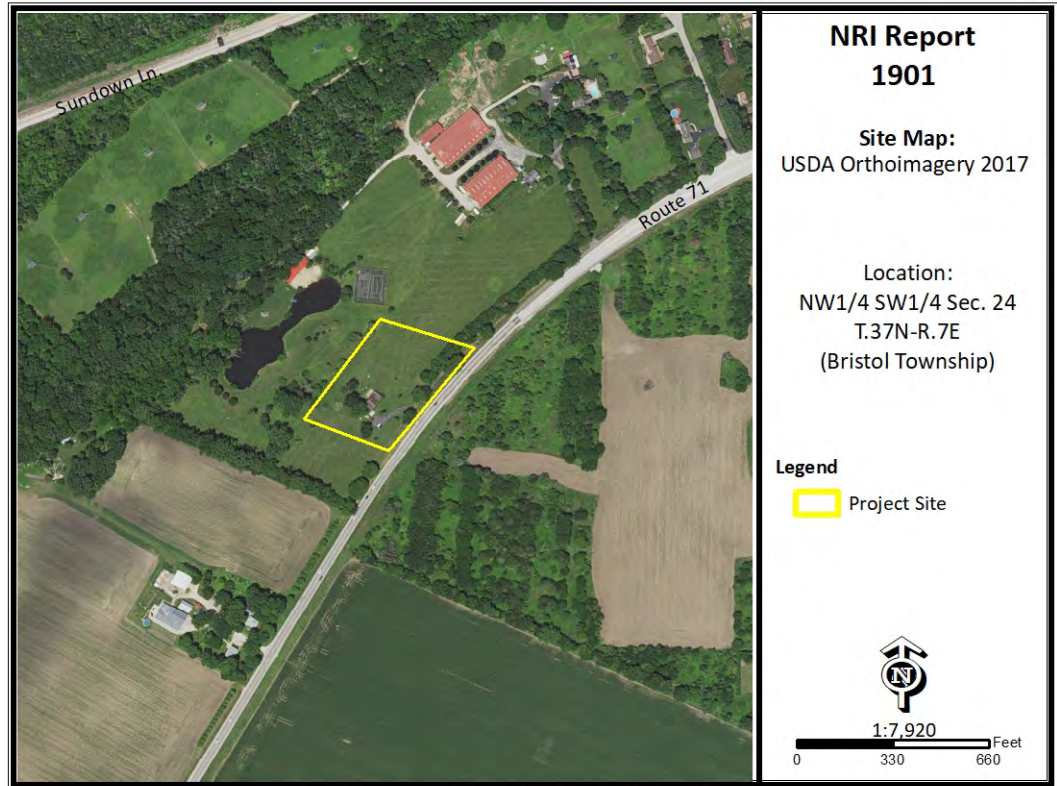
Did the Village of Oswego want the County to require the dedication of ROW along Route 71 as part of the special use permit for a landscaping business at 6725 Route 71?

Thanks,

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

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NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 1901



January 2019

Petitioner: Rodolfo and Georgina Nunez
Contact: Attorney Daniel J. Kramer

Prepared by:



**Kendall County Soil & Water
Conservation District**

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

1901

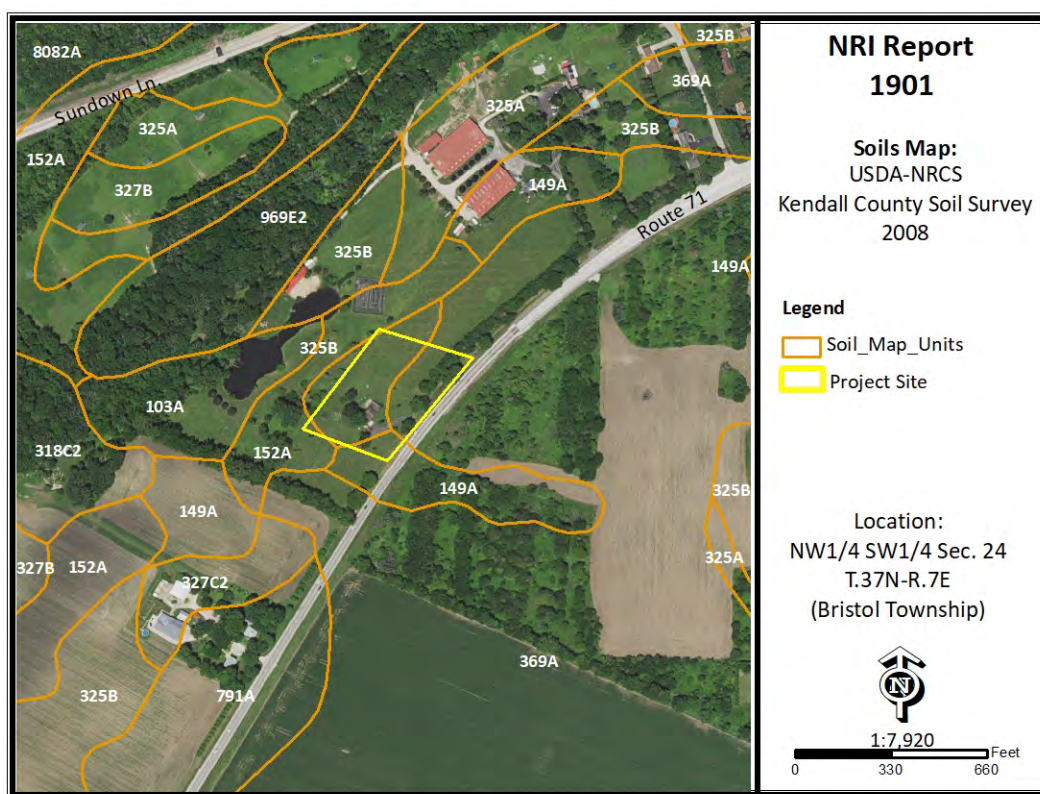
Executive Summary

January 14, 2019

Petitioner: Rodolfo & Georgina Nunez**Contact Person:** Attorney Daniel J. Kramer**County or Municipality the petition is filled with:** Kendall County**Location of Parcel:** NW¼ SW¼ Section 24 T.37N.-R.7E. (Bristol Township), 3rd Principal Meridian in Kendall Co., IL**Project or Subdivision Name:** Outdoorscapes, Inc.**Existing Zoning & Land Use:** A-1; Residential**Proposed Zoning & Land Use:** A-1 Special Use Permit; Landscaping Business**Proposed Water Source:** Well**Proposed Type of Sewage Disposal System:** Septic**Proposed Type of Storm Water Management:** N/A**Size of Site:** 3.0 acres**Land Evaluation Site Assessment Score:** (Land Evaluation:: Site Assessment::)

Natural Resource Concerns

Soil Map:

**SOIL INFORMATION:**

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

Table 1:

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
149A	Brenton silt loam, 0-2% slopes	Somewhat poorly drained	B/D	Non-hydric Hydric Inclusions Likely	Prime Farmland
152A	Drummer silty clay loam, 0-2% slopes	Poorly drained	B/D	Hydric	Prime Farmland (if drained)
325B	Dresden silt loam, 2-4% slopes	Well drained	B	Non-hydric	Prime Farmland

369A	Waupecan silt loam, 0-2% slopes	Well drained	B	Non-hydric	Prime Farmland
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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 soil 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. Of the soils found onsite, 152A Drummer silty clay loam, is classified as a hydric soil. Additionally, 149A Brenton silt loam, is denoted as having the potential for hydric inclusions.

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

Table 2:

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
149A	Low	January - May Upper Limit: 1.0'-2.0' Lower Limit: >6.0'	January - May Surface Water Depth & Duration: -- Frequency: None	January - May None
152A	Negligible	January - May Upper Limit: 0.0'-1.0' Lower Limit: > 6.0'	January - May Surface Water Depth & Duration: 0.0'-0.5'; Brief Frequency: Frequent	January - May None
325B	Low	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
369A	Low	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None

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. 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).

Ponding: Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

Flooding: 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 brief is 2 to 7 days and a frequent frequency means that it is likely to occur often under normal weather conditions.

SOIL LIMITATIONS:

According to the USDA-NRCS, soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction and maintenance. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Ratings are based on the soil in an undisturbed 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. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

- ✓ **Not Limited:** Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- ✓ **Somewhat Limited:** Indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design or installation; fair performance and moderate maintenance can be expected.
- ✓ **Very Limited:** Indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures; poor performance and high maintenance can be expected.

Conventional Septic System Rating Criteria:

The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. Soils that are deemed unsuitable for installation of an on-site sewage disposal system per the Kendall County Subdivision Control Ordinance may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact: Kendall County Health Department located at 811 W. John Street, Yorkville, IL; (630)553-9100 ext. 8026.

Limitations are listed below for small commercial building, shallow excavations, lawns & landscaping, onsite conventional sewage disposal systems, dwellings with basements, dwellings without basements, and local roads & streets. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, IL and the Kendall County Subdivision Control Ordinance; this does not replace the need for site specific soil testing or results of onsite soil testing.

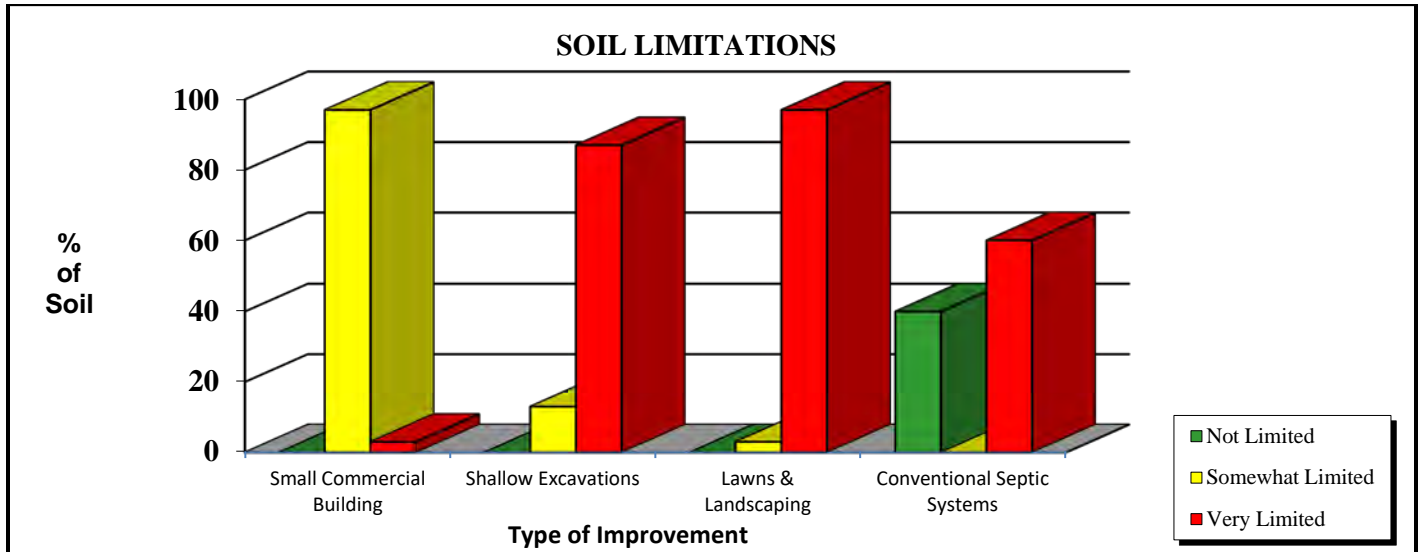
Table 3a: Building Limitations

Soil Type	Small Commercial Building	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Disposal System
149A	Somewhat Limited: Depth to saturated zone; Shrink-swell	Very Limited: Depth to saturated zone; Dusty; Unstable Excavation Walls	Somewhat Limited: Depth to saturated zone; Dusty	Suitable
152A	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Dusty; Unstable excavation walls	Very Limited: Ponding; Depth to saturated zone; Dusty	Unsuitable: Wet
325B	Somewhat Limited: Shrink-swell	Somewhat Limited: Dusty; Unstable excavation walls	Somewhat Limited: Dusty	Unsuitable: Gravel
369A	Somewhat Limited: Shrink-swell	Somewhat Limited: Dusty; Unstable excavation walls	Somewhat Limited: Dusty	Suitable

Table 3b: Building Limitations

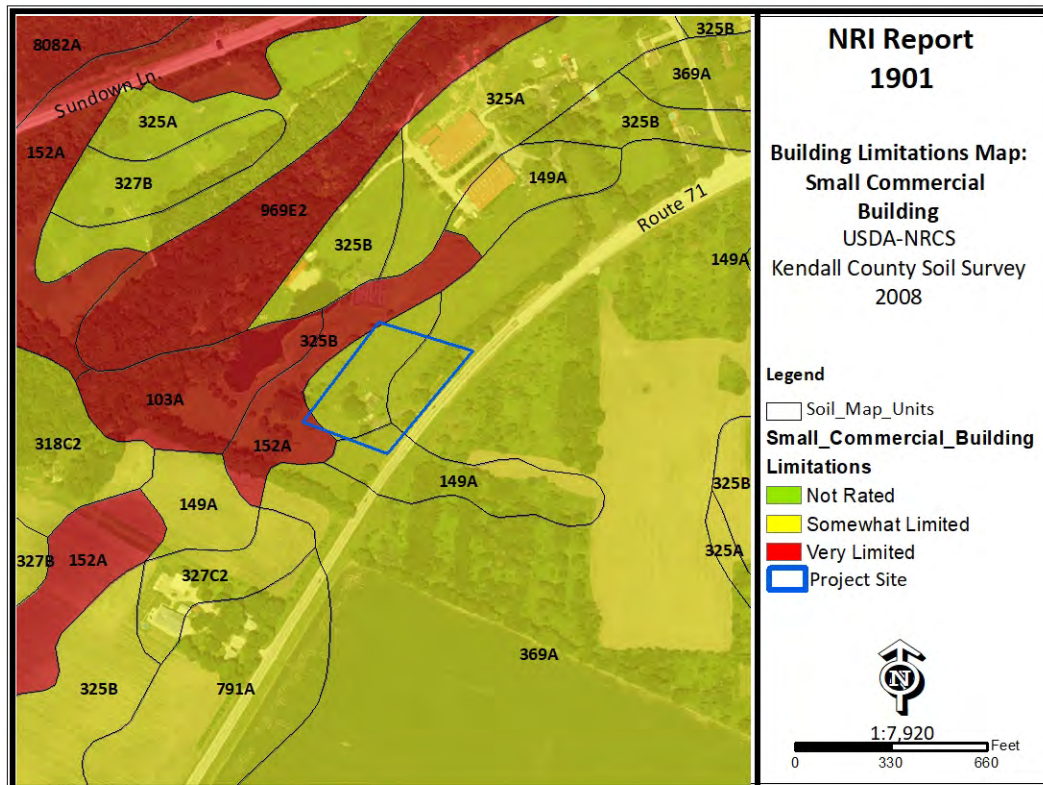
Soil Type	Dwellings with Basements	Dwellings without Basements	Local Roads & Streets
149A	Very Limited: Depth to saturated zone; Shrink-swell	Somewhat Limited: Depth to saturated zone; Shrink-swell	Very Limited: Frost action; Low strength; Depth to saturated zone; Shrink-swell
152A	Very Limited:	Very Limited:	Very Limited:

	Ponding; Depth to saturated zone; Shrink-swell	Ponding; Depth to saturated zone; Shrink-swell	Ponding; Depth to saturated zone; Frost action; Low strength; Shrink-swell
325B	Not Limited	Somewhat Limited: Shrink-swell	Somewhat Limited: Frost action; Shrink-swell
369A	Not Limited	Somewhat Limited: Shrink-swell	Very Limited: Frost action; Low strength; Shrink-swell



Building Limitations Map:

Figure 2a: Small Commercial Building



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.
- **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 Kendall County LESA Committee is responsible for this portion of the LESA system.

Table 4a: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
149A	1	100	0.3	30.0
152A	1	100	0.1	10.0
325B	4	79	1.7	134.3
369A	2	94	0.9	84.6
Totals			3.0	258.9
LE Score		LE= 258.9/3.0		LE = 86

The Land Evaluation score for this site is **86**, indicating that this site is predominately prime farmland well suited for agricultural production.

Table 4b: Site Assessment Computation

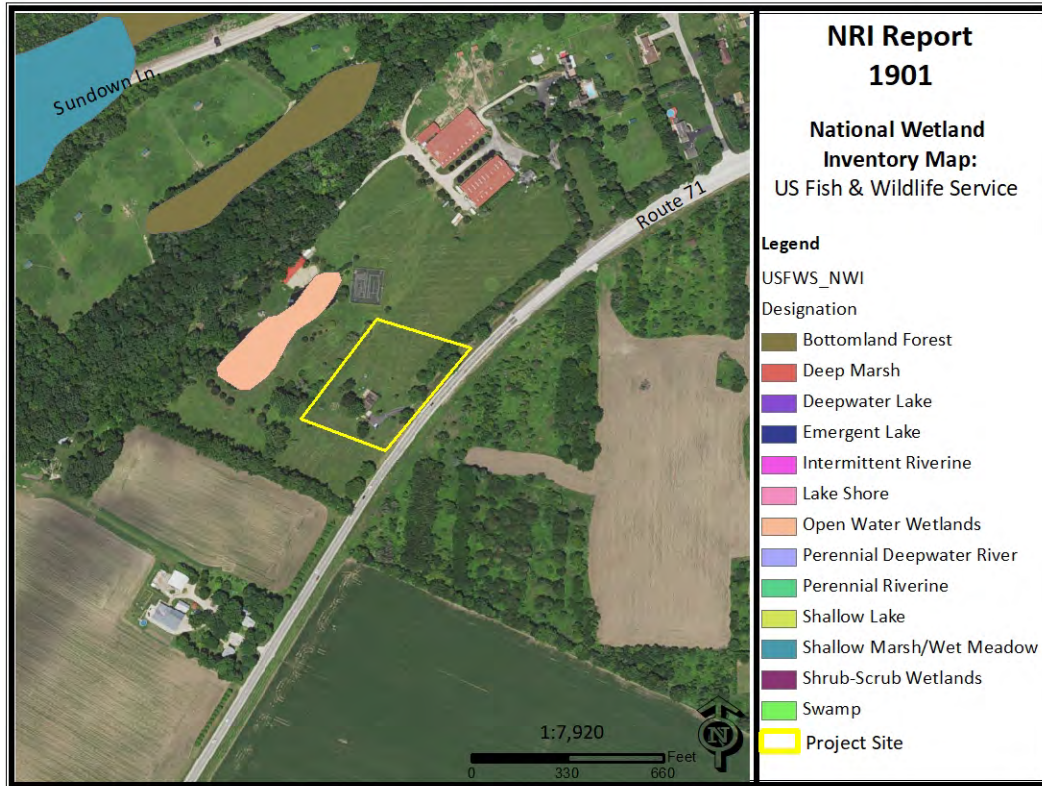
A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	0
	2. Current use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	2
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	66

Land Evaluation Value: 86 + Site Assessment Value: 66 = LESA Score: 152

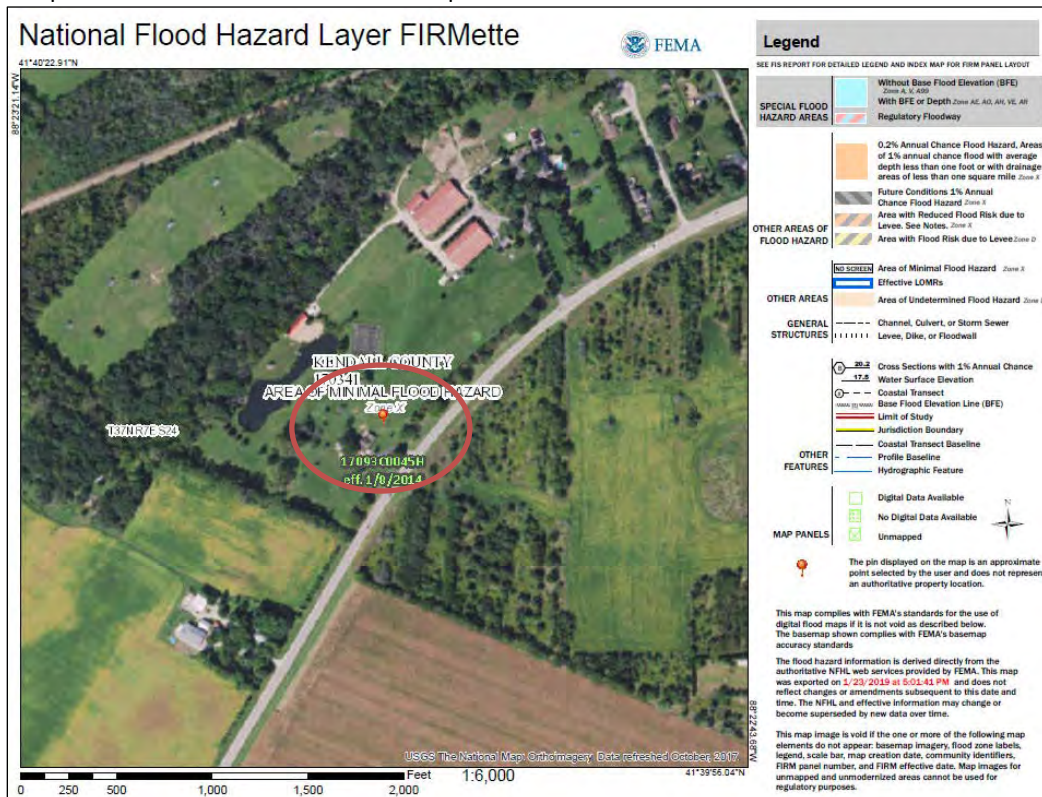
LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

The **LESA Score for this site is 152 which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Wetlands: The U.S. Fish & Wildlife Service's National Wetland Inventory map **does not indicate** the presence of a wetland on the project site. If a wetland is present and will be impacted by the project, 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 parcel is not 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 because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<http://www.aiswcd.org/illinois-urban-manual/>) for appropriate best management practices.

