

**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**

October 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 September 30, 2019 Zoning Board of Appeals Hearing/Meeting (Pages 2-8)

**PETITIONS:**

1. **Continuation of Hearing 19 – 26 – Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant) (Pages 9-97)**  
Request: Special Use Permit for a Landscaping Business  
PINs: 09-13-400-006  
Location: 276 U.S. Route 52, Seward Township  
Purpose: Petitioners Want to Operate a Landscaping Business on the Subject Property; Property is Zoned A-1
2. **19 – 35 – John and Laura Gay (Pages 98-199)**  
Request: Special Use Permit for a Kennel and Variance to Section 7.01.D.27 of the Kendall County Zoning Ordinance Allowing a Kennel To Be Placed 30 Feet 6 ½ Inches Instead of 150 Feet from Lots Zoned Other Than Residential  
PIN: 03-28-100-004  
Location: 3601 Plainfield Road, Oswego Township  
Purpose: Petitioners Want to Operate a Kennel on the Subject Property; Property is Zoned A-1

**NEW BUSINESS/ OLD BUSINESS**

None

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

None

**PUBLIC COMMENT**

**ADJOURN ZONING BOARD OF APPEALS-** Next hearing/meeting on December 16, 2019 (Third Monday)

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  
September 30, 2019 – 7:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

**ROLL CALL:**

Members Present: 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

Others Present: Matthew Prochaska, Commander Jason Langston, and Steve Gengler

**MINUTES:**

Member Clementi made a motion, seconded by Member LeCuyer to approve the minutes of the July 29, 2019, meeting with the correction to reflect Member Cherry was absent. With a voice vote of six (6) ayes, the motion was approved.

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 19-26 at 7:02 p.m.

**Continuation of Hearing    Petition 19 – 26 – Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)**

Request:	Special Use Permit for a Landscaping Business
PINs:	09-13-400-006
Location:	276 U.S. Route 52, Seward Township
Purpose:	Petitioners Want to Operate a Landscaping Business on the Subject Property; Property is Zoned A-1

Mr. Asselmeier read a letter from the Petitioner requesting layover until the October meeting. With no objections, the Petition was laid over until the October hearing/meeting.

The Zoning Board of Appeals completed their review of Petition 19-26 at 7:04 p.m. Chairman Mohr swore in all members of the public that wished to speak on the Petition. The Zoning Board of Appeals started their review of Petition 19-31 at 7:04 p.m.

**Petition 19-31 –                    Kendall County Planning, Building and Zoning Committee**

Request: Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

Purpose: Proposal Repeals Previously Adopted Medical Cannabis Related Zoning Ordinances; Adds Definitions for Recreational Cannabis Related Uses; Adds Definitions for Medical Cannabis Related Uses; Designates the Zoning Districts Where Recreational and Medical Cannabis Uses May Occur by Special Use Permit with Restrictions; Updates Appendix 9 to Reflect the Addition of Recreational and Medical Cannabis Related Uses; Corrects Citation Errors to the Zoning Ordinance Caused by the Addition of Recreational and Medical Cannabis Related Uses

Mr. Asselmeier summarized the request.

Mr. Asselmeier explained that this proposal was a zoning regulation focusing on establishing regulations that the County could enforce. The proposal was not a licensing regulation and did not duplicate the requirements of State law.

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed the County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where a medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related uses to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes are as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical

Cannabis Program Act.

3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

At least one (1) Planning, Building and Zoning Committee member favored having cannabis uses in stand-alone buildings.



Townships were notified of this proposal and a combined meeting of the Regional Planning Commission and Planning, Building and Zoning Committee scheduled for September 10<sup>th</sup> on August 28, 2019.

ZPAC met on this proposal on September 3, 2019. ZPAC issued a neutral recommendation and requested that information regarding surveillance, security, and security related structural requirements be added to the proposed amendment. ZPAC also requested that cannabis uses not be allowed in the B-3 District. The vote was five (5) in favor and one (1) in opposition. Fran Klaas said the County should not create zoning regulations for cannabis because it is illegal federally. The minutes of this meeting were provided.