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Rodolfo and Georgina Nunez for the proposed A-1 Special Use Permit (Outdoorscapes, Inc.) petition project. This parcel is located in the northwest corner of the southwest corner of Section 24 of Bristol Township (T.37N.-R.7E. of the 3rd Principal Meridian) in Kendall County. 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 has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 86 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production when soils are in an undisturbed state. The LESA Score for this site is 152 which indicates a low level of protection for the proposed project site. Of the soils identified onsite, all are designated as prime farmland. One soil type found onsite, 152A Drummer silty clay loam is designated as a hydric soil and one soil type, 149A Brenton silt loam has the potential to have hydric inclusions.

For proposed land uses, soils can have potential limitations. This report indicates that for soils located on the parcel, 87% of the soils are very limited for shallow excavations, 3% are very limited for small commercial building and 60% are unsuitable for onsite conventional sewage disposal systems. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support development with significant limitations. Additionally, if the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Fox River Watershed.

This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense project uses it may be necessary to have a drainage tile survey completed on the parcel to locate any subsurface drainage tile if suspected onsite. 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 the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).


SWCD Chairperson

1/14/19
Date

Attachment 14, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved Meeting Minutes of January 23, 2019 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Angela Zubko

Members Absent: Roger Bledsoe, Benjamin Schroeder, and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner, Ruth Ann Sikes, Office Assistant

In the Audience: Dan Kramer, Stuart Weihler, Paula Weihler, Larry Anderson, Tom Gargrave, and Matthew Prochaska

Chairman Ashton welcomed the new member Bill Davis and new recording secretary Ruth Ann Sikes. Mr. Asselmeier stated that the Department is working with the Administrative Services Department regarding recognizing Budd Wormley for his years of service to the Kendall County Regional Planning Commission.

APPROVAL OF AGENDA

Ms. Zubko made a motion, seconded by Ms. Wilson, to approve the agenda as presented. With a voice vote of all ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Ms. Wilson made a motion, seconded by Ms. Zubko, to approve the August 22, 2018, Kendall County Regional Planning Commission meeting minutes. With a voice of all ayes, the motion carried.

PETITIONS

19-04 – Rodolfo and Georgina Nunez. Special Use Permit for Landscaping Business

Mr. Asselmeier summarized the request.

The Petitioners would like to operate a landscaping business at 6725 Route 71 in Oswego Township; property is zoned A-1.

Oswego has a trail planned along Route 71. There is a pond on the property to the northwest. There are thirty-nine (39) homes located within a half (½) mile of the property.

The Petitioners would like one year to construct a new building on the site and would like to existing building to remain.

Petition information was sent to the Oswego Township on December 21, 2018, and they responded with no objections. The Village of Oswego was sent on December 21, 2018, and they responded with no objections. Petition information was sent to the Oswego Fire Protections on December 21, 2018. The Petitioner and Oswego Fire Protection exchanged correspondence regarding sprinkler requirements.

ZPAC met on this case on January 8, 2019. ZPAC unanimously recommended approval of this proposal

Chairman Ashton asked if the pond was on the property; Mr. Asselmeier replied that it was on the adjacent property.

Ms. Zubko asked about the placement of employee parking, bathrooms, and handicapped stalls? Mr. Asselmeier replied that parking would be on the driveway and employees would go off site for their work. Employees would use the bathroom inside the house. No customers would come to the property. Neither the Village of Oswego nor the Illinois Department of Transportation requested an easement or right-of-way dedication for a trail.

Member Wilson asked what kind of containers on the property. The containers are shipping containers.

Dan Kramer, on behalf of the Petitioners, described the proposal. The business is a small business. Mr. Nunez is certified as a tree specialist, not a lawn mowing company. He does not have a lot of equipment. The proposed building is strictly for dry storage. The only truck that would be stored outside is Mr. Nunez's pickup truck; no delivery truck would be stored outside. The well and septic locations have been found.

Mr. Rodriguez questioned if the listed size of the building would be large enough for the proposed operations. Mr. Kramer responded that the Petitioner doesn't have a whole lot of equipment and he is fine with the building's size.

Ms. Zubko asked for clarification of the term "nursery stock". Mr. Kramer responded that nursery stock would consist of trees and not mulch or other landscape debris.

Ms. Wilson requested clarification on the number lots. Mr. Kramer explained the legal description and lot lines were determined because of Plat Act requirements.

Ms. Zubko made a motion, seconded by Ms. Wilson, to recommend approval of Petition 19-04 with the conditions proposed by Staff.

Yes (7): Ashton, Casey, Davis, Nelson, Rodriguez, Wilson, and Zubko
No (0): None
Absent (3): Bledsoe, Schroeder, and Shaw

The motion carried.

Petition 19-04 will go to the Zoning Board of Appeals on January 28, 2019.

19-05 – Specialty Oswego, LLC (Current Owners) and Stuart and Paula Weihler (Prospective Buyers)

Mr. Asselmeier summarized the request.

Stuart and Paula Weihler would like to establish a banquet facility, at the subject property. Specialty Oswego, LLC is the current owners and Stuart and Paula Weihler are prospective buyers. Property is located in the 5100 block of Schlapp Road, approximately zero point four eight (0.48) miles south of the intersection of Plainfield Road and Schlapp Road on the East Side of Schlapp Road.

The current land use is agricultural and farmstead and the future land use is rural residential. Schlapp Road is a township road classified as a minor collector. A variance is required because of the road classification of Schlapp Road.

Seven (7) homes, not including the homes in the Douglas Hill Subdivision and Leisure Lea Subdivision, are located within one half (1/2) mile of the existing property lines.

The EcoCAT was submitted on December 18, 2018, and consultation was terminated.

The NRI application was submitted on December 21, 2018. To date, the Kendall County Soil and Water Conservation District has not provided a LESA Score.

Oswego Township was emailed information on December 21, 2018. Oswego Township is in favor of the proposal provided right-of-way is dedication for Schlapp Road.

Oswego Fire Protection District was emailed information on December 21, 2018. The Petitioner will seek a variance to the sprinkler requirements and they plan to install a security system.

The Village of Oswego was emailed information on December 21, 2018. The Village of Oswego expressed no opposition to the proposal.

ZPAC met on this proposal on January 8, 2019. Discussion occurred regarding a sprinkler variance from the Oswego Fire Protection District. Clarification was provided regarding the terms “weekends” and “weekdays”. Discussion occurred regarding well testing based on the number of events. The Petitioners acknowledged Kendall County’s Right to Farm Clause. The Petitioners stated that they no longer wanted the special use permit previously granted at the property. The Petitioners acknowledged that they would have to apply for a stormwater management permit. ZPAC unanimously recommended approval of the proposal.

The Weihlers intend to establish the Heritage Homestead banquet facility and wedding venue as a limited liability company. Their business plan, site plan, landscaping plan, and lighting plan were provided to the Commission.

As noted in the business plan plat or survey and site plan, the Weihler’s would use the southern ten (10 acres of the current property configuration for their event business. They plan to construct a four thousand, nine hundred fifty (4,950) square foot barn with two (2) two thousand five hundred (2,500) square foot outdoor areas on the southwest and northeast sides of the barn. One (1) two thousand (2,000) square foot tent with concrete pad would be located northwest of the barn. Two (2) grain bins, one (1) for the bride and one (1) for the groom, would be constructed to the northwest of each outdoor area. An Additional bar grain bin would be constructed west of the tent. Each grain bin would be one hundred seventy-one (171) square feet would be One (1) outdoor grassy ceremony area, measuring three thousand five hundred (3,500) square feet would be located east of the barn area. One (1) one hundred eight-one (181) square feet gazebo would be located southwest of the barn. One (1) additional one thousand five hundred (1,500) square foot storage building would be located to the east of the parking area. One (1) one hundred (100) square foot trash enclosure is planned east of the parking area. Gravel pathways would connect the parking lot to the various structures and areas of interest on the property.

The Weihler’s propose an approximately thirty-seven thousand seven hundred sixty-two (37,762) square foot wet detention pond around the southern portion of the gazebo. Based on the information provided regarding the amount of disturbed ground (land disturbed for parking, facilities, and detention), a stormwater management permit will be required.

The Weihler’s plan to have events year-round. For weekdays, events would start no sooner than 9:00 a.m. and end no later than 10:00 p.m. For weekends and holidays, events would start no sooner than 9:00 a.m. and end no later than midnight.

The Weihler’s plan to use select caterers and will have adequate insurance.

If approved, the Weihler's plan to start construction by April 2019 and start having events in October 2019 with a full season of bookings for 2020.

Chairman Ashton asked about lighting crossing the property line. Mr. Asselmeier said the restriction regarding lighting can be made more explicit to ensure that lighting will not cross property lines. The parking lot lights will not be turned on when events are not occurring.

Mr. Casey asked why the Petitioners were seeking a variance to the sprinkler requirements. Mr. Asselmeier explained that the Petitioners did not want to install sprinklers.

Ms. Zubko asked if the pathways met the standards of the Americans with Disabilities Act. The Petitioners clarified that the pathways will be designed to meet the standards.

Ms. Zubko questioned the location of the trash enclosures. Employees of the banquet business will haul trash to the location and ensure that litter is removed from the site.

Ms. Wilson requested clarification regarding Sundays as a weekday. Mr. Asselmeier explained that the Petitioners did not want Sundays to be considered part of the weekend.

Dan Kramer, on behalf of the Petitioners, confirmed that parking lot lights will only be on during events. The Petitioners will have low wattage security lights. All events will be catered. The Petitioner support the right-of-way dedication for Schlapp Road. He explained the sprinkler situation and concerns about having a water source for sprinklers. A security system will be installed onsite. The parking lots will be gravel, but the handicapped parking spaces will be blacktopped.

Ms. Wilson asked about the concrete slabs. These slabs will be used for outdoor patio areas.

Mr. Davis asked if the construction will be all new construction. The response was yes, but the Petitioners may incorporate some old barn wood.

The restrooms will be inside the barn.

Larry Anderson, Oswego, stated that he was an adjacent property owner. Mr. Anderson was concerned about patrons of the business coming onto his property and possibly falling into his pond. Mr. Anderson requested that a fence be installed by the Petitioners on the banquet facility property. Chairman Ashton advised Mr. Anderson to install "No Trespassing" signs on Mr. Anderson's property.

Tom Gargrave, Oswego, expressed concerns regarding noise and light pollution. Mr. Gargrave expressed concerns about traffic safety because of the intersection of Schlapp Road, Plainfield Road, and Simons Road. Mr. Gargrave stated that the water table is falling in the area. He believed the proposal could be spot zoning.

Mr. Kramer indicated that the Petitioners are willing to work with Mr. Anderson regarding identify the property lines. A fence or plantings could be installed along the property line. Mr. Kramer explained that the property could be annexed into Oswego and that more intense retail uses would be allowed on the property if annexation occurred.

Signage size has not been determined.

The office will be inside the barn.

No one will be living onsite.

Mr. Nelson made a motion, seconded by Mr. Casey, to recommend approval of Petition 19-05 with the conditions proposed by Staff.

Ms. Zubko made a motion, seconded by Ms. Wilson, to recommend approval of Petition 19-04 with the conditions proposed by Staff.

Yes (7): Ashton, Casey, Davis, Nelson, Rodriguez, Wilson, and Zubko

No (0): None

Absent (3): Bledsoe, Schroeder, and Shaw

The motion carried.

Petition 19-05 will go to the Zoning Board of Appeals on January 28, 2019.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Election of Officers-Chairman, Vice Chairman, Treasurer, Secretary and Recording Secretary

Mr. Nelson made a motion, seconded by Ms. Zubko to nominate the following individuals to the designated positions:

Bill Ashton (Chairman), Ruben Rodriguez (Vice Chairman), Matt Asselmeier (Treasurer), Larry Nelson (Secretary), and Ruth Ann Sikes (Recording Secretary)

With no additional nominees, Mr. Nelson made a motion, seconded by Mr. Casey, to close the call for nominees. With a voice vote of all ayes, the motion carried unanimously.

With a voice vote of all ayes, the nominees were approved unanimously.

Appointments to Comprehensive Land Plan and Ordinance Committee

Chairman Ashton announced the appointments to the Comprehensive Land Plan and Ordinance Committee as follows: Larry Nelson (Chairman), Chairman of the Kendall County Regional Planning Commission or Their Designee (Bill Ashton), Chairman of the Kendall County Zoning Board of Appeals or Their Designee (Randy Mohr), Chairman of the Kendall County Board or Their Designee (Scott Gryder), Chairman of the Kendall County Planning, Building and Zoning Committee or Their Designee (Matthew Prochaska), Megan Andrews, Jeff Wehrli, and John Shaw.

Approval of 2019 Meeting Dates

Ms. Zubko made a motion, seconded by Ms. Wilson, to approve the 2019 meeting calendar.

With a voice vote of all ayes, meeting dates were approved unanimously.

Annual Meeting-February 2, 2019 at 9:00 a.m.

The Commission reviewed the draft agenda for the Annual Meeting.

OLD BUSINESS

Update on Petition 18-04 Request from the Kendall County Regional Planning Commission for Changes to the Future Land Use Map for Properties Located Near Route 47 in Lisbon Township.

Mr. Asselmeier provided an update on the proposal. Planning, Building and Zoning Committee Chairman Matthew Prochaska indicated that he hopes to have the proposal to County Board in February.

KCRPC Meeting Minutes 1.23.19

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier informed the Commission that Petition 17-28 was referred back to Committee, 18-03 withdrawn at Committee, 18-07 withdrawn at Committee, 18-13 approved by the County Board, 18-15 approved by the County Board, 18-20 was approved by the County Board, 18-25 was approved by the County Board, 18-26 was approved by the County Board. Planning, Building and Zoning Committee Chairman Matthew Prochaska described the process he intended to follow regarding Petition 17-28.

CORRESPONDENCE

Mr. Asselmeier read the correspondence regarding United City of Yorkville Unified Development Ordinance Project, Village of Oswego Unified Development Ordinance Project, City of Joliet Comprehensive Plan Update Project, Village of Minooka Comprehensive Plan Update Project.

OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

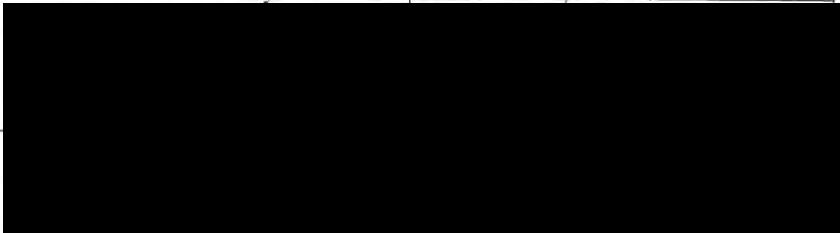
Ms. Zubko made a motion, seconded by Ms. Wilson, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:45 p.m.

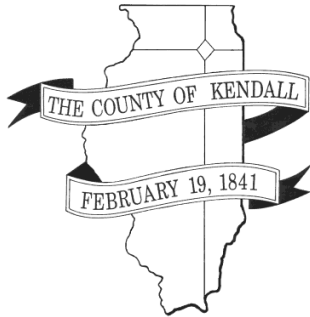
Respectfully submitted by,
Ruth Ann Sikes
Part-Time Office Assistant (Zoning)

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JANUARY 23, 2019**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Don Kramer	1107 N S Bridge St Yorkville, Ill.	19-04 19-05 d/kramer@donkramerinc.com
Larry Andrew		
Tom GARGRAVE		
Matt Prochaska	111 W. Fox St Yorkville, IL 60560	



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 19-05

**Specialty Oswego, LLC (Current Owners) and Stuart and Paula
Weihler (Prospective Owners)**

5100 Block of Schlapp Road

A-1 Special Use – Banquet Facility

INTRODUCTION

Stuart and Paula Weihler would like to establish a banquet facility, Heritage Homestead at the subject property. The property is currently owned by Specialty Oswego, LLC and the Weihler's have a contract to purchase the property subject to obtaining the required zoning permits to operate a banquet facility.