On September 10, 2019, the Kendall County Regional Planning Commission and Planning, Building and Zoning Committee held a combined meeting. The changes made to the proposal were as follows:

1. Fix the incorrect section reference for craft growers (special uses in the A-1 is Section 7.01.D not Section 7.01.C as was found in the original proposal).
2. Clarify that craft growers may co-locate with dispensing organizations and infuser organizations in the M-1 and M-2 Districts only.
3. Clarify that dispensing organizations may co-locate with craft growers and infuser organizations in the M-1 and M-2 Districts and only with infuser organizations in the B-3 District.
4. Clarify that infuser organizations may co-locate with craft growers and dispensing organizations in the M-1 and M-2 Districts and only with dispensing organizations in the B-3 District.

The minutes of the September 10<sup>th</sup> meeting were provided. Mr. Asselmeier noted that Na-Au-Say Township identified the incorrect zoning citation and requested the clarifications listed previously. Kendall Township expressed concerns about having cannabis uses in the B-3; the B-3 uses in Kendall Township focused more on auto related uses and were not intended for cannabis uses.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 25, 2019. The consensus of the Commission was to have stricter regulations in place as a starting point. These regulations could be relaxed at some point in the future, if deemed appropriate (i.e. it is easier to grant a land use right than to take away a land use right). The Kendall County Regional Planning Commission unanimously recommended approval of the proposal with an amendment that all cannabis uses allowed on B-3 zoned property (adult-use and medical dispensing organizations, adult-use infuser organizations, and adult-use processing organizations) be located a maximum one thousand feet (1,000') from an interstate highway. The minutes of this meeting were provided.

The proposed changes to the Kendall County Zoning Ordinance with changes proposed by ZPAC, changes made at the September 10<sup>th</sup> meeting, and the change proposed by the Kendall County Regional Planning Commission were provided.

Maps showing the potential location of cannabis were provided. Members reviewed the maps.

Information from Colorado regarding zoning regulations were provided.

Chairman Mohr asked if hemp was governed by this proposal. Mr. Asselmeier responded that hemp is governed separately than cannabis. Hemp is an agricultural purpose.

Chairman Mohr asked if a cannabis business could locate with a shooting range. Mr. Asselmeier responded that the current regulations for shooting ranges in the Kendall County Zoning Ordinance prevents cannabis businesses from locating with gun ranges. State law does not prevent a shooting range from co-locating with a cannabis business.

Chairman Mohr expressed concerns regarding having a cannabis business on B-3 zoned properties near churches and schools if the property was located near an interstate. Mr. Asselmeier responded that the church and school in Grundy County near the interstate did not have direct access to a property in Kendall County.

Mr. Asselmeier noted the odor concern and the difficulty in measuring odor.

Chairman Mohr opened the public hearing at 7:22 p.m.

Matthew Prochaska, Chairman of the Kendall County Planning, Building and Zoning Committee, stated that the Committee drafted this proposal from the template provided by the Illinois Municipal League and the Planning, Building and Zoning Committee wanted comments and input from the advisory boards. He emphasized the odor and security issues that arise from cannabis related businesses. He favored cannabis uses be in stand-alone buildings. He also suggested that cannabis businesses be allowed on B-3 zoned properties if the property was within one thousand feet (1,000') of an interstate highway junction because of concerns regarding the classification of the Prairie Parkway.

Member Fox asked if credit unions will take deposit of money from cannabis businesses. Mr. Prochaska responded that credit unions and banks chartered by the state that are not federally insured would accept deposits. Mr. Prochaska expressed concerns regarding security at cannabis related businesses and in the vicinity of cannabis related businesses.

Chairman Mohr asked if counties could levy taxes on cannabis businesses if the county opt-out. Mr. Prochaska responded that he has received conflicting opinions regarding this topic. The proposal in Kendall County would set the tax at the maximum rate permitted.

Member Fox asked if dispensaries will allow onsite consumption. Mr. Asselmeier responded that onsite consumption by members of the public was not allowed in the current proposal.

Discussion occurred regarding the sale of infused products compared with the sale of cannabis for smoking.