SITE INFORMATION

PETITIONER Specialty Oswego, LLC (Current Owners) and Stuart and Paula Weihler (Prospective Buyers)

ADDRESS 5100 Hundred Block of Schlapp Road

LOCATION Approximately 0.48 Miles South of the Intersection of Plainfield Road and Schlapp Road on the East Side of Schlapp Road



TOWNSHIP Oswego

PARCEL # 03-34-100-024 (Southern 10 Acres)

LOT SIZE 10.00 +/- Acres

EXISTING LAND USE Agricultural

ZONING A-1 Agricultural District

LRMP	Current Land Use	Agricultural and Farmstead
	Future Land Use	Rural Residential (Max 0.60 Du/Acre)
	Roads	Schlapp Road is a Township Road Classified as a Minor Collector.
	Trails	None
	Floodplain/Wetlands	None

REQUESTED ACTION A-1 Special Use to Operate a Banquet Facility

APPLICABLE REGULATIONS Section 7.01 D.10 – A-1 Special Uses – Permits Banquet Facilities to be Located in the A-1 District with Approval of a Special Use Provided that the Facility Meets Certain Criteria

Section 13.08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural/Farmstead	A-1	Rural Residential (Max 0.60 DU/Acre) and Rural Estate Residential (Max 0.45 DU/Acre)	A-1
South	Agricultural	A-1	Rural Residential	A-1
East	Agricultural/Farmstead	A-1 and A-1 SU	Rural Residential	A-1, A-1 SU, and R-1 and R-3
West	Agricultural	A-1	Rural Residential	A-1

The A-1 SU immediately to the east of the subject property is a church. One (1) additional A-1 SU is located within one half (1/2) mile of the property to the northeast; this special use permit is for the selling of agricultural products not grown on the premises.

Seven (7) houses, not including the homes in the Douglas Hill Subdivision and Leisure Lea Subdivision, are located within one half (1/2) mile of the existing property lines.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on December 18, 2018, consultation was terminated (see Attachment 1, Pages 17-19).

NATURAL RESOURCES INVENTORY

NRI application submitted on December 21, 2018 (see Attachment 1, Page 16). To date, the Kendall County Soil and Water Conservation District has not provided a LESA Score.

ACTION SUMMARY

OSWEGO TOWNSHIP

Oswego Township was emailed information on December 21, 2018. At ZPAC, discussion occurred regarding dedicating a portion of the frontage of the property for Schlapp Road right-of-way. Oswego Township was in favor of this suggestion. At their meeting on January 15, 2019, they expressed support for the right-of-way dedication and expressed no comments in object to either the requested special use permit or variance. Correspondence related to this matter is included as Attachment 13.

OSWEGO FIRE PROTECTION DISTRICT

Oswego Fire Protection District was emailed information on December 21, 2018. The Petitioner will seek a variance to the sprinkler requirements and they plan to install a security system. Correspondence with the Fire Protection District is included as Attachment 14.

VILLAGE OF OSWEGO

The Village of Oswego was emailed information on December 21, 2018. The Village of Oswego suggested that the Petitioners may want to annex the property to the Village. The Petitioners favor remaining in the unincorporated area at this time. The Village of Oswego did not express any opposition to the proposal. Correspondence with the Village of Oswego is included as Attachment 15.

ZPAC

ZPAC met on this proposal on January 8, 2019. Discussion occurred regarding a sprinkler variance from the Oswego Fire Protection District. Clarification was provided regarding the terms "weekends" and "weekdays." Discussion occurred regarding well testing based on the number of events. The Petitioners acknowledged Kendall County's Right to Farm Clause. The Petitioners stated that they no longer wanted the special use permit previously granted at the property. The Petitioners acknowledged that they would have to apply for a stormwater management permit. ZPAC unanimously recommended approval of the proposal. The minutes of this meeting are included as Attachment 16.

KCRPC

The Kendall County Regional Planning Commission met on this proposal on January 23, 2019. A restriction regarding lights not crossing property lines was added to the list of conditions and the parking lot lights will not be on when events are not occurring. The parking surface for the handicapped parking spaces and the walking paths would have to be on an ADA acceptable surface. Restrooms will be inside the barn. A small office suite will be inside the barn. No one will be living at the property. Larry Anderson expressed concerns about patrons coming onto his property which is located east of the property. Mr. Anderson was wondering if a fence could be constructed on the subject property to prevent patrons and litter from crossing onto his property. The Petitioners agreed to discuss fencing and plantings with Mr. Anderson. Mr. Anderson was advised to post "No Trespassing" signs. Tom Gargrave expressed concerns regarding increased traffic on Schlapp Road and safety at the intersection of Schlapp Road and Plainfield Road. Mr. Gargrave expressed concerns about noise traveling off the property. Mr. Gargrave also expressed concerns regarding light pollution and water supply in the area. The Kendall County Regional Planning Commission unanimously recommended approval. The minutes of this meeting are included as Attachment 18.

GENERAL

The Weihlers intend to establish the Heritage Homestead banquet facility and wedding venue as a limited liability company. A special use permit is required to operate a banquet facility at the subject property. Pictures of the property are included as Attachments 6-12. There are currently no structures on the property.

This type of use is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

- a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan. (Variance is required for this requirement.)** A variance is required because Schlapp Road is not an arterial roadway or major collector as defined in the Land Resource Management Plan.

- b. The subject parcel must be a minimum of 5 acres.
- c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. 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.

BUSINESS OPERATION

The Weihler's business plan is included as Attachment 1, Pages 2-10. The plat of survey is included as Attachment 2. The site plan is included as Attachment 3.

As noted in the business plan, plat of survey and site plan, the Weihler's would use the southern ten (10) acres of the current property configuration for their event business. They plan to construct a four thousand, nine hundred fifty (4,950) square foot barn with two (2) two thousand five hundred (2,500) square foot outdoor areas on the southwest and northeast sides of the barn. One (1) two thousand (2,000) square foot tent with concrete pad would be located northwest of the barn. Two (2) grain bins, one (1) for the bride and one (1) for the groom, would be constructed to the northwest of each outdoor area. An additional bar grain bin would be constructed west of the tent. Each grain bin would be one hundred seventy-one (171) square feet in size. One (1) outdoor grassy ceremony area, measuring three thousand five hundred (3,500) square feet would be located east of the barn area. One (1) one hundred eighty-one (181) square foot gazebo would be located southeast of the barn. One (1) additional one thousand five hundred (1,500) square foot storage building would be located to the east of the parking area. One (1) one hundred (100) square foot trash enclosure is planned east of the parking area. Gravel pathways would connect the parking lot to the various structures and areas of interest on the property.

The Weihlers propose an approximately thirty-seven thousand seven hundred sixty-two (37,762) square foot wet detention pond around the southern portion of the gazebo. Based on the information provided regarding the amount of disturbed ground (land disturbed for parking, facilities, and detention), a stormwater management permit will be required.

The Weihlers plan to have events year-round. For weekdays, events would start no sooner than 9:00 a.m. and end no later than 10:00 p.m. For weekends and holidays, events would start no sooner than 9:00 a.m. and end no later than midnight. The Weihlers will be asking the Planning, Building and Zoning Committee for permission to extend cleanup hours until two (2) hours after the end of events on weekends. Section 11.02.F.12 of the Kendall County Zoning Ordinance requires all non-residential lighting to be turned off no later than sixty (60) minutes after an event unless otherwise approved by the Kendall County Planning, Building and Zoning Department.

The Weihlers plan to use select caterers and will have adequate insurance.

If approved, the Weihlers plan to start construction by April 2019 and start having events in October 2019 with a full season of bookings for 2020.

BUILDING CODES

A Building and Occupancy Permit will be required for each structure that will be used in conjunction with the proposed banquet facility.

ENVIRONMENTAL HEALTH

A raised septic area with three sanitary holding tanks is proposed southwest of the proposed barn. The proposed water well will be located northeast of the tent area. No detailed information about the well or septic system was provided. The Petitioner agreed to work with the Kendall County Health Department regarding the logistics of establishing a well and septic system as proposed.

ROAD ACCESS

The property fronts Schlapp Road. A variance will be required to have a banquet facility at this property.

PARKING AND INTERNAL TRAFFIC CIRCULATION

Based on the information provided, the maximum number of attendees would be two hundred eight-five (285) guests. Four (4) additional full-time employees plus the two (2) owners would be onsite during events. Pending any concerns from first responders, the proposed facility would have more than adequate parking facilities. The Weihlers are proposing one hundred fifty-one (151) parking spaces including seven (7) handicapped accessible spaces.

LIGHTING

The Weihlers propose five (5) twenty foot (20') fixture light poles and two (2) twenty foot (20') single fixture light poles. Parking lot lights will not be on during evenings when no events are occurring. The lighting plan is included as Attachment 5.

SIGNAGE

One (1) monument sign is proposed along Schlapp Road as shown on Attachment 3. No information was provided regarding the size of the sign. The sign would not be illuminated. No information was provided regarding the size of one-way vehicular movement signs.

LANDSCAPING

The landscaping plan call for thirty-two (32) canopy trees, sixteen (16) evergreens, ten (10) understory trees, ten (10) ornamental trees, and one hundred twenty-six (126) deciduous bushes. The landscaping plan is included as Attachment 4.

NOISE CONTROL

The Weihlers plan to have music originate indoors with speakers facing indoors except for processions at weddings.

The Weihlers plan to install some berming and, with the combination of distance and new plantings, they believe noise will not be an issue.

STORMWATER

WBK submitted comments regarding stormwater related matters. This letter is included as Attachment 17. The Petitioners acknowledged that they would need to apply for a stormwater management permit. The Petitioners' engineers are working on gathering the information requested in WBK's letter.

RELATION TO OTHER SPECIAL USES

The subject property was granted a special use permit for a residential unit for a stable employee in 1999. At ZPAC, the Petitioners were agreeable to removing this special use permit.

This proposed banquet facility is less than one half (1/2) mile from the nearest road meeting the functional classification requirements in the Zoning Ordinance. By comparison, the banquet facility at 13889 Hughes Road is approximately one point five (1.5) miles from the nearest major collector road (Newark Road via Hollenback Road).

FINDINGS OF FACT-SPECIAL USE

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

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan, landscaping plan, and lighting plan. Proper buffering and noise controls will be necessary to prevent noise from negatively impacting neighboring properties. The Petitioners plan to seek a variance from the Oswego Fire Protection District for sprinkler requirements. The Petitioners are agreeable to dedicating land for Schlapp Road right-of-way. The Kendall County Sheriff's Department has not submitted comments expressing concerns for public health and safety.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours of operation, number of events, and buffering within the ordinance granting the special use permit.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **True, the Petitioner plans to work with the Kendall County Health Department, the Kendall County Planning, Building and Zoning Department and Oswego Township to address utilities, drainage, and points of ingress and egress.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **Provided that the variance is approved regarding distance to arterial and collector roads, the special use would conform to the applicable regulations of the district.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."***

FINDINGS OF FACT-VARIANCE

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

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **The proposed banquet facility is approximately one half (1/2) mile from an arterial or major collector (Plainfield Road). In 2018, the County granted a similar variance for a banquet facility located approximately one point two (1.2) miles from an arterial roadway.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **This is not true. Other banquet facilities in the rural areas could face similar concerns. The specific number of properties sharing similar characteristics is unknown.***

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioners created the hardship by desiring to have a banquet facility at the subject property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. True, the Kendall County Sheriff's Department, Oswego Township, and the Oswego Fire Protection District have not expressed any concerns regarding the proposed use being materially detrimental to the public welfare or injurious to other property in the neighborhood provided the right-of-way dedication occurs and provided that the Petitioners secure applicable variances from the Oswego Fire Protection District.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. True, the proposed use will not block light or air from adjacent properties. The proposed use will not cause an increase in congestion on public streets because events will not be held every day. Provided the business allowed by the special use permit follows the restrictions placed on the special use permit, no increase to the danger of fire or the endangerment of public safety should occur. Data does not exist as to whether the placement of the proposed use will diminish or impair the property value of the property located southeast of the subject property.

RECOMMENDATION

Because a similar variance was granted at a property further away from a required roadway, Staff recommends approval of the requested special use permit and variance subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan, landscaping plan, and lighting plan. The previously listed plans may be altered to meet the right-of-way dedication mentioned in condition 2.
2. Within sixty (60) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire western portion of the property to Oswego Township to be used as Schlapp Road right-of-way. This dedication shall have a depth of fifty feet (50') as measured from the centerline of Schlapp Road.
3. A maximum of two hundred eighty-five (285) guests in attendance at a banquet center related event may be on the subject property at a given time.
4. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance.
5. The subject parcel must maintain a minimum of five (5) acres.
6. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
7. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance except where variances are granted. In particular, lighting will not be allowed to cross property lines. Parking lot lights shall not be illuminated on evenings when no events are held. **(Second and third sentences added at RPC.)**
8. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The owners of the business allowed by this special use permit may install two (2) directional signs along Schlapp Road. Any signage provided will not be illuminated. **(Signage size could be clarified.)**
9. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.

10. 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.

11. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings.
12. The hours of operation shall be between 9:00 a.m. and Midnight on weekends and between 9:00 a.m. and 10:00 p.m. on weekdays. The owners of the business allowed by this special use permit shall be allowed an additional one (1) hour after each event for the purposes of cleanup. Setup for events shall occur during the hours of operation. For the purposes of this special use permit ordinance, the term "weekend" shall mean Fridays, Saturdays, the day prior to any Federal or State holiday, and any Federal or State holiday that falls on a Thursday. The term "weekday" shall mean the other days of the week not included in the definition of "weekend." **(Petitioners will request additional hour from Planning, Building and Zoning Committee.)**
13. A new certificate of occupancy must be issued for all buildings.
14. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The special use permit for the residential unit of a stable employee, previously granted by Ordinance 1999-10 and amended by Ordinance 1999-20, shall be repealed.
16. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
17. 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.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

ATTACHMENTS

1. Application Materials (Including Business Plan)
2. Plat of Survey
3. Site Plan
4. Landscaping Plan
5. Photometric Plan and Information
6. Aerial
7. Looking Northeast
8. Looking East
9. Looking South
10. Looking Northwest
11. Looking West
12. Looking Southwest
13. Oswego Township Related Correspondence

14. Oswego Fire Protection Related Correspondence
15. Village of Oswego Related Correspondence
16. 1-8-19 ZPAC Minutes
17. WBK Letter
18. 1-23-19 KCRPC Minutes



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME Weihler Special Use

FILE #: 19-05

NAME OF APPLICANT		
Stuart Weihler and Paula Weihler		
CURRENT LANDOWNER/NAME(s)		
Specialty Oswego, LLC		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
10 acres	vacant farm land on Schalpp Road, Oswego, IL	part of 03-34-100-024
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Farmland	A-1 Agricultural	Rural Residential
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezoned to _____) <input type="checkbox"/> VARIANCE		
<input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW		
<input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL		
<input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)		
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1 PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Daniel J. Kramer	1107A S. Bridge St., Yorkville, IL 60560	dkramer@dankramerlaw.com
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
630-553-9500	630-553-5764	
2 ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
John Tebrugge	john@tebruggeengineering.com	
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
815-786-0195		
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE
[Redacted Signature]		December 21, 2018

FEE PAID: \$ 1155.00
CHECK #: [Redacted]

¹ Primary Contact will receive all correspondence from County

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

RECEIVED

DEC 21 2018

Heritage Homestead Wedding and Event Venue Business Plan

By

Dr. Paula Weihler

Executive Summary

Heritage Homestead is a wedding and event venue business which will be based in Oswego, Illinois at the address to be given at a later date, but is approx. 10 acres and is now known as the East side of Schlapp Rd at the Plainfield Rd and Schlapp Rd intersection in Oswego.

With this venue fully registered and licensed, Heritage Homestead will provide amazing yet unforgettable memories to a diverse range of customers with the specific needs of each client taken into consideration and services patterned to ensure maximum satisfaction. However, our services are not only restricted to hosting of weddings, but we plan on having several family centered events, hosting of Annual General Meetings, parties, wedding planning services, as well as hosting a variety of other corporate events. Client expectations are very important to us. This is why we seek to exceed these expectations by offering top-notch services.

Our choice of location is very strategic to achieving our goals. Hence rural Oswego presents boundless opportunities with a young and growing population within the 18 to 35 age bracket and is located 47 miles south of Chicago. This rural, yet doable location will also draw from surrounding communities like Naperville, Plainfield and all of Fox Valley. **See attachment for land location.**

Heritage Homestead is a wedding and event venue concept brought about by Dr. Paula Weihler and her husband Stuart, who have been very active in the community for over 10 years. This business will be run as a Limited Liability Company, and her several years of experience owning her own small business in Yorkville, will be an essential part in running an efficient wedding and event venue business.

Mission Statement

Heritage Homestead will be a wedding venue business that will provide excellent services to clients. At Heritage Homestead, we also will have year round family friendly activities that are sure to bring the "Normal Rockwell" paintings to life. **See attached calendar for some event ideas.** These services will be budget friendly and will seek to fully satisfy every client. We are poised to build an unforgettable brand name in the wedding venue sector with our clients at the center of all our activities.

Vision Statement

We envision Heritage Homestead to bring smiles to faces when they hear this name. Not only do recognize the importance of our esteemed clients to the growth of our business, we are determined to be among the top 5 wedding and event venue businesses located in Illinois, achievable within 5 years from the date of commencement of business operations. We also have several family center events that are going to take place at Heritage Homestead. See attached Calendar. We hope to have the land zoned for various use by March 2019, with construction starting no later than April of 2019 and the first event hosted no later than Oct 2019 while booking future events for 2020 starting on open day, again, no later than Oct 2019. **See attachment for vision of main building.**

Event Assumptions:

This event venue will be available for about 250 persons; we would like to ask for a 14% variance for the occasional event if a need should arise where it would be over that amount.

The hours of operation would be as follows for Weekdays: start no sooner than 9 am and end no later than 10pm. For Weekends and Holidays, start no sooner than 9 am and end no later than midnight. There would also be a maximum of 65 events at this venue per year. Months of operation with this climate controlled venue would be 12 months a year.

We have estimated that we would have no more than four full-time employees, in addition to ourselves being part of this vision.

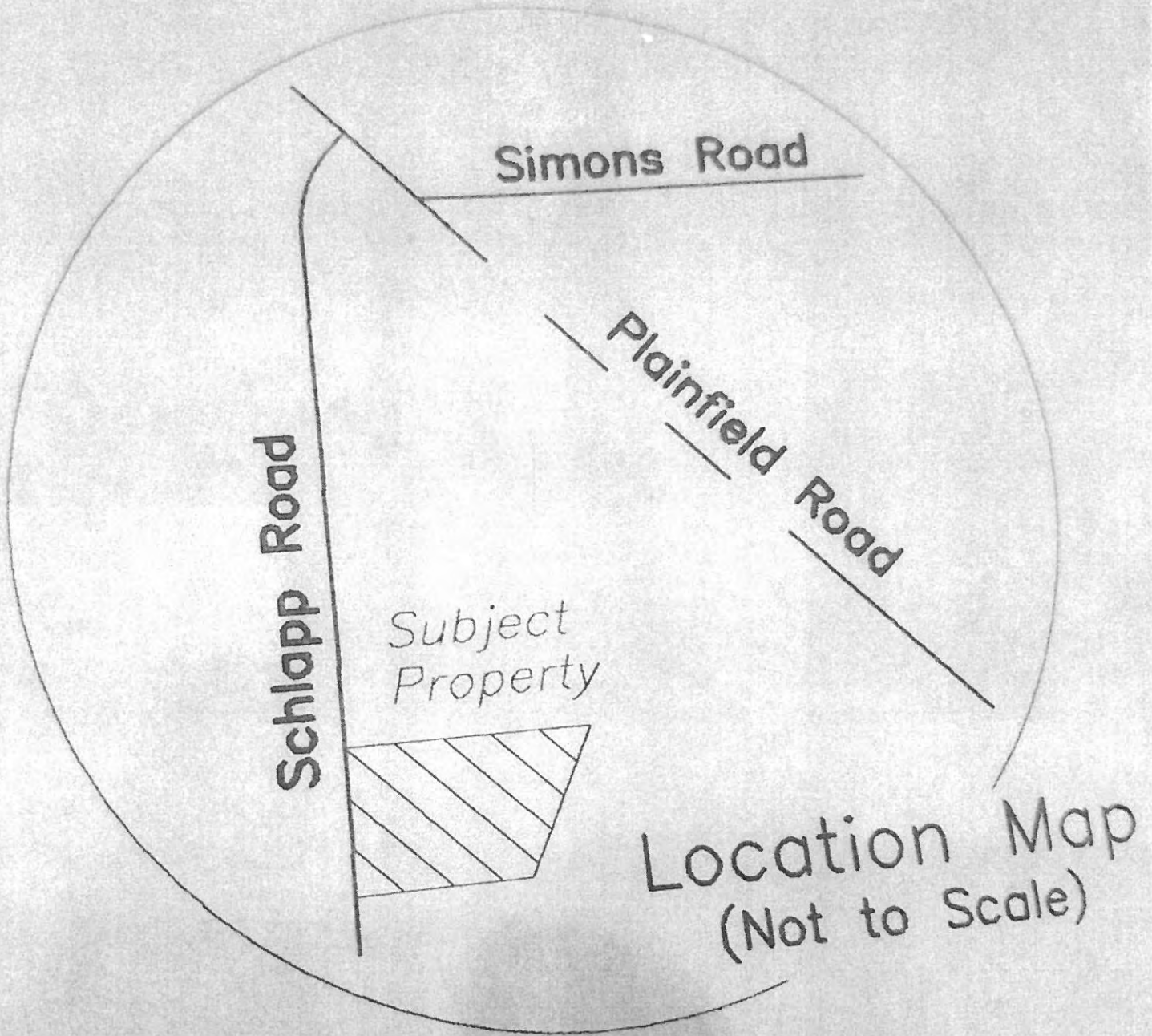
As for insuring compliance with decibel reading levels, as of right now, our nearest neighbor is more than 750 feet away. To insure that they are not disturbed, all music would be played indoors with speakers turned inwards. Outdoor music for processional and wedding/ event would be well below the County Standards at the property line as is measured by County Ordinance. Our layout also has some berms on the plan, if approved; these too would help to dampen any noise.

As for other relevant information, please know that they will only be using a few select caterers who are known for excellence, each with their own traveling liquor license for events. The owners will also have adequate liability insurance for any unforeseen circumstances.

They will have permitted signage at the front of the property per code standards.

Attachments to follow:

28



Site location

DEVELOPER:

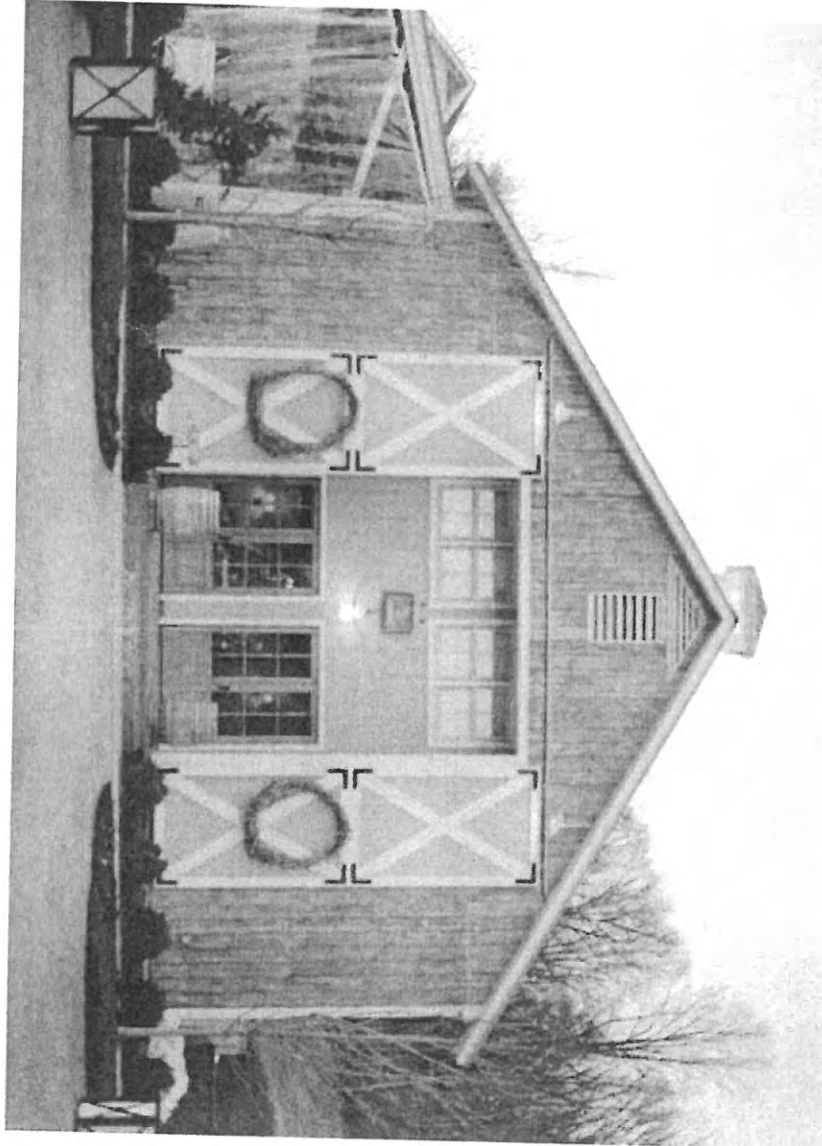
Wheeler

Road

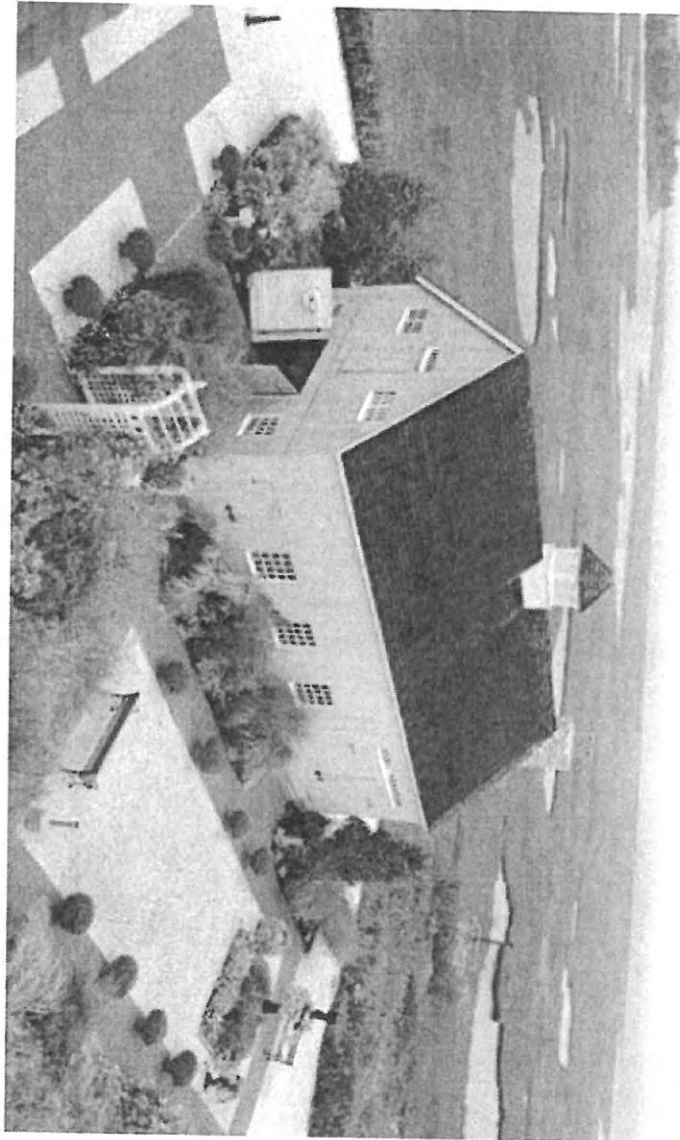
Family Centered Events at Heritage Homestead

Attachment 1, Page 6

January	New Year's Eve Celebration, ball drop at 10pm for kids
February	Valentine's Dinner/Super bowl event
March	St. Patrick's Day Corn Beef Dinner Easter event if in March
April	Easter Brunch, Breakfast with the Bunny, Weddings
May	Weddings
June	Weddings
July	Weddings
August	Weddings
Sept	Weddings
October	Weddings, Fall Festival, pumpkin patch, apple event
November	Christmas Market vendor events
December	Christmas at the Farm Event, Breakfast with Santa



Front of Main Building
Vision



Outdoor Area
Vision



Inside
Vision



Legal Description

That Part of the Northwest Quarter of Section 34, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Southwest Corner of said Northwest Quarter; thence Easterly, along the South Line of said Northwest Quarter, 660.0 feet; thence Northeasterly along a line which forms an angle of $116^{\circ}06'03''$ with the last described course, measured clockwise therefrom, (said Northeasterly Line which if extended would intersect the the North Line of said Northwest Quarter at a point which is 660.0 feet Westerly of the Northeast Corner of said Northwest Quarter), 609.24 feet; thence Westerly, parallel with the South Line of said Northwest Quarter, 932.37 feet to the West Line of said Northwest Quarter; thence Southerly, along said West Line, 547.13 feet to the point of beginning in Oswego Township, Kendall County, Illinois.



QUIT CLAIM DEED
 Statutory (ILLINOIS)
 (Corporation to Corporation)

201500020158

**DEBBIE
 GILLETTE**
 KENDALL COUNTY, IL

RECORDED: 12/22/2015 10:48 AM
 QCD: 49.00 RHSPS FEE: 10.00
 PAGES: 4

THE GRANTOR, SPECIALTY LENDING, INC., of Anaheim, California, a corporation created and existing under and by virtue of the laws of the State of California, for the consideration of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration in hand paid, and pursuant to authority given by the Board of Directors of said corporation, CONVEYS and QUIT CLAIMS to:

SPECIALTY OSWEGO, LLC
 8191 East Kaiser Boulevard
 Anaheim, CA 92808

a limited liability company organized and existing under and by virtue of the laws of the State of Illinois, having its principal office at the following address: 8191 East Kaiser Boulevard, Anaheim, California 92808, all interest in the following described Real Estate situated in the County of Kendall and State of Illinois, to wit:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 660.0 FEET FOR A POINT OF BEGINNING; THENCE WESTERLY ALONG SAID NORTH LINE, 1318.95 FEET TO A POINT ON SAID NORTH LINE WHICH IS 486.13 FEET EASTERLY OF THE INTERSECTION OF SAID NORTH LINE WITH THE CENTER LINE OF PLAINFIELD ROAD; THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 01 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE MEASURED CLOCKWISE THEREFROM, 266.50 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 154 DEGREES 02 MINUTES 28 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 123.27 FEET; THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN ANGLE OF 220 DEGREES 50 MINUTES 05 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 156.84 FEET TO THE CENTER LINE OF PLAINFIELD ROAD; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, WHICH FORMS AN ANGLE OF 61 DEGREES 27 MINUTES 40 SECONDS WITH THE LAST DESCRIBED COURSE MEASURED COUNTERCLOCKWISE THEREFROM, 683.06 FEET TO SAID NORTH LINE; THENCE WESTERLY ALONG SAID NORTH LINE 171.87 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY ALONG THE WEST LINE

OF SAID NORTHWEST QUARTER, 2644.33 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, 660.0 FEET; THENCE NORTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 116 DEGREES 06 MINUTES 03 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 2946.03 FEET TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER THAT IS 660.0 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTHWESTERLY TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER THAT IS 660.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTHEASTERLY ALONG THE LAST DESCRIBED LINE, 1056.0 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTHEASTERLY ALONG THE LAST DESCRIBED LINE, 417.81 FEET TO THE CENTER LINE OF PLAINFIELD ROAD; THENCE NORTHWESTERLY ALONG SAID CENTER LINE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 2232.49 FEET, A DISTANCE OF 472.81 FEET TO A POINT OF TANGENCY; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, A DISTANCE OF 18.45 FEET; THENCE SOUTHWESTERLY AT AN ANGLE OF 75 DEGREES 46 MINUTES 00 SECONDS MEASURED FROM SOUTHEAST TO SOUTHWEST, A DISTANCE OF 548.15 FEET; THENCE SOUTHEASTERLY AT ANGLE OF 83 DEGREES 20 MINUTES 12 SECONDS MEASURED FROM NORTHEAST TO SOUTHEAST, A DISTANCE OF 561.85 FEET TO THE POINT OF BEGINNING, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 34, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF PLAINFIELD ROAD WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE EASTERLY, ALONG SAID NORTH LINE, 589.13 FEET FOR THE POINT OF BEGINNING; THENCE WESTERLY, ALONG SAID NORTH LINE, 103.0 FEET; THENCE SOUTHERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 01 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 266.50 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 154 DEGREES 02 MINUTES 28 SECONDS WITH THE LAST DESCRIBED COURSE MEASURED CLOCKWISE THEREFROM, 41.15 FEET; THENCE NORTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 40 DEGREES 52 MINUTES 37 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 327.12 FEET TO THE POINT OF BEGINNING), IN OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS.

Permanent Real Estate Index Numbers: 03-34-100-14 (affects part), 03-34-100-016 (affects part), 03-34-100-018 (affects part), and 03-34-100-021 (affects part)

Address of Real Estate: approximately 71.37 acres located on Plainfield Road in Oswego Township, Kendall County, Illinois

In Witness Whereof, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its President, and attested by its Secretary, this 18 day of September, 2015.

(CORPORATE SEAL)

SPECIALTY LENDING, INC.

By: _____

Its President

ATTEST: _____

Its Secretary

STATE OF CALIFORNIA, COUNTY OF ORANGE SS. I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that John D. Tallichet, personally known to me to be the President of the corporation, and Charles Ochoa, personally known to me to be the secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and severally acknowledged that as such President and Secretary, they signed and delivered the said instrument pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth

Given under my hand and official seal, this

18th day of September, 2015.

(Seal)



Notary Public

This instrument was prepared by: Attorney James C. James, III, Alschuler, Simantz & Hem, LLC, 1961 West Downer Place, Aurora, IL 60506-4384; (630) 892-7021

MAIL TO:

Attorney James C. James, III
Alschuler, Simantz & Hem, LLC
1961 West Downer Place
Aurora, IL 60506

SEND SUBSEQUENT TAX BILLS TO:

Specialty Oswego, LLC
8191 East Kaiser Boulevard
Anaheim, CA 92808

This transaction is exempt under 35 ILCS 200/31-45(e)

12-21-15
Date

Buyer, Seller or Representative



Debbie Gillette
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)

) SS

COUNTY OF KENDALL)

Carrie A. Group, being duly sworn on oath, And further states
 that: (please check the appropriate box)

- A. ☒ That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or
 B. ☐ That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number)

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

AFFIANT further states that 5 he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

This 22 day of December, 20 15.

Signature of 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: Stuart Weihler **Contact Person:** Same as Petitioner
Address: _____
City, State, Zip: _____
Phone Number: _____ () _____
Email: _____

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

Site Location & Proposed Use

Township Name Oswego Township 37 N, Range 8 E, Section(s) 34
 Parcel Index Number(s) 03-34-100-024
 Project or Subdivision Name Heritage Homestead - Banquet Center Number of Acres 10.0
 Current Use of Site Ag Proposed Use A-1 SU
 Proposed Number of Lots 1 Proposed Number of Structures 5
 Proposed Water Supply Well Proposed type of Wastewater Treatment Septic
 Proposed type of Storm Water Management Retention Pond

Type of Request

- ☒ Change in Zoning from A-1 SU to A-1 SU
☐ Variance (Please describe fully on separate page)
☐ Special Use Permit (Please describe fully on separate page)
 Name of County or Municipality the request is being filed with: _____

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

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

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

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

Fee for first five acres and under	\$ <u>375.00</u>
<u>5</u> Additional Acres at \$18.00 each	\$ <u>90.00</u>
Total NRI Fee	\$ <u>465.00</u>

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

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

12/21/18

 Date

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

FOR OFFICE USE ONLY

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



Applicant: Stuart Weihler
Contact: John Tebrugge
Address: [REDACTED]

IDNR Project Number: 1906011
Date: 12/18/2018

Project: Heritage Homestead - Banquet Center
Address: 5139-5199 S Schlapp Road, Oswego

Description: This is a 10 ac site. The owners want to construct a banquet facility to hold weddings and special events. The site will have well and septic. It will also have a barn structure and retention 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:
 37N, 8E, 34



IL Department of Natural Resources
Contact
 Nathan Grider
 217-785-5500
 Division of Ecosystems & Environment

Government Jurisdiction
 Kendall County
 Matt Asselmeier
 111 West Fox Street
 Yorkville, Illinois 60560

Disclaimer

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

IDNR Project Number: 1906011

Terms of Use

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

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

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

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

Security

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

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

Privacy

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

IDNR Project Number: 1906011

**EcoCAT Receipt****Project Code** 1906011**APPLICANT****DATE**Stuart Weihler
John Tebrugge
[REDACTED]

12/18/2018

DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
-------------	-----	--------------------	------------

EcoCAT Consultation	\$ 125.00	\$ 2.94	\$ 127.94
---------------------	-----------	---------	-----------

TOTAL PAID	\$ 127.94
------------	-----------

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

Please fill out the following Attachment 1, Page 20 the best of your capabilities. §13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

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

The establishment of wedding ceremony facility will be using all existing building and will create service for the people of Kendall County. It is in a rural 10 acre setting so there is a large buffer to all surrounding neighbors.

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

This facility is using all new buildings to fulfill the need for citizens who would like a rural barn type wedding. It has plenty of acreage as to buffer the surrounding neighbors.

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

Schlapp Road is a hard surface Road on the west boundary of the property providing adequate access

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 Hearing Officer.

The Special Use is in conformance with all other A-1 Specifications.

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.

This is consistent with other A-1 Special Uses for wedding facilities in the area.



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

Division of Water Pollution Control Notice of Intent (NOI) for General Permit to Discharge Storm Water Associated with Construction Site Activities

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Permit Section at the above address.

For Office Use Only

OWNER INFORMATION

Permit No. ILR10 _____

Company/Owner Name: Stuart Weihler

Mailing Address: _____ Phone: _____

City: _____ State: _____ Zip: _____ Fax: _____

Contact Person: Stuart Weihler E-mail: _____Owner Type (select one) PrivateMS4 Community: ☐ Yes ☐ No**CONTRACTOR INFORMATION**Contractor Name: TBD

Mailing Address: _____ Phone: _____

City: _____ State: _____ Zip: _____ Fax: _____

CONSTRUCTION SITE INFORMATIONSelect One: ☒ New ☐ Change of information for: ILR10 _____Project Name: Heritage Homestead - Banquet Center County: KendallStreet Address: TBD - Approx 5139-5199 S Schlapp City: Oswego IL Zip: 60543Latitude: 41 38 41.866 Longitude: 88 18 57.414 34 37N 8E
(Deg) (Min) (Sec) (Deg) (Min) (Sec) Section Township RangeApproximate Construction Start Date Mar 4, 2019 Approximate Construction End Date Mar 2, 2020Total size of construction site in acres: 10.0

If less than 1 acre, is the site part of a larger common plan of development?

☐ Yes ☒ No

Fee Schedule for Construction Sites:
Less than 5 acres - \$250
5 or more acres - \$750

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Has the SWPPP been submitted to the Agency?