Chairman Mohr expressed concerns about having cannabis available for sale near an interstate highway where people can pull off of the interstate and quickly leave. Commander Langston noted that people purchase alcohol and presumably do not drink while driving.

Steve Gengler, Kendall Township Supervisor, asked about enforcement. Mr. Asselmeier responded that the regulations contained in the Kendall County Zoning Ordinance would be enforced by the Kendall County Planning, Building and Zoning Department. State law is enforced by those agencies empowered

by the State to enforce the law. Mr. Prochaska noted that the Planning, Building and Zoning Committee is examining citation enforcement.

Chairman Mohr adjourned the public hearing at 7:35 p.m.

Member Clementi expressed concerns about picking and choosing specific B-3 locations. Discussion occurred regarding the market for cannabis business at B-3 zoned locations and picking and choosing B-3 zoned locations.

Chairman Mohr favored requiring cannabis businesses be in stand-alone buildings as a way to control odors.

Member Clementi made a motion, seconded by Member LeCuyer, to recommend approval with the amendment that cannabis related businesses be located in stand-alone buildings only and the recommendation that the distance requirement to interstate highways for cannabis businesses located on B-3 zoned properties be dropped.

The votes were as follows:

Ayes (6): Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson

Nays (0): None

Absent (1): Whitfield

The motion passed. This proposal will go to the Kendall County Planning, Building and Zoning Committee on November 12, 2019, after the thirty (30) day review by townships with planning commissions.

The Zoning Board of Appeals completed their review of Petition 19-31 at 7:41 p.m.

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

##### **Approval of Fiscal Year 2019-2020 Hearing/Meeting Calendar**

Member Cherry made a motion, seconded by Member Fox, to approve the hearing/meeting calendar as presented. With a voice vote of six (6) ayes, the motion was approved.

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

Mr. Asselmeier reported that Petition 18-04, pertaining to changes to the Future Land Use Map in Lisbon Township was rejected by the County Board.

Mr. Asselmeier reported that Petition 18-24, pertaining to the Flisk Special Use Permit Amendment at 17 Ashe Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-12, pertaining to a special use permit for a banquet center at 10978 Crimmin Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-25, pertaining to renewing a special use permit for a billboard at 34 and Hafenrichter was approved by the County Board.

#### **PUBLIC COMMENTS**

Mr. Asselmeier reported that there was a request for a special use permit for outdoor storage at 7821 Route 71 and a request for a special use permit for a kennel and a variance to allow a kennel at the property at 3601 Plainfield Road.

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

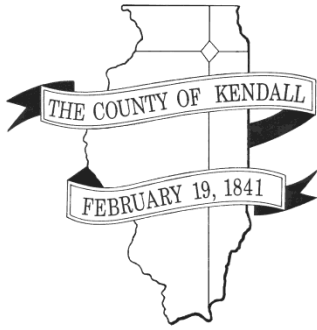
Member LeCuyer made a motion, seconded by Member Cherry, to adjourn. With a voice vote of six (6) ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 7:45 p.m.

The next hearing/meeting will be on October 28, 2019.

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

#### **Exhibits**

1. September 23, 2019 Memo on Petition 19-26
2. Memo on Petition 19-31 Dated September 26, 2019
3. Certificate of Publication for Petition 19-31 (Not Included with Report but on file in Planning, Building and Zoning Office).



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

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**Petition 19-26**

**Edward and Robert Baltz on Behalf of Erb Properties, LLC  
(Owner) and Thomas and Tyler Zurliene on Behalf of TZ  
Landscaping, LLC (Tenant)**

**A-1 Special Use – Landscape Operation**

**INTRODUCTION**

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate their landscaping business at the subject property.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

Application material is included as Attachment 1 and an aerial of the property is included as Attachment 2.