☒ Yes ☐ No(Submit SWPPP electronically to: epa.constilr10swppp@illinois.gov)Location of SWPPP for viewing: Address: TBD - Approx 5139-5199 S Schlapp City: Oswego

SWPPP contact information:

Inspector qualifications:

Contact Name: Stuart Weihler

Phone: _____ Fax: _____ E-mail: _____

Project inspector, if different from above

Inspector qualifications:

Inspector's Name: _____

Phone: _____ Fax: _____ E-mail: _____

This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42) and may also prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

TYPE OF CONSTRUCTION (select one)Construction Type Commercial

SIC Code: _____

Type a detailed description of the project:

This is a 10 ac site. The owners want to construct a banquet facility to hold weddings and special events. The site will have well and septic. It will also have a barn structure and retention pond.

The current site is farmland.

HISTORIC PRESERVATION AND ENDANGERED SPECIES COMPLIANCE

Has the project been submitted to the following state agencies to satisfy applicable requirements for compliance with Illinois law on:

Historic Preservation Agency ☒ Yes ☐ No

Endangered Species ☒ Yes ☐ No

RECEIVING WATER INFORMATION

Does your storm water discharge directly to: ☒ Waters of the State or ☐ Storm Sewer

Owner of storm sewer system: N/A

Name of closest receiving water body to which you discharge: Morgan Creek

Mail completed form to: Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Permit Section
Post Office Box 19276
Springfield, Illinois 62794-9276
or call (217) 782-0610
FAX: (217) 782-9891

Or submit electronically to: epa.constilr10swppp@illinois.gov

I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a storm water pollution prevention plan and a monitoring program plan, will be complied with.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

 _____
Owner Signature:

12/21/18
Date:

Printed Name:

 _____
Title:

INSTRUCTIONS FOR COMPLETION OF CONSTRUCTION ACTIVITY NOTICE OF INTENT (NOI) FORM

Submit original, electronic or facsimile copies. Facsimile and/or electronic copies should be followed-up with submission of an original signature copy as soon as possible. Please write "copy" under the "For Office Use Only" box in the upper right hand corner of the first page.

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Permit Section at:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Permit Section
Post Office Box 19276
Springfield, Illinois 62794-9276
or call (217) 782-0610

FAX: (217) 782-9891

Or submit electronically to: epa.constilr10swppp@illinois.gov

Reports must be typed or printed legibly and signed.

Any facility that is not presently covered by the General NPDES Permit for Storm Water Discharges From Construction Site Activities is considered a new facility.

If this is a change in your facility information, renewal, etc., please fill in your permit number on the appropriate line, changes of information or permit renewal notifications do not require a fee.

NOTE: FACILITY LOCATION IS NOT NECESSARILY THE FACILITY MAILING ADDRESS, BUT SHOULD DESCRIBE WHERE THE FACILITY IS LOCATED.

Use the formats given in the following examples for correct form completion.

	Example	Format
Section	12	1 or 2 numerical digits
Township	12N	1 or 2 numerical digits followed by "N" or "S"
Range	12W	1 or 2 numerical digits followed by "E" or "W"

For the Name of Closest Receiving Waters, do not use terms such as ditch or channel. For unnamed tributaries, use terms which include at least a named main tributary such as "Unnamed Tributary to Sugar Creek to Sangamon River."

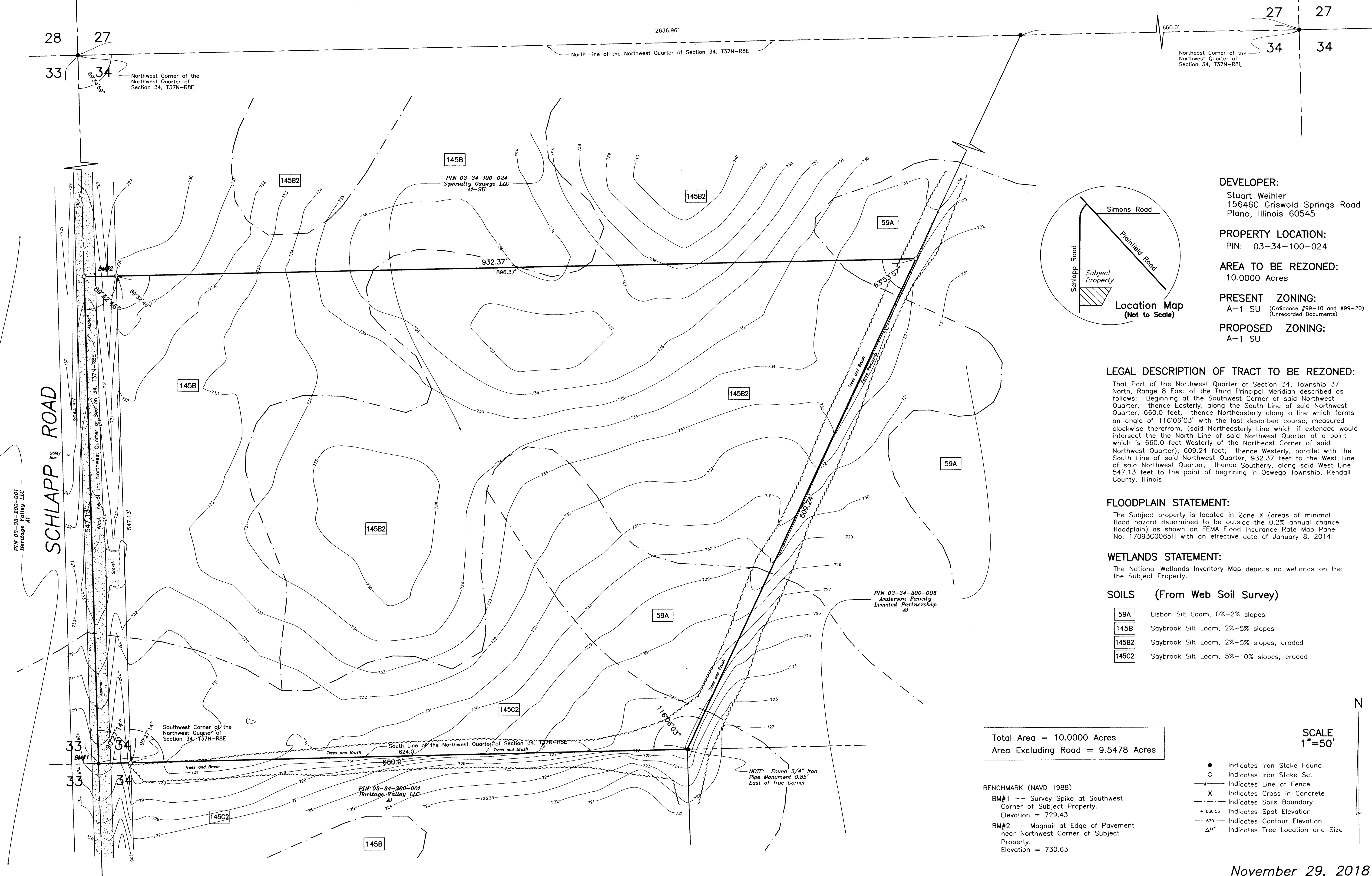
Submission of initial fee and an electronic submission of Storm Water Pollution Prevention Plan (SWPPP) for Initial Permit prior to the Notice of Intent being considered complete for coverage by the ILR10 General Permits. Please make checks payable to: Illinois EPA at the above address.

Construction sites with less than 5 acres of land disturbance - fee is \$250.

Construction sites with 5 or more acres of land disturbance - fee is \$750.

SWPPP should be submitted electronically to: epa.constilr10swppp@illinois.gov. When submitting electronically, use Project Name and City as indicated on NOI form.

ZONING PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 34, T37N-R8E, 3rd PM OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS

**DEVELOPER:**

Stuart Wehler
15646C Griswold Springs Road
Plano, Illinois 60545

PROPERTY LOCATION:

PIN: 03-34-100-024

AREA TO BE REZONED:

10.0000 Acres

PRESENT ZONING:

A-1 SU (Ordinance #99-10 and #99-20)
(Unrecorded Documents)

PROPOSED ZONING:

A-1 SU

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the Northwest Quarter of Section 34, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Southwest Corner of said Northwest Quarter; thence Easterly, along the South Line of said Northwest Quarter, 660.0 feet; thence Northeasterly along a line which forms an angle of 116°06'03" with the last described course, measured clockwise therefrom, (said Northeasterly Line which if extended would intersect the the North Line of said Northwest Quarter at a point which is 660.0 feet Westerly of the Northeast Corner of said Northwest Quarter), 609.24 feet; thence Westerly, parallel with the South Line of said Northwest Quarter, 932.37 feet to the West Line of said Northwest Quarter; thence Southerly, along said West Line, 547.13 feet to the point of beginning in Oswego Township, Kendall County, Illinois.

FLOODPLAIN STATEMENT:

The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0065H with an effective date of January 8, 2014.

WETLANDS STATEMENT:

The National Wetlands Inventory Map depicts no wetlands on the the Subject Property.

SOILS (From Web Soil Survey)

59A	Lisbon Silt Loam, 0%-2% slopes
145B	Saybrook Silt Loam, 2%-5% slopes
145B2	Saybrook Silt Loam, 2%-5% slopes, eroded
145C2	Saybrook Silt Loam, 5%-10% slopes, eroded

Total Area = 10.0000 Acres
Area Excluding Road = 9.5478 Acres

BENCHMARK (NAVD 1988)

BM#1 -- Survey Spike at Southwest
Corner of Subject Property.
Elevation = 729.43

BM#2 -- Magonail at Edge of Pavement
near Northwest Corner of Subject
Property.
Elevation = 730.63

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- X Indicates Cross in Concrete
- - - Indicates Soils Boundary
- + 630.53 Indicates Spot Elevation
- 630 Indicates Contour Elevation
- Δ1" Indicates Tree Location and Size

SCALE
1"=50'

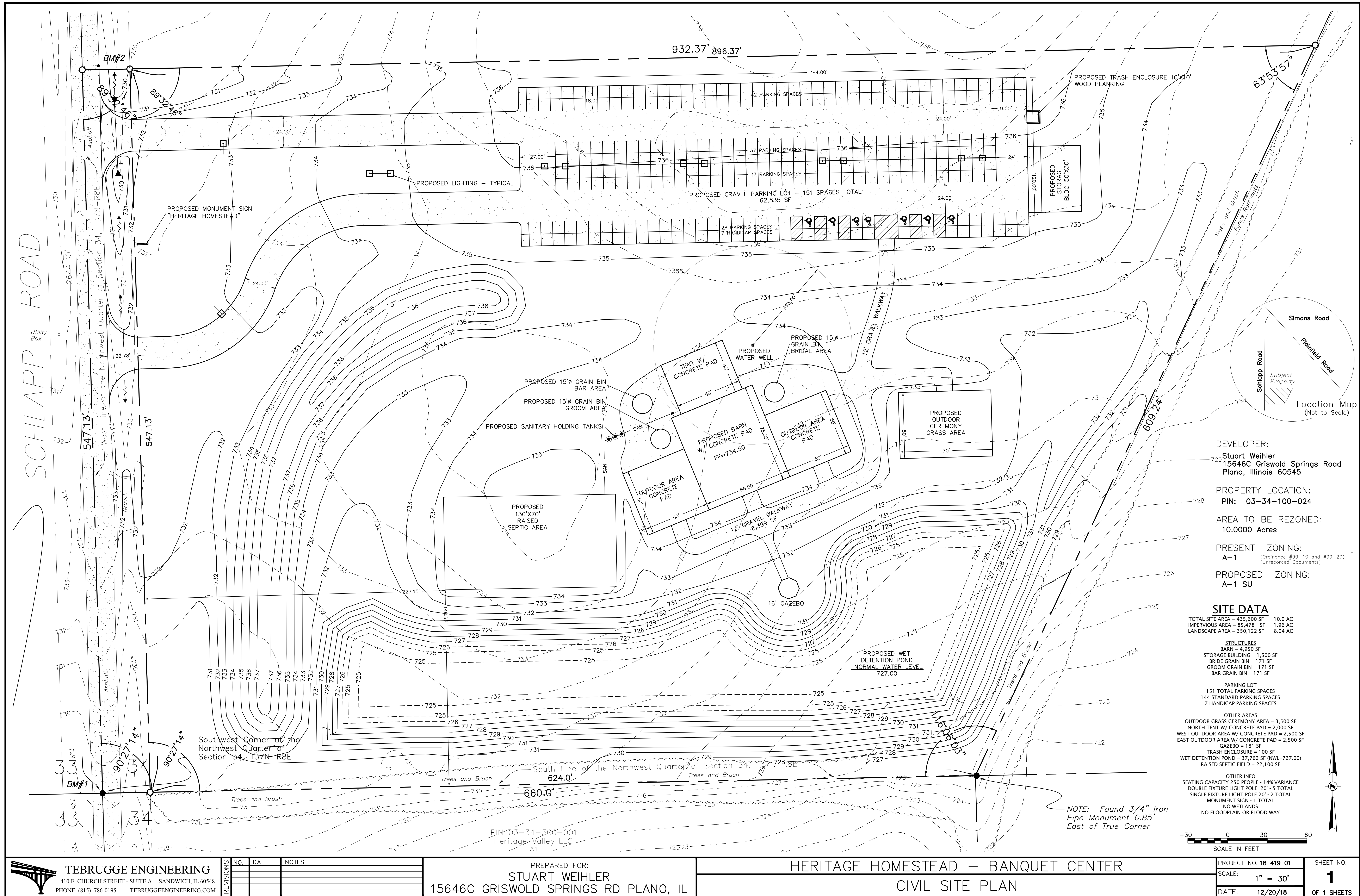
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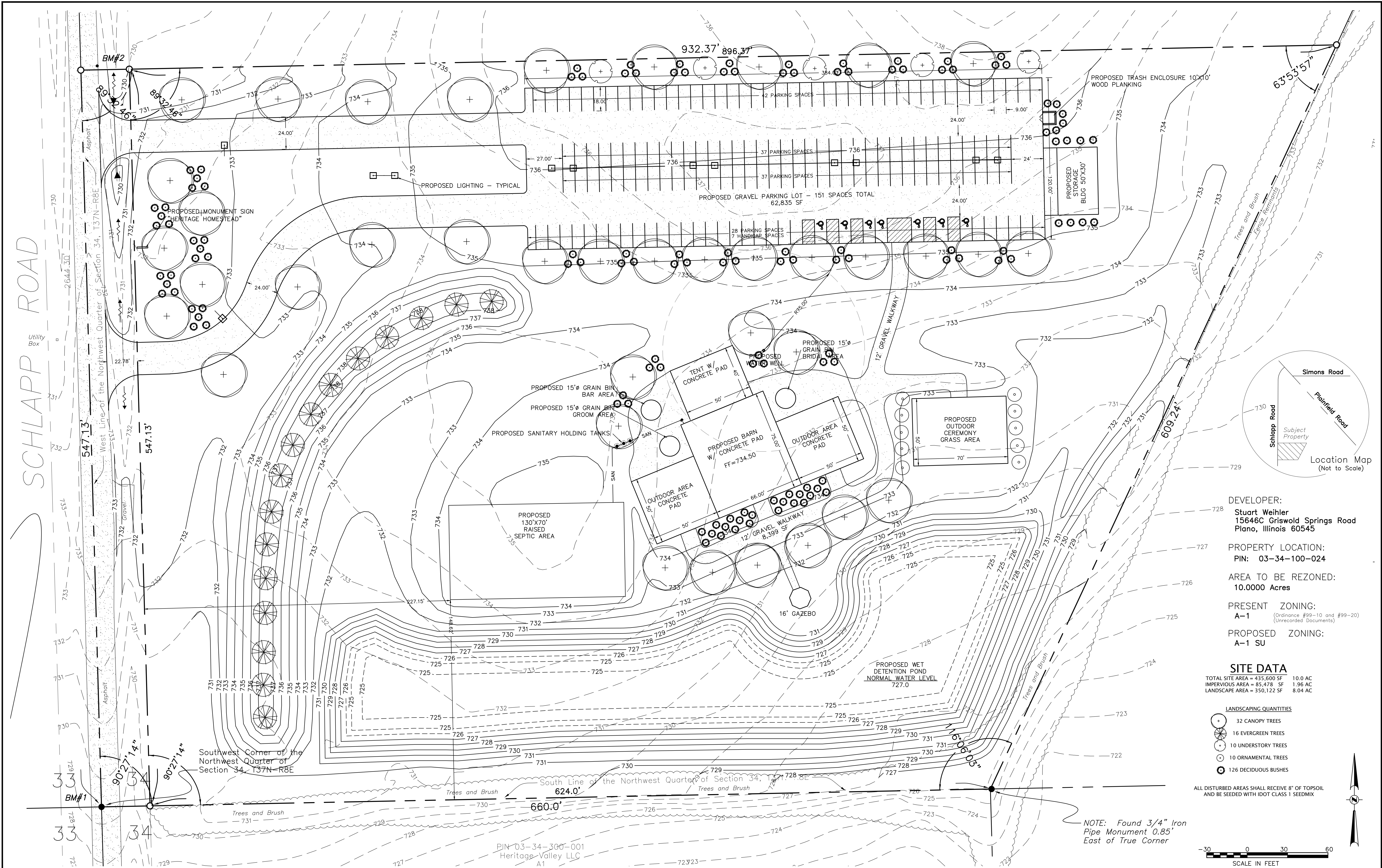
1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

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

JOB NO.	18292
JOB NAME	WEHLER
DWG FILE	18292
REVISION DATE	

November 29, 2018





DEVELOPER:
Stuart Wehler
15646C Griswold Springs Road
Plano, Illinois 60545

PROPERTY LOCATION:
PIN: 03-34-100-024

AREA TO BE REZONED:
10.0000 Acres

PRESENT ZONING:
A-1 (Ordinance #99-10 and #99-20)
(Unrecorded Documents)

PROPOSED ZONING:
A-1 SU

SITE DATA
TOTAL SITE AREA = 435,600 SF 10.0 AC
IMPERVIOUS AREA = 85,478 SF 1.96 AC
LANDSCAPE AREA = 350,122 SF 8.04 AC

- LANDSCAPING QUANTITIES**
- 32 CANOPY TREES
 - 16 EVERGREEN TREES
 - 10 UNDERSTORY TREES
 - 10 ORNAMENTAL TREES
 - 126 DECIDUOUS BUSHES

ALL DISTURBED AREAS SHALL RECEIVE 8" OF TOPSOIL
AND BE SEEDED WITH IDOT CLASS 1 SEEDMIX



NOTE: Found 3/4" Iron
Pipe Monument 0.85'
East of True Corner

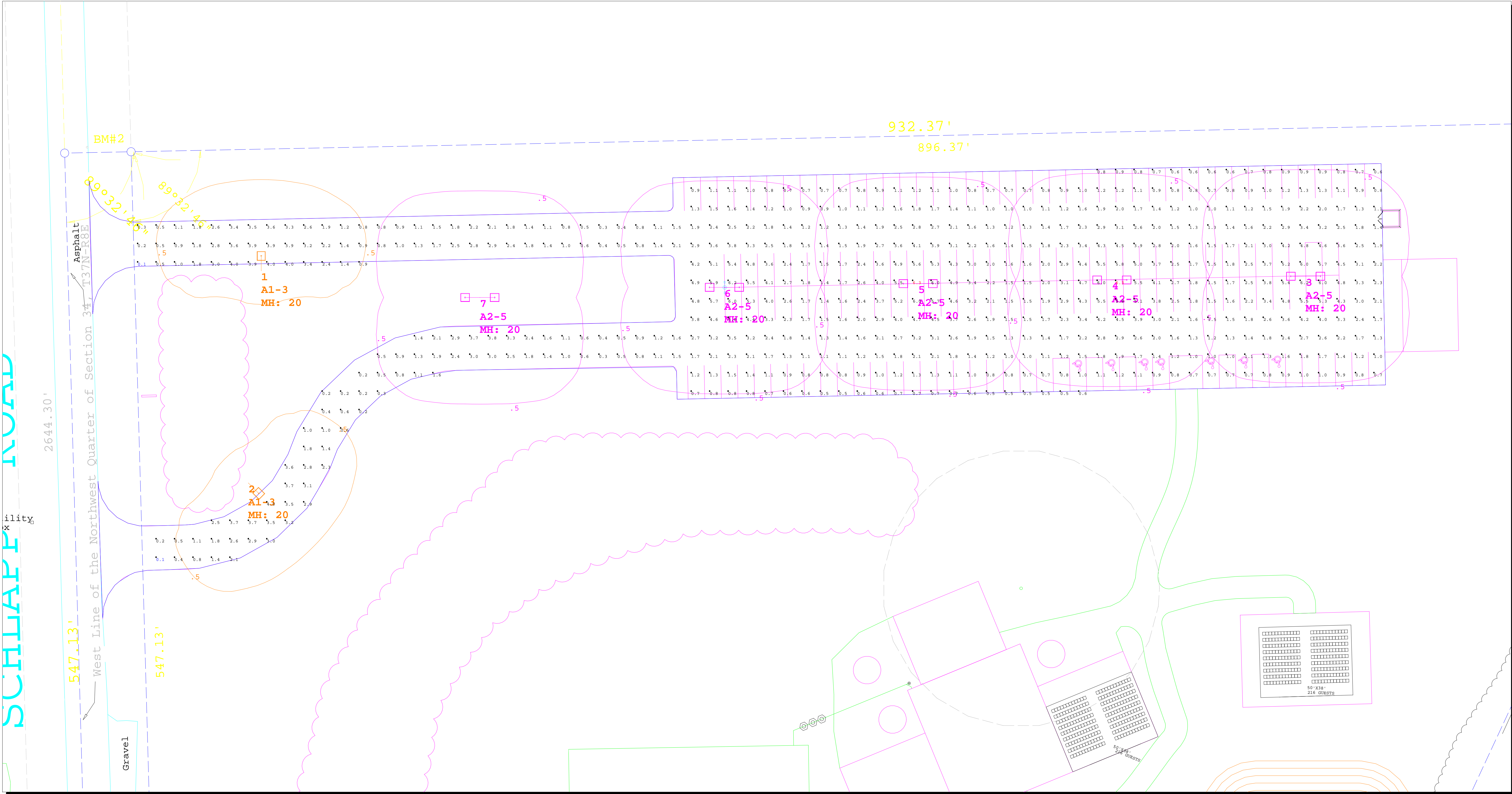
TEBRUGGE ENGINEERING
410 E. CHURCH STREET - SUITE A SANDWICH, IL 60548
PHONE: (815) 786-0195 TEBRUGGEENGINEERING.COM

NO.	DATE	NOTES

PREPARED FOR:
STUART WEHLER
15646C GRISWOLD SPRINGS RD PLANO, IL

HERITAGE HOMESTEAD – BANQUET CENTER
LANDSCAPE PLAN

PROJECT NO. 18 419 01
SCALE: 1" = 30'
DATE: 12/20/18
SHEET NO. 1
OF 1 SHEETS



Scale: 1 inch = 25 Ft.

Luminaire Schedule									
Symbol	Qty	Label	Arrangement	Lum. Watts	Arr. Watts	Lum. Lumens	Arr. Lum. Lumens	LLF	Description
	2	A1-3	SINGLE	132	132	15269	15269	0.900	AR18-20M2-MV-NW-3-XX-530 S
	5	A2-5	BACK-BACK	132	264	15209	30418	0.900	AR18-20M2-MV-NW-5-XX-530 S

Calculation Summary									
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Readings Taken @	
PARKING LOT_Planar	Illuminance	Fc	2.07	6.3	0.1	20.70	63.00	GRADE LEVEL	

Luminaire Location Summary						
LumNo	Label	X	Y	Z	Orient	Tilt
1	A1-3	8145.5	5616	20	90	0
2	A1-3	8138.5	5501	20	315	0
3	A2-5	8711.5	5613	20	0	0
4	A2-5	8606.5	5611	20	0	0
5	A2-5	8501.5	5609	20	0	0
6	A2-5	8396.5	5607	20	0	0
7	A2-5	8264	5601.5	20	0	0

Parking Lot Design Guide	Basic (for typical conditions)	Basic Enhanced Security (in consideration of personal security or vandalism)	Security (security lighting for public spaces)	High Security (security lighting for public spaces)
	lux/fc	lux/fc	lux/fc	lux/fc
Minimum Horizontal Illuminance (Measured on parking surface without any shadowing from any object)	2.0/0.2	5.0/0.5	10.0/1.0	30.0-60.0/3.0-6.0
Uniformity Ratio Maximum - to - Minimum	20:1	15:1	15:1	*4:1 *Avg-Min
Minimum Vertical Illuminance (for facial recognition measured at 5' above the parking surface at the point of lowest horizontal illuminance)	1.0/0.1	2.5/0.25	5.0-8.0/0.5-0.8	12-60/1.2-6.0

Recommendations based on RP-33-99, RP-20-98, 9th Edition IESNA Lighting Handbook

enlighten

PG

Project Name:	Heritage Homestead Banquet Ctr
Client Name:	Zach Stevens - TEBRUGGE ENGINEERING
Drawn By:	Jose Saucedo
Drawn By:	jose.saucedo@pg-enlighten.com
Date:	12/19/2018
Scale:	1" = 25'

#	Date	Comments

Revisions

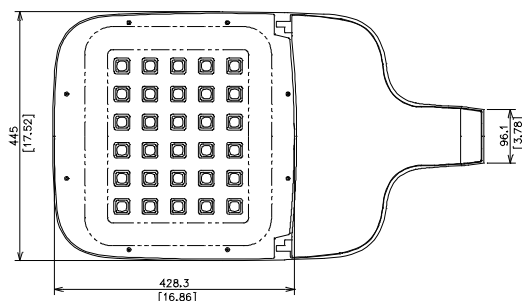
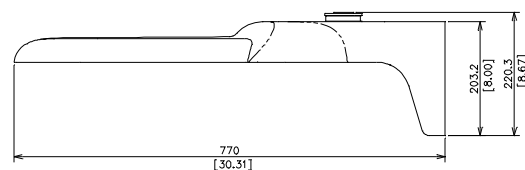
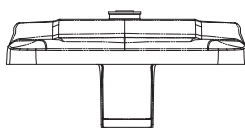
Page 1 of 1

ARIETA™ 18 Architectural LED Area Luminaire

AR18 M2 Series Specification Data Sheet

Luminaire Data

Weight 24 lbs [10.9 kg]
EPA 0.55 ft²



Ordering Information

Sample Catalog No. AR18 20M2 MV NW 3 DB 700 HSS

Product	LED Code	Voltage	Nominal Color Temperature	Distribution	Finish ¹	Drive Current Code ²	Options
AR18	6M2	MV 120-277V	WW 3000K	2 Type 2	BK Black	350	HSS ³ House Side Shield (Factory Installed)
	10M2	HV 347-480V	NW 4000K	3 Type 3	DB Dark Bronze	530	FDC ⁴ Fixed Drive Current
	15M2		CW 5000K	4 Type 4	WH White	700	FFA ⁵ Full Field Adjustability
	18M2			5 Type 5	GY Gray		PCR ⁶ NEMA Photocontrol Receptacle
	20M2				NA Natural Aluminum		PCR7 ⁶ ANSI 7-wire Photocontrol Receptacle
	24M2						PCR7-CR ⁷ Control Ready 7-wire Photocontrol Receptacle
	30M2						MSL7 ⁸ Motion Sensor with L7 Lens
							MSL3 ⁸ Motion Sensor with L3 Lens
							PND1 ⁹ Part-Night Dimming
							PND2 ⁹ Part-Night Dimming
							PND3 ⁹ Part-Night Dimming
							ORR Optics Rotated Right
							ORL Optics Rotated Left
							WL Utility Wattage Label

Notes:

- Black, Dark Bronze, White, Gray, or Natural Aluminum standard. Consult factory for other finishes.
- Specified drive current code is the factory set maximum drive current. Field adjustable current selector enables standard dimming to lower wattage drive currents only. Consult factory if wattage limits require a special drive current.
- Flush mounted shield factory installed, also available for field installation. House Side Shield cuts light off at 1/2 mounting height behind luminaire.
- Non-field adjustable drive current. Specify 350mA, 530mA or 700mA setting.
- The FFA option enables full field adjustability from the specified drive current code to all drive currents available. This option is not DLC qualified.
- Field adjustable current selector included to enable standard dimming to lower wattage drive currents only. Field changeable connectors included to enable connection to PCR7 (wireless node dimming is disabled by default).
- Control-ready wired at factory for wireless node dimming. Supplied at maximum drive current. If lower drive current is required, consult factory.
- Motion Sensor available with MV or HV. See L7 or L3 Lens coverage details on page 5. Consult factory for MS specified with ANSI 7-wire Photocontrol Receptacle. PCR option is required for On/Off control using light detection.
- For PND profile options see page 6. Only available with MV (120-277V).
- Specify Color (GY, DB, BK, WH, NA)
- Specify MV (120-277V) or HV (347V or 480V)

Accessories*

HSSAR18 ^{3,10}	House Side Shield
RPA ¹⁰	Round Pole Adapter
PTF1 ¹⁰	Square Pole Top Fitter Single
PTF2 ¹⁰	Square Pole Top Fitter Twin at 180°
PTF4 ¹⁰	Square Pole Top Fitter Quad
WM ¹⁰	Wall Mount
BSK	Bird Deterrent Spider Kit
LLPC ¹¹	Long-Life Twist Lock Photocontrol
SC	Twist Lock Shorting Cap
FSIR100	Motion Sensor Configuration Tool

*Accessories are ordered separately and not to be included in the catalog number

Luminaire Specifications

Housing

Die cast aluminum housing with universal mounting design allows for attachment to existing pole without redrilling for retrofit applications. Aluminum housing provides passive heat-sinking of the LEDs and has upper surfaces that shed precipitation. Mounting provisions meet 3G vibration per ANSI C136.31-2010 Normal Application, Bridge & Overpass. Electrical components are accessed without tools and are mounted on removable power door.

Light Emitting Diodes

Hi-flux/Hi-power white LEDs produce a minimum of 90% of initial intensity at 100,000 hours of life based on IES TM-21. LEDs are tested in accordance with IES LM-80 testing procedures. LEDs have correlated color temperature of 3000K (WW), 4000K (NW), or 5000K (CW) and 70 CRI minimum. LEDs are 100% mercury and lead free.

Field Adjustability

LED drive current can be changed in the field to adjust light output for local conditions (not available with PCR7-CR option). The specified drive current code will be the factory set maximum drive current and field adjustments can only be made to available lower wattage drive currents. Select the FFA option if full field adjustability to all available drive currents (700mA max) is desired. The FFA option is not DLC qualified.

Quality Control

Every luminaire is performance tested before and after a 2-hour burn-in period. Assembled in the USA.

Optical Systems

Micro-lens optical systems produce IESNA Type 2, Type 3, Type 4 or Type 5 distributions and are fully sealed to maintain an IP66 rating. Luminaire produces 0% total lumens above 90° (BUG Rating, U=0). Optional house side shield (HSS) cuts light off at 1/2 mounting height behind luminaire. Optics may be rotated right or left with options ORR/ORL, respectively.

Electrical

Rated life of electrical components is 100,000 hours. Uses isolated power supply that is 1-10V dimmable. Power supply is wired with quick-disconnect terminals. Power supply features a minimum power factor of .90 and <20% Total Harmonic Distortion (THD). EMC meets or exceeds FCC CFR Part 15. Terminal block accommodates 6 to 14 gauge wire. Surge protection complies with IEEE/ANSI C62.41 Category C High, 20kV/10kA and ANSI C136.2-2015, 20kV/10kA.

Controls

3-Wire photocontrol receptacle (PCR) is available. ANSI C136.41 or 7-wire (PCR7) photocontrol receptacles are available. All photocontrol receptacles have tool-less rotatable bases. Wireless control module is provided by others.

Finish

Housing receives a fade and abrasion resistant polyester powder coat finish with 3.0 mil nominal thickness. Finish tested to withstand 5000 hours in salt spray exposure per ASTM B117. Finish meets scribe creepage rating 8 per ASTM D1654. Finish tested 500 hours in UV exposure per ASTM G154 and meets ASTM D523 gloss retention.

Listings/Ratings/Labels

Luminaires are UL listed for use in wet locations in the United States and Canada. DesignLights Consortium™ qualified product. Consult DLC QPL for Standard and Premium Classification Listings. International Dark Sky Association listed. Luminaire is qualified to operate at ambient temperatures of -40°C to 40°C.

Photometry

Luminaire photometrics are tested by certified independent testing laboratories in accordance with IES LM-79 testing procedures.

Warranty

10-year limited warranty is standard on luminaire and components. 5-year limited warranty on luminaires and components with a motion sensor.

Standards

Luminaire complies with:

ANSI: C136.2, C136.3, C136.10, C136.13, C136.15, C136.22, C136.31, C136.35, C136.37, C136.41, C62.41, C78.377, C82.77

Other: FCC 47 CFR, IEC 60598, ROHS II, UL 1449, UL 1598

Performance Data 3000K (WW)

All data nominal. IES files are available at leotek.com.

LED Code	Current Code	System Wattage (W)	Type 2, 3, 4		Type 5	
			Delivered Lumens (Lm) ¹	Efficacy (Lm/W)	Delivered Lumens (Lm) ¹	Efficacy (Lm/W)
6M2	350	29	2930	101	2750	95
	530	41	4110	99	3860	93
	700	54	5040	94	4950	92
10M2	350	41	4600	112	4500	109
	530	63	6700	106	6600	104
	700	87	8500	97	8400	96
15M2	350	63	7400	117	7300	116
	530	90	9600	107	9500	106
	700	124	12900	104	12700	102
18M2	350	81	9000	111	9100	112
	530	122	12800	105	13000	107
	700	160	16400	103	16700	104
20M2	350	84	10700	127	10800	129
	530	132	15300	116	15500	117
	700	172	18200	106	18500	108
24M2	350	98	10700	109	10800	110
	530	152	15300	100	15500	102
	700	209	19500	93	19900	95
30M2	350	133	14300	107	14500	109
	530	202	20400	101	20600	102
	700	262	24500	93	24800	95

Notes:

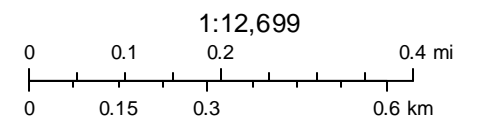
1 Normal tolerance $\pm 10\%$ due to factors including distribution type, LED bin variance, driver variance, and ambient temperatures.

Attachment 6



December 21, 2018

- | | | |
|--------------|--------------|------------|
| — Arrow 100 | — FromTo 400 | — Tip 100 |
| — Arrow 400 | — Hook 100 | — Tip 400 |
| — FromTo 100 | — Hook 400 | Road Names |



Kendall County Illinois GIS



Attachment 8 Looking East



Attachment 9 Looking South



Attachment 10 Looking Northwest



Attachment 11 Looking West



Attachment 12 Looking Southwest



DANIEL J. KRAMER

LAW OFFICES
OF
Daniel J. Kramer
1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

KELLY A. HELLAND
D.J. KRAMER

January 9, 2019

Robert D. Rogerson
Oswego Township Highway Commissioner
Via Facsimile: 630-264-6695

Re: Weihler Special Use Application 19-05

Dear Bob:

Enclosed please find a copy of our Petition 19-05 which should be before your Township Board for review and recommendation on the zoning for a Special Use on the 15th.

I am enclosing a colored copy of the overhead of the 10-acre parcel.

Under the County Ordinance they are trying to get the wedding facilities on major roadways, and this one requires a Variance since it is a minor collector street.

Fran Klaas was at the ZPAC Meeting at the County Level and had no problem with project in that all of the wedding venue facilities that have been approved by the County lack being on a major collector. However, he did ask us to work with you and asked if we would be willing to give a dedication for 50 feet from the center of Schlapp road east so if the roadway was ever approved by your Department or his right-of-way would not have to be acquired. It appears that would necessitate us dedicating approximately another 16 feet from what is in the roadway to ditch now form the center line.

My clients are perfectly willing to dedicate the additional 16 feet if the zoning is in fact approved to Oswego Township Highway Department. Could you let me know if that is agreeable with you and give us a positive recommendation to both Fran and the Kendall County Planning, Building, and Zoning Office? Should you have any questions please feel free to call my office.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer
Attorney at Law

DJK/cth
Enclosure

Matt Asselmeier

From: Fran Klaas
Sent: Tuesday, January 15, 2019 8:03 AM
To: 'Daniel J Kramer'; Stuart Weihler
Cc: Matt Asselmeier
Subject: RE:

That's great, Dan. Thanks. For simplicity, it would probably be best to just make the dedication 50' wide from the centerline of existing roadway, since the section line and centerline may not be coincidental. Thanks again.

Fran

From: Daniel J Kramer [<mailto:dkramer@dankramerlaw.com>]
Sent: Monday, January 14, 2019 12:32 PM
To: Stuart Weihler
Cc: Fran Klaas; Matt Asselmeier
Subject:

Gentlemen. I spoke with Oswego Township Highway Commissioner today. He is both happy with the project and delighted about the forward thinking of the 16 foot dedication for future road improvement.

Very Truly Yours,

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

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Matt Asselmeier

From: Daniel J Kramer [dkramer@dankramerlaw.com]
Sent: Wednesday, January 16, 2019 10:38 AM
To: Stuart Weihler; Matt Asselmeier; John Tebrugge
Cc: PHIL YOUNG
Subject: FW: Weihler Special Use Application 19-05

Approval of Schlapp Rd dedication by Oswego Township.

Very Truly Yours,

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

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From: Bob Rogerson [mailto:brogerson@oswegotownship.org]
Sent: Wednesday, January 16, 2019 10:16 AM
To: Daniel J Kramer <dkramer@dankramerlaw.com>
Subject: Weihler Special Use Application 19-05

To whom it may concern,

After our Board meeting last night, we the Township and the Road District are willing to except the agreement of the dedicated 50' from center line of right of way into the deed for future road expansion. We would recommend to the County that this would be a great addition to the County and the Township of Oswego.

Thank you,



BOB ROGERSON
Highway Commissioner
Oswego Township Road District
Mailing : 84 Templeton Dr. Suite 104 Oswego, IL 60543
Shipping: 1150 Rt. 25 Oswego, IL 60543 P: (630)-264-4587 F: (630) 264-6695

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Matt Asselmeier

From: Alec Keenum [akeenum@oswegofire.com]
Sent: Wednesday, January 02, 2019 11:46 AM
To: Matt Asselmeier
Subject: RE: CORRECTED Kendall County Petition 19-05

Matt,

Project – Special Use for Banquet Facility

Location – 5100 block of Schlapp

Project Mgr: Matt Asselmeier

Project # - 19-05

Date – December 21, 2018

FYI...

- Current OFPD ordinances require new construction (non single family residential) to be compliantly protected with an NFPA 13 sprinkler system and an NFPA 72 fire alarm system
- Additional comments with respect to access and site may be presented upon project moving forward

Regards,

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District



From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]

Sent: Friday, December 21, 2018 4:36 PM

To: Aaron Rybski; Andrews, Megan - NRCS-CD, Yorkville, IL; Brian Holdiman; David Guritz; Fran Klaas; 'Greg Chismark'; Jason Langston; Matthew G. Prochaska; Meagan Briganti; Scott Koeppel; Brian LeClercq; Kenneth Holmstrom; Bob Rogerson; Alec Keenum; Mike Veseling; Rod Zenner; ttouchette@oswegoil.org

Subject: CORRECTED Kendall County Petition 19-05

To All:

Attached please find a correct Staff Report regarding Petition 19-05.

If you have any questions, please let me know.

Daniel J. Kramer	Law Offices of <i>Daniel J. Kramer</i> 1107A S. Bridge Street Yorkville, Illinois 60560 630-553-9500 Fax: 630-553-5764	Kelly A. Helland D.J. Kramer
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January 3, 2019

Captain Alec J. Keenum
Fire Marshall

Via Email: akeenum@oswegofire.com

RE: Petition 19-05 Weihler

Dear Captain Keenum;

With regard to Petition 19-05, I am sure they will have a security system but again not being in a Municipality there is no Municipal water supply to service a sprinkling system. Let me know if you have a formal Variance Petition, or if we could meet with your Board to discuss the issue concerning Petition 19-05, the Wedding Venue Facility.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer
Attorney at Law

DJK:rg

cc: Matt Asselmeier

Oswego Fire Protection District

Chief Michael Veseling



Fire Prevention Bureau



Fire Marshal Alec J Keenum

**Station #1 ♦ 3511 Woolley Road ♦ Phone: (630) 906-OFPD
Oswego, IL 60543 Fax: (630) 383-0630**

January 8, 2019

Daniel J. Kramer
1107A S, Bridge Street
Yorkville, IL 60560

RE: Petition 19-05 - 5100 Block of Schlapp Rd. Oswego, IL 60543

Dear Mr. Kramer,

In response to your inquiry of January 3, 2019 regarding the above petition with Kendall County Planning, Building, and Zoning:

- The Oswego Fire Protection District website (www.oswegofire.com) has links to the fire prevention code ordinance of record. Exhibit A is the original, and exhibit G is the latest, which is an amended version of the International Fire Code (IFC) 2015
- Sections 903.2 of the amended version calls out the requirement for sprinkling new construction
- Section 903.3 of the un-amended IFC 2015 specifies design & installation of the sprinkler system as per NFPA13
- Section 907.2 of the amended version calls out the requirement for a fire alarm system
- Section 907.2 of the un-amended IFC specifies installation in accordance to NFPA 72

In your letter, you indicate that the area in question is not served by a municipal water service. Although a vast number of the sprinkler systems within the Oswego Fire Protection District jurisdiction are indeed fed by a municipal water service, that is not the deciding factor for the requirement of a sprinkler installation - NFPA 13 spells out and allows for other water sources as well. Static water supplies (water tanks) are also a compliant water source for supplying an NFPA 13 compliant sprinkler system, and this option has been used throughout the jurisdiction in areas not served by municipal water services.

If the petitioner wishes to request a variance to an ordinance, they may do so. This shall be a written request for variance due to practical difficulties, as illustrated in the request, with alternative provisions offered that shall provide compliance to the spirit of the ordinance, secure public safety, and offer substantial justice with respect to the ordinance in question. This written request shall be authored by the owner of record or their duly authorized agent and sent to the Oswego Fire Prevention Bureau at the above address. Upon receipt, the variance request will be evaluated and assessed amongst the Chiefs of the Fire Department and the Fire Marshal. At that point, a written decision may be rendered or a request for additional information may be requested of the petitioner.

If there are any questions, I can be contacted at the above phone number.

Regards,

A black rectangular redaction box covering the signature of the Fire Marshal.

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District

cc: file

Kendall County Planner Matt Asselmeier

Matt Asselmeier

From: Daniel J Kramer [dkramer@dankramerlaw.com]
Sent: Thursday, January 03, 2019 11:15 AM
To: Matt Asselmeier
Subject: FW: Kendall County Petition 19-05

It sounds like we are fine with the Village of Oswego on the Weihler, 1 ½ milereview.

Very Truly Yours,

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

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From: Daniel J Kramer
Sent: Thursday, January 03, 2019 11:09 AM
To: 'rzenner@oswegoil.org' <rzenner@oswegoil.org>
Subject: FW: Kendall County Petition 19-05

Rod thankyou very much.That isfine.

Very Truly Yours,

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

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From: Real estate
Sent: Thursday, January 03, 2019 10:39 AM
To: Daniel J Kramer <dkramer@dankramerlaw.com>
Subject: Fw: Kendall County Petition 19-05

DO NOT RESPOND TO THIS EMAIL PLEASE SEND DIRECT TO: dkramer@dankramerlaw.com

Very Truly Yours,

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

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From: Rod Zenner <RZenner@oswegoil.org>
Sent: Thursday, January 3, 2019 10:19 AM
To: Real estate
Subject: RE: Kendall County Petition 19-05

Since it is a Special Use permit, we don't take those to the plan commission. We can only object/legally object to rezonings and subdivisions, so Special Uses we only send to the Village Board as an FYI. Sounds like a good plan with the catering package. If in the future they want a liquor license, let us know and we can look at an annexation agreement like we did for Fox Valley Winery and Arranmore farm.

Rod

From: Real estate <realestate@dankramerlaw.com>
Sent: Wednesday, January 2, 2019 3:19 PM
To: Rod Zenner <RZenner@oswegoil.org>
Cc: masselmeier@co.kendall.il.us
Subject: Fw: Kendall County Petition 19-05

Dear Rod:

They like a few of the other wedding venues in Oswego Township do not acquire a local liquor license. The Catering firms that will serve food have a mobile liquor license which permits them to serve alcohol at functions. It is part of the entire catering package with no cash bar or sales on-site permitted. I will speak with them about annexation. They are a bit away from Village limits currently. Will you put us on Plan Commission Agenda for January?

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
Yorkville, IL. 60560

Phone-630.553.9500

Fax-630.553.5764

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

Sent: Wednesday, January 02, 2019 11:28 AM

To: Daniel J Kramer <dkramer@dankramerlaw.com>

Cc: Rod Zenner <RZenner@oswegoil.org>

Subject: FW: Kendall County Petition 19-05

Dan:

Could you address Rod questions?

Thanks,

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

From: Rod Zenner [<mailto:RZenner@oswegoil.org>]

Sent: Wednesday, January 02, 2019 11:26 AM

To: Matt Asselmeier

Subject: RE: Kendall County Petition 19-05

Hello,

Have a question. How do they handle the liquor license as I think this is a dry township? Since they are in the Village's planning boundary, do they want to meet with us to talk about their development and the potential to annex to the village sometime in the future?

Thanks

Rod Zenner, AICP
Community Development Director



100 Parkers Mill
Oswego, IL 60543

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
January 8, 2019 – Unapproved Meeting Minutes**

Matthew Prochaska called the meeting to order at 9:02 a.m.

Present:

Aaron Rybski – Health Department
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department
Matthew Prochaska – PBZ Committee Chair

Absent:

Megan Andrews – Soil and Water Conservation District
Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
Deputy Commander Jason Langston – Sheriff's Department

Audience:

Joe Spencer, Dan Kramer, Rodolfo Nunez, Georgina Nunez, Stuart Weihler, and Paula Weihler

AGENDA

Mr. Klaas made a motion, seconded by Mr. Guritz, to approve the agenda as proposed. With a voice vote of all ayes the motion carried unanimously.

MINUTES

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the December 4, 2018, meeting minutes. With a voice vote of all ayes the motion carried unanimously.

PETITIONS

Petition 18-32 Joe Spencer on Behalf of Utility Dynamics – Site Plan Approval for Storage Building at 5237 Light Road (PIN 03-07-227-002) in Oswego Township

Mr. Asselmeier summarized the request. The Petitioner would like to construct an approximately four thousand eight hundred (4,800) square foot storage building on their property. The property is currently vacant and is zoned M-1. There are residential properties located immediately to the east of the subject property. Oswego Township did not submit comments. The Petitioner requested a variance from the sprinkler requirement from the Oswego Fire Protection District. Neither the Village of Montgomery nor the Village of Oswego provided comments.

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands shall and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. The proposed structure shall utilize a minimal amount of the total acreage. There are no wetlands or flood plains on the property. There are no concerns regarding slopes or erosion, provided necessary steps are taken to prevent erosion during construction.

Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. Ample space exists on the property for parking and the building will be setback further from Light Road than is required by the Kendall County Zoning Ordinance. The access point off of Light Road is already in existence.

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large

vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. This is not an issue.

Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. The site will be laid out in a manner that will not impact shadow, noise, odor, traffic, or drainage. The proposal will not adversely affect ground water or aquifer recharge.

Consistent with the Land Resource Management Plan-The proposed use and the design of the site should be consistent with the Land Resource Management Plan. This is true.

Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. Since this is the only building on the property, this item is not a concern.

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. The proposed site development is in harmony with the existing use of neighboring properties provided fencing meets the Kendall County Zoning Ordinance. Petitioner plans to install a mesh over the existing chain-link fence.

Open Space and Pedestrian Circulation-Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property. This is not applicable.

Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. The Petitioner plans to install a mesh over the existing chain-link fence. The proposed building will be used for storage of equipment and no noise, smoke, vapors, fumes, dusts odors, or glare is planned. Given the size of the building and topography, stormwater should not be an issue provided necessary steps are taken during construction.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. Staff would like comments from the Kendall County Sheriff's Department and Oswego Fire Protection District on this issue.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. The proposed building will not be heated or cooled.

Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. The Petitioner plans to install two (2) poles with two (2) floodlights on each pole. As long as the lights are pointed downward, light spilling onto neighboring property is not an issue.

Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. Refuse will not be collected onsite.

If approved, the Petitioner would have to submit information for a building permit.

Mr. Rybski asked about well and septic information on the site. Mr. Spencer responded that no wells or septic systems were onsite.

Mr. Klaas asked about the condition of Commerce Road. Discussion occurred regarding easements over Commerce Road. Mr. Spencer provided a history of improvements to Commerce Road.

Mr. Asselmeier made a motion, seconded by Mr. Holdiman, to approve the site plan subject to the conditions that the floodlights shall be aimed in such a manner that does not cause light spillage onto neighboring residential properties and that the site be developed in accordance with the submitted site plan and in compliance with all applicable federal, state, and local laws.

Ayes (6): Asselmeier, Guritz, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Abstain (0): None
Absent (4): Andrews, Briganti, Chismark, and Langston

The motion passed unanimously.

Petition 19-04 Rodolfo and Georgina Nunez-Special Use Permit for a Landscaping Business at 6725 Route 71 (PINs 02-24-300-017 and 02-24-300-018) in Oswego Township

Mr. Asselmeier summarized the request. The Petitioners are requesting a special use permit to operate a landscaping business. The property is zoned A-1 and is approximately three (3) acres in size.

The EcoCAT Report was submitted and several species were identified in the area. However, IDNR expressed no concerns regarding the proposal provide best management practices are employed when building structures.

The Natural Resource Inventory application submitted on December 20, 2018, and is still under review.

Petition information was sent to Oswego Township on December 21, 2018.

Petition information was sent to the Village of Oswego on December 21, 2018. Information about this Petition will be discussed at a January Village Board meeting.

Petition information was sent to Oswego Fire Protection District on December 21, 2018. The Petitioner is in contact with the Fire Protection District to resolve sprinkling issues.

The Petitioner plans to have at most three (3) employees report to the site for work.

The Petitioner plans to remove the containers on the property and construction a small building on the property.

The property fronts Route 71 and the Village of Oswego's plans call for a trail along Route 71. The site plan shows parking around the existing house.

No additional lighting or signage was proposed.

The Zoning Ordinance requires 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. An existing berm with evergreens and other trees is located on the property.

The property drains to the northwest and southwest of the site. WBK submitted a comment letter on the proposal.

Mr. Rybski asked about well or septic records. He also requested a soil study. Mr. Kramer indicated that no new wells or septic systems were proposed and the Petitioners will locate the existing well and septic system locations and supply that information to the Kendall County Health Department.

Mr. Kramer stated Mr. Nunez was a tree specialist and the proposed business would not be the traditional landscape business. They have one (1) part-time employee.

Mr. Kramer noted the existing berm and that the existing trailer shall be replaced with a building.

Mr. Kramer said that the Petitioner would secure a variance, if necessary, for the sprinkler requirement for the building. Mr. Kramer does not believe a sprinkler system will be required.

Mr. Kramer indicated that this proposal would go before Oswego Township on January 15th.

Mr. Kramer indicated that the Village of Oswego will provide a letter of no objection to the County.

Mr. Kramer confirmed the building size will be approximately two thousand four hundred (2,400) square feet.

No landscaping debris would be outdoors. Shrubs and trees could be stored outside. Equipment storage would be outdoors except for his pickup truck.

Discussion occurred regarding trail dedication. Mr. Kramer expressed concerns about the relocation of the existing berm particularly if Route 71 were widened.

No variances would be needed based on current measurements of structures.

Discussion occurred regarding potential complaints by neighbors. Mr. Kramer could definitively say if objections could or would arise.

Mr. Asselmeier made a motion, seconded by Mr. Holdiman, to recommend approval of the special use permit with the conditions that no landscaping debris or equipment may be stored outside except for nursery stock.

Ayes (6): Asselmeier, Guritz, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Abstain (0): None
Absent (4): Andrews, Briganti, Chismark, and Langston

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on January 23rd.

Petition 19-05 Specialty Oswego, LLC and Stuart and Paula Weihler-Special Use Permit for a Banquet Facility and Variance to the Requirement that Banquet Facilities be Located on a Primary Highway or Major Collector in the 5100 Block of Schlapp Road Approximately 0.48 Miles South of the Intersection of Plainfield Road and Schlapp Road (PIN 03-34-100-024 South 10 Acres) in Oswego Township

Mr. Asselmeier summarized the request. Stuart and Paula Weihler would like to establish a banquet facility, Heritage Homestead at the subject property. The property is currently owned by Specialty Oswego, LLC and the Weihler's have a contract to purchase the property subject to obtaining the required zoning permits to operate a banquet facility. The special use permit would apply to the southern ten (10) acres of the property. A variance would be required because Schlapp Road is not an arterial road or a major collector as defined by the Land Resource Management Plan. The property is zoned A-1.

EcoCat submitted on December 18, 2018 and consultation was terminated

NRI application submitted on December 21, 2018, and currently under review.

Oswego Township was emailed information on December 21, 2018, and no comments have been received.

Oswego Fire Protection District was emailed information on December 21, 2018. The Petitioner is in discussions with the Fire Protection District regarding securing applicable variances.

The Village of Oswego was emailed information on December 21, 2018, and they are currently reviewing the proposal.

The Weihler's business plan, plat of survey, and site plan were provided. As noted in the business plan, plat of survey and site plan, the Weihler's would use the southern ten (10) acres of the current property configuration for their event business. They plan to construct a four thousand, nine hundred fifty (4,950) square foot barn with two (2) two thousand five hundred (2,500) square foot outdoor areas on the southwest and northeast sides of the barn. One two thousand (2,000) square foot tent with concrete pad would be located northwest of the barn. Two (2) grain bins, one (1) for the bride and one (1) for the groom, would be constructed to the northwest of each outdoor area. An additional bar grain bin would be constructed west of the tent. Each grain bin would be one hundred seventy-one (171) square feet in size. One (1) outdoor grassy ceremony area, measuring three thousand five hundred (3,500) square feet would be located east of the barn area. One (1) one hundred eighty-one (181) square foot gazebo would be located southeast of the barn. One (1) additional one thousand five hundred (1,500) square foot storage building would be located to the east of the parking

area. One (1) one hundred (100) square foot trash enclosure is planned east of the parking area. Gravel pathways would connect the parking lot to the various structures and areas of interest on the property.

The Weihlers propose an approximately thirty-seven thousand seven hundred sixty-two (37,762) square foot wet detention pond around the southern portion of the gazebo. Based on the information provided regarding the amount of disturbed ground (land disturbed for parking, facilities, and detention), a stormwater management permit will be required. WBK submitted a letter regarding stormwater requirements.

The Weihlers plan to have events year-round. For weekdays, events would start no sooner than 9:00 a.m. and end no later than 10:00 p.m. For weekends and holidays, events would start no sooner than 9:00 a.m. and end no later than midnight.

The Weihlers plan to use select caterers and will have adequate insurance.

If approved, the Weihlers plan to start construction by April 2019 and start having events in October 2019 with a full season of bookings for 2020.

A Building and Occupancy Permit will be required for each existing structure that will be used in conjunction with the proposed banquet facility.

A raised septic area with three sanitary holding tanks is proposed southwest of the proposed barn. The proposed water well will be located northeast of the tent area.

The property fronts Schlapp Road.

Based on the information provided, the maximum number of attendees would be two hundred eight-five (285) guests. Four (4) additional full-time employees plus the two (2) owners would be onsite during events. Pending any concerns from first responders, the proposed facility would have more than adequate parking facilities. The Weihlers are proposing one hundred fifty-one (151) parking spaces including seven (7) handicapped accessible spaces.

The Weihlers propose five (5) twenty foot (20') fixture light poles and two (2) twenty foot (20') single fixture light poles.

One (1) monument sign is proposed along Schlapp Road. No information was provided regarding the size of the light or whether or not the sign will be illuminated. No information was provided regarding one-way vehicular movement signs.

The landscaping plan call for thirty-two (32) canopy trees, sixteen (16) evergreens, ten (10) understory trees, ten (10) ornamental trees, and one hundred twenty-six (126) deciduous bushes.

The Weihlers plan to have music originate indoors with speakers facing indoors except for processionalists at weddings.

The Weihlers plan to install some berming and, with the combination of distance and new plantings, they believe noise will not be an issue.

The subject property was awarded a special use permit by Kendall County for a residential unit for a stable employee in 1999.

This proposed banquet facility is less than one half (1/2) mile from the nearest road meeting the functional classification requirements in the Zoning Ordinance. By comparison, the banquet facility at 13889 Hughes Road is approximately one point five (1.5) miles from the nearest major collector road (Newark Road via Hollenback Road).

Mr. Holdiman noted that the Petitioners will ask for a variance from the Oswego Fire Protection District for sprinkler requirements. Mr. Kramer indicated that they would apply for a variance from the Fire Protection District for sprinkler system, if necessary. The Petitioners will install a security system. The project would continue to move forward if the variance is not granted. The structures on the property will be heated and cooled.

The Petitioners are working on the septic system information.

Fridays, Saturdays, and the night before holidays are considered weekends. Sunday would be considered a weekday. Cleanup would be finished by 1:00 a.m. on weekends and 11:00 on weekdays.

Discussion occurred regarding the roadway classification of Schlapp Road. Mr. Asselmeier stated that the classification came from the Land Resource Management Plan. Mr. Klaas indicated that the Highway Department classified Schlapp Road as a minor collector.

Mr. Kramer noted that Oswego Township is a dry township; he discussed the caterer's license.

Mr. Rybski discussed the well testing requirements based on the number of events and number of people in attendance at these events. No food would be made onsite. He discussed the requirements of the septic system, including the location of a secondary septic field. The bathroom facilities will be inside the buildings.

The Petitioners acknowledged the Right to Farm Clause.

The Petitioners will use their cell phones to measure noise. The speakers will be turned inward.

The size of the monument sign has not been determined. The sign will be a low-level monument sign. The sign will not be illuminated. Staff requested additional information on the dimensions of the sign. Mr. Kramer was unsure about directional signage at the egress/ingress to the property.

The Petitioners indicated that they no longer needed the special use permit for a stable employee.

The Petitioners will apply for a stormwater management permit.

Mr. Holdiman asked if the barn will be a two (2) story structure. This question was not answered.

Mr. Rybski said that the proposal could be moved forward, but the septic and well review can occur as the proposal moves through the process.

Mr. Asselmeier asked Mr. Klaas if he saw any concerns regarding the ability of Schlapp Road to support this type of use. Mr. Klaas requested that the Township weigh-in on the question. The Township would have to permit the ingress/egress points.

Mr. Klaas requested a right-of-way dedication. The Petitioners agreed to dedicate the appropriate amount of right-of-way; the right-of-way would extend to fifty feet (50') from the centerline of Schlapp Road. The dedication would occur within sixty (60) days of approval of the special use permit. The site plan would be adjusted to reflect the dedication.

Mr. Asselmeier made a motion, seconded by Mr. Rybski, to approve special use permit and variance as requested.

Ayes (6): Asselmeier, Guritz, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Abstain (0): None
Absent (4): Andrews, Briganti, Chismark, and Langston

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on January 23rd.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

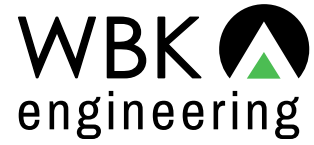
Mr. Asselmeier noted that an application for a banquet facility on Crimmins Road could be submitted.

Mr. Kramer indicated that the owner of 17 Ashe Road is working with the homeowners association to resolve issues related to their special use permit amendment request.

ADJOURNMENT

Mr. Klaas made a motion, seconded by Mr. Guritz to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:57 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner



January 5, 2019

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

Subject: Petition 19-05 Schlapp Road Banquet Facility

Dear Mr. Asselmeier:

WBK Engineering has reviewed the stormwater submittal and site plans for the subject project. We received the following information:

- Permit Application prepared by Stuart and Paula Weihler including
 - Zoning Plat prepared by Philip D. Young and Associates, Inc. dated November 29, 2018 received December 21, 2018
 - Civil Site Plan prepared by Tebrugge Engineering. dated December 20, 2018 received December 21, 2018

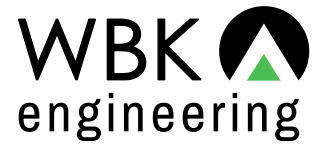
The following comments are offered for the petitioner's consideration and require resolution prior to our recommendation for approval.

Stormwater Management

1. Submit a stormwater management report that documents and demonstrates the following:
 - a. Existing drainage patterns, ridge lines and flow rates.
 - b. Proposed stormwater basin design basis
 - c. Proposed stormwater basin outlet location and viability
 - d. Existing field tile survey

Civil Site Plan

1. Depict the 100 year high water elevation in the basin and the emergency overflow route location.
2. Depict the stormwater basin outlet location and controlled release configuration.



3. The drainage swales and overflow routes east of the proposed barn will require a design basis and cross section with final engineering plans.
4. Access locations and configurations shall be approved by Oswego Township.

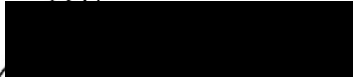
Landscape Plan

1. Several on site swales appear to be good opportunities to incorporate native landscape plants as a stormwater best management practice. Specifically this should be considered where runoff from paved areas is being facilitated.
2. It appears the stormwater basin has a depth of two feet. Please confirm and identify how the basin will be planted and maintained.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications.

If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,


Greg Chismark, P.E.
Municipal Practice Principal
WBK Engineering LLC

Attachment 18, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved Meeting Minutes of January 23, 2019 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Angela Zubko

Members Absent: Roger Bledsoe, Benjamin Schroeder, and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner, Ruth Ann Sikes, Office Assistant

In the Audience: Dan Kramer, Stuart Weihler, Paula Weihler, Larry Anderson, Tom Gargrave, and Matthew Prochaska

Chairman Ashton welcomed the new member Bill Davis and new recording secretary Ruth Ann Sikes. Mr. Asselmeier stated that the Department is working with the Administrative Services Department regarding recognizing Budd Wormley for his years of service to the Kendall County Regional Planning Commission.

APPROVAL OF AGENDA

Ms. Zubko made a motion, seconded by Ms. Wilson, to approve the agenda as presented. With a voice vote of all ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Ms. Wilson made a motion, seconded by Ms. Zubko, to approve the August 22, 2018, Kendall County Regional Planning Commission meeting minutes. With a voice of all ayes, the motion carried.

PETITIONS

19-04 – Rodolfo and Georgina Nunez. Special Use Permit for Landscaping Business

Mr. Asselmeier summarized the request.

The Petitioners would like to operate a landscaping business at 6725 Route 71 in Oswego Township; property is zoned A-1.

Oswego has a trail planned along Route 71. There is a pond on the property to the northwest. There are thirty-nine (39) homes located within a half (½) mile of the property.

The Petitioners would like one year to construct a new building on the site and would like to existing building to remain.

Petition information was sent to the Oswego Township on December 21, 2018, and they responded with no objections. The Village of Oswego was sent on December 21, 2018, and they responded with no objections. Petition information was sent to the Oswego Fire Protections on December 21, 2018. The Petitioner and Oswego Fire Protection exchanged correspondence regarding sprinkler requirements.

ZPAC met on this case on January 8, 2019. ZPAC unanimously recommended approval of this proposal

Chairman Ashton asked if the pond was on the property; Mr. Asselmeier replied that it was on the adjacent property.

Ms. Zubko asked about the placement of employee parking, bathrooms, and handicapped stalls? Mr. Asselmeier replied that parking would be on the driveway and employees would go off site for their work. Employees would use the bathroom inside the house. No customers would come to the property. Neither the Village of Oswego nor the Illinois Department of Transportation requested an easement or right-of-way dedication for a trail.

Member Wilson asked what kind of containers on the property. The containers are shipping containers.

Dan Kramer, on behalf of the Petitioners, described the proposal. The business is a small business. Mr. Nunez is certified as a tree specialist, not a lawn mowing company. He does not have a lot of equipment. The proposed building is strictly for dry storage. The only truck that would be stored outside is Mr. Nunez's pickup truck; no delivery truck would be stored outside. The well and septic locations have been found.

Mr. Rodriguez questioned if the listed size of the building would be large enough for the proposed operations. Mr. Kramer responded that the Petitioner doesn't have a whole lot of equipment and he is fine with the building's size.

Ms. Zubko asked for clarification of the term "nursery stock". Mr. Kramer responded that nursery stock would consist of trees and not mulch or other landscape debris.

Ms. Wilson requested clarification on the number lots. Mr. Kramer explained the legal description and lot lines were determined because of Plat Act requirements.

Ms. Zubko made a motion, seconded by Ms. Wilson, to recommend approval of Petition 19-04 with the conditions proposed by Staff.

Yes (7): Ashton, Casey, Davis, Nelson, Rodriguez, Wilson, and Zubko
No (0): None
Absent (3): Bledsoe, Schroeder, and Shaw

The motion carried.

Petition 19-04 will go to the Zoning Board of Appeals on January 28, 2019.

19-05 – Specialty Oswego, LLC (Current Owners) and Stuart and Paula Weihler (Prospective Buyers)

Mr. Asselmeier summarized the request.

Stuart and Paula Weihler would like to establish a banquet facility, at the subject property. Specialty Oswego, LLC is the current owners and Stuart and Paula Weihler are prospective buyers. Property is located in the 5100 block of Schlapp Road, approximately zero point four eight (0.48) miles south of the intersection of Plainfield Road and Schlapp Road on the East Side of Schlapp Road.

The current land use is agricultural and farmstead and the future land use is rural residential. Schlapp Road is a township road classified as a minor collector. A variance is required because of the road classification of Schlapp Road.

Seven (7) homes, not including the homes in the Douglas Hill Subdivision and Leisure Lea Subdivision, are located within one half (1/2) mile of the existing property lines.

The EcoCAT was submitted on December 18, 2018, and consultation was terminated.

The NRI application was submitted on December 21, 2018. To date, the Kendall County Soil and Water Conservation District has not provided a LESA Score.

Oswego Township was emailed information on December 21, 2018. Oswego Township is in favor of the proposal provided right-of-way is dedication for Schlapp Road.

Oswego Fire Protection District was emailed information on December 21, 2018. The Petitioner will seek a variance to the sprinkler requirements and they plan to install a security system.

The Village of Oswego was emailed information on December 21, 2018. The Village of Oswego expressed no opposition to the proposal.

ZPAC met on this proposal on January 8, 2019. Discussion occurred regarding a sprinkler variance from the Oswego Fire Protection District. Clarification was provided regarding the terms “weekends” and “weekdays”. Discussion occurred regarding well testing based on the number of events. The Petitioners acknowledged Kendall County’s Right to Farm Clause. The Petitioners stated that they no longer wanted the special use permit previously granted at the property. The Petitioners acknowledged that they would have to apply for a stormwater management permit. ZPAC unanimously recommended approval of the proposal.

The Weihlers intend to establish the Heritage Homestead banquet facility and wedding venue as a limited liability company. Their business plan, site plan, landscaping plan, and lighting plan were provided to the Commission.

As noted in the business plan plat or survey and site plan, the Weihler’s would use the southern ten (10 acres of the current property configuration for their event business. They plan to construct a four thousand, nine hundred fifty (4,950) square foot barn with two (2) two thousand five hundred (2,500) square foot outdoor areas on the southwest and northeast sides of the barn. One (1) two thousand (2,000) square foot tent with concrete pad would be located northwest of the barn. Two (2) grain bins, one (1) for the bride and one (1) for the groom, would be constructed to the northwest of each outdoor area. An Additional bar grain bin would be constructed west of the tent. Each grain bin would be one hundred seventy-one (171) square feet would be One (1) outdoor grassy ceremony area, measuring three thousand five hundred (3,500) square feet would be located east of the barn area. One (1) one hundred eight-one (181) square feet gazebo would be located southwest of the barn. One (1) additional one thousand five hundred (1,500) square foot storage building would be located to the east of the parking area. One (1) one hundred (100) square foot trash enclosure is planned east of the parking area. Gravel pathways would connect the parking lot to the various structures and areas of interest on the property.

The Weihler’s propose an approximately thirty-seven thousand seven hundred sixty-two (37,762) square foot wet detention pond around the southern portion of the gazebo. Based on the information provided regarding the amount of disturbed ground (land disturbed for parking, facilities, and detention), a stormwater management permit will be required.

The Weihler’s plan to have events year-round. For weekdays, events would start no sooner than 9:00 a.m. and end no later than 10:00 p.m. For weekends and holidays, events would start no sooner than 9:00 a.m. and end no later than midnight.

The Weihler’s plan to use select caterers and will have adequate insurance.

If approved, the Weihler's plan to start construction by April 2019 and start having events in October 2019 with a full season of bookings for 2020.

Chairman Ashton asked about lighting crossing the property line. Mr. Asselmeier said the restriction regarding lighting can be made more explicit to ensure that lighting will not cross property lines. The parking lot lights will not be turned on when events are not occurring.

Mr. Casey asked why the Petitioners were seeking a variance to the sprinkler requirements. Mr. Asselmeier explained that the Petitioners did not want to install sprinklers.

Ms. Zubko asked if the pathways met the standards of the Americans with Disabilities Act. The Petitioners clarified that the pathways will be designed to meet the standards.

Ms. Zubko questioned the location of the trash enclosures. Employees of the banquet business will haul trash to the location and ensure that litter is removed from the site.

Ms. Wilson requested clarification regarding Sundays as a weekday. Mr. Asselmeier explained that the Petitioners did not want Sundays to be considered part of the weekend.

Dan Kramer, on behalf of the Petitioners, confirmed that parking lot lights will only be on during events. The Petitioners will have low wattage security lights. All events will be catered. The Petitioner support the right-of-way dedication for Schlapp Road. He explained the sprinkler situation and concerns about having a water source for sprinklers. A security system will be installed onsite. The parking lots will be gravel, but the handicapped parking spaces will be blacktopped.

Ms. Wilson asked about the concrete slabs. These slabs will be used for outdoor patio areas.

Mr. Davis asked if the construction will be all new construction. The response was yes, but the Petitioners may incorporate some old barn wood.

The restrooms will be inside the barn.

Larry Anderson, Oswego, stated that he was an adjacent property owner. Mr. Anderson was concerned about patrons of the business coming onto his property and possibly falling into his pond. Mr. Anderson requested that a fence be installed by the Petitioners on the banquet facility property. Chairman Ashton advised Mr. Anderson to install "No Trespassing" signs on Mr. Anderson's property.

Tom Gargrave, Oswego, expressed concerns regarding noise and light pollution. Mr. Gargrave expressed concerns about traffic safety because of the intersection of Schlapp Road, Plainfield Road, and Simons Road. Mr. Gargrave stated that the water table is falling in the area. He believed the proposal could be spot zoning.

Mr. Kramer indicated that the Petitioners are willing to work with Mr. Anderson regarding identify the property lines. A fence or plantings could be installed along the property line. Mr. Kramer explained that the property could be annexed into Oswego and that more intense retail uses would be allowed on the property if annexation occurred.

Signage size has not been determined.

The office will be inside the barn.

No one will be living onsite.

Mr. Nelson made a motion, seconded by Mr. Casey, to recommend approval of Petition 19-05 with the conditions proposed by Staff.

Ms. Zubko made a motion, seconded by Ms. Wilson, to recommend approval of Petition 19-04 with the conditions proposed by Staff.

Yes (7): Ashton, Casey, Davis, Nelson, Rodriguez, Wilson, and Zubko
No (0): None
Absent (3): Bledsoe, Schroeder, and Shaw

The motion carried.

Petition 19-05 will go to the Zoning Board of Appeals on January 28, 2019.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Election of Officers-Chairman, Vice Chairman, Treasurer, Secretary and Recording Secretary

Mr. Nelson made a motion, seconded by Ms. Zubko to nominate the following individuals to the designated positions:

Bill Ashton (Chairman), Ruben Rodriguez (Vice Chairman), Matt Asselmeier (Treasurer), Larry Nelson (Secretary), and Ruth Ann Sikes (Recording Secretary)

With no additional nominees, Mr. Nelson made a motion, seconded by Mr. Casey, to close the call for nominees. With a voice vote of all ayes, the motion carried unanimously.

With a voice vote of all ayes, the nominees were approved unanimously.

Appointments to Comprehensive Land Plan and Ordinance Committee

Chairman Ashton announced the appointments to the Comprehensive Land Plan and Ordinance Committee as follows: Larry Nelson (Chairman), Chairman of the Kendall County Regional Planning Commission or Their Designee (Bill Ashton), Chairman of the Kendall County Zoning Board of Appeals or Their Designee (Randy Mohr), Chairman of the Kendall County Board or Their Designee (Scott Gryder), Chairman of the Kendall County Planning, Building and Zoning Committee or Their Designee (Matthew Prochaska), Megan Andrews, Jeff Wehrli, and John Shaw.

Approval of 2019 Meeting Dates

Ms. Zubko made a motion, seconded by Ms. Wilson, to approve the 2019 meeting calendar.

With a voice vote of all ayes, meeting dates were approved unanimously.

Annual Meeting-February 2, 2019 at 9:00 a.m.

The Commission reviewed the draft agenda for the Annual Meeting.

OLD BUSINESS

Update on Petition 18-04 Request from the Kendall County Regional Planning Commission for Changes to the Future Land Use Map for Properties Located Near Route 47 in Lisbon Township.

Mr. Asselmeier provided an update on the proposal. Planning, Building and Zoning Committee Chairman Matthew Prochaska indicated that he hopes to have the proposal to County Board in February.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier informed the Commission that Petition 17-28 was referred back to Committee, 18-03 withdrawn at Committee, 18-07 withdrawn at Committee, 18-13 approved by the County Board, 18-15 approved by the County Board, 18-20 was approved by the County Board, 18-25 was approved by the County Board, 18-26 was approved by the County Board. Planning, Building and Zoning Committee Chairman Matthew Prochaska described the process he intended to follow regarding Petition 17-28.

CORRESPONDENCE

Mr. Asselmeier read the correspondence regarding United City of Yorkville Unified Development Ordinance Project, Village of Oswego Unified Development Ordinance Project, City of Joliet Comprehensive Plan Update Project, Village of Minooka Comprehensive Plan Update Project.

OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

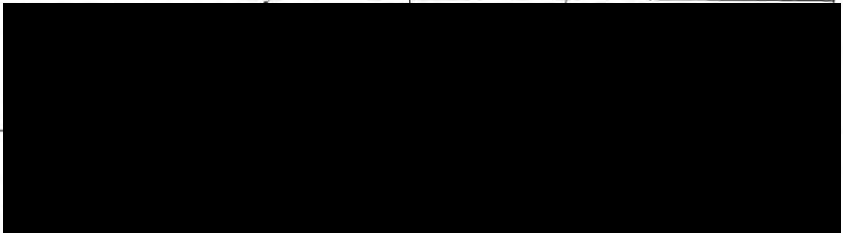
Ms. Zubko made a motion, seconded by Ms. Wilson, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:45 p.m.

Respectfully submitted by,
Ruth Ann Sikes
Part-Time Office Assistant (Zoning)

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JANUARY 23, 2019**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Don Kramer	1107 N S Bridge St Yorkville, Ill.	19-04 d/kramer@donkramerinc.com 19-05
Larry Andrew		
Tom GARGRAVE		
Matt Prochaska	111 W. Fox St Yorkville, IL 60560	

Listing of ZBA Dates for 2019
7:00PM (Monday Following the 4th
Wednesday of the Month
Unless Otherwise Noted)

January 28, 2019

March 4, 2019

April 1, 2019

April 29, 2019

May 28, 2019 (Tuesday)

July 1, 2019

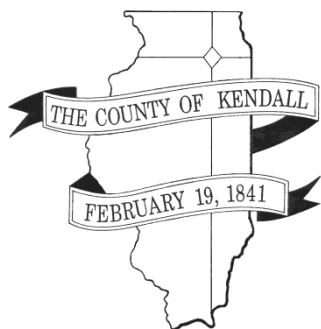
July 29, 2019

September 4, 2019 (Wednesday)

September 30, 2019

October 28, 2019

December 16, 2019 (Third Monday)



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
ANNUAL MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560

AGENDA

February 2, 2019 – 9:00 a.m.

- I. Call to Order**
- II. KCRPC Roll Call**
Bill Ashton (Chairman), Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, Benjamin Schroeder, John Shaw, Claire Wilson, and, Angela Zubko
- III. Welcoming Remarks**
Bill Ashton, Kendall County Regional Plan Commission Chairman
- IV. Approval of Agenda**
- V. Review of Minutes from 2018 Annual Meeting**
- VI. Requests for Plan Amendments**
Residents of Kendall County & Staff
- VII. 2018 Projects Summary & 2019 Future Projects/Goals**
Matthew H. Asselmeier, Senior Planner & Others in Attendance
- VIII. Old Business**
- IX. New Business**
- X. Other Business**
- XI. Public Comment**
- XII. Adjournment**

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.