**SITE INFORMATION**

**PETITIONER** Edward and Robert Baltz, on behalf of Erb Properties, LLC (Owner) and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC (Tenant)

**ADDRESS** 276 Route 52

**LOCATION** Approximately 0.25 Miles West of Line Road on the South Side of Route 52



**TOWNSHIP** Seward

**PARCEL #** 09-13-400-006

**LOT SIZE** 21.6 +/- acres (Total); Special Use Area 10.3 +/- acres (Per Attachment 22)

EXISTING LAND USE Farmstead/Agricultural

ZONING A-1 Agricultural District

LRMP	Existing Land Use	Farmstead/Agricultural
	Future Land Use	Commercial
	Roads	Route 52 is a State Highway classified as a Major Arterial Road.
	Trails	Joliet has a trail planned along Route 52.
	Floodplain/Wetlands	No floodplains or wetlands are present.

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	Farmstead/Agricultural/Residential	A-1	Suburban Residential (1.00 DU/Acre) and Public Institutional	A-1
South	Agricultural	A-1	Suburban Residential	A-1

East	Agricultural	A-1	Suburban Residential	A-1 and A-1 SU (Kendall County) A-1 (Will County)
West	Agricultural/Residential	A-1	Suburban Residential and Commercial	A-1, A-1 SU, and B-2

Pictures of the property are included as Attachments 3-11.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

## PHYSICAL DATA

### ENDANGERED SPECIES REPORT

The EcoCAT Report was submitted and consultation was terminated (See Attachment 1, Pages 15-18).

### NATURAL RESOURCES INVENTORY

Application submitted on June 17, 2019 (See Attachment 1, Page 14). The LESA score was 214 indicating a medium level of protection. The NRI Report is included as Attachment 15.

## ACTION SUMMARY

### SEWARD TOWNSHIP

Petition information was sent to Seward Township on June 24, 2019. The Seward Township Planning Commission met on July 22, 2019. Discussion occurred regarding burning of material onsite, the placement of a berm along Route 52, the placement of trees along the east, west, and south sides, organization and storage of materials, maintenance of buildings, proper parking, and well and septic concerns. The Petitioner told the Commission that they will clean up the property. The Seward Township Planning Commission recommended approval with one (1) member absent. The Seward Township Board also met on July 22, 2019 and discussed similar concerns as the Seward Township Planning Commission. Discussion occurred regarding placing a berm on three (3) sides of the property and demolishing one (1) of the barns and replacing it with a new barn. The Seward Township Board recommended approval with one (1) member absent. The minutes of the Seward Township Planning Commission are included as Attachment 16 and the corrected minutes of the Seward Township Board meeting are included as Attachment 17.

### VILLAGE OF SHOREWOOD

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the Sign Ordinance. The Village's email is included as Attachment 12.

### CITY OF JOLIET

Petition information was sent to the City of Joliet on June 24, 2019. On June 24, 2019, the City of Joliet submitted an email saying they would not comment on this Petition and would honor their boundary agreement with the Village of Shorewood. The City's email is included as Attachment 13.

### MINOOKA FIRE PROTECTION DISTRICT

Petition information was sent to the Minooka Fire Protection District on June 24, 2019.

### ZPAC

ZPAC reviewed this proposal at their meeting on July 2, 2019. Greater specificity was needed regarding the location and size of berms and other screening. Concerns were expressed regarding

stormwater runoff control. The Kendall County Health Department requested that the septic field be located. The Petitioners withdrew their request for a sign variance; they intend to install a two (2) sided sign. The consensus of ZPAC members was to forward the proposal to the Kendall County Regional Planning Commission. The minutes of this meeting are included as Attachment 14.

#### **KCRPC**

The Kendall County Regional Planning started their review of this proposal at their meeting on July 24, 2019. Discussion occurred regarding the nature, location, and timing of installation of fencing, berming, and plantings. Discussion also occurred regarding the location and timing for construction of a new pole barn on the building. The Petitioners requested a layover in order add greater specificity to their site plan and landscaping. The minutes of this meeting are included as Attachment 18.

On August 23, 2019, the Petitioners submitted a revised site plan, which is included as Attachment 19. Also on August 23, 2019, Staff responded with an email outlining several defects with the site plan and with additional questions. This email is included as Attachment 20. The matter was laid over until the September meeting.

On September 18, 2019, the Petitioners submitted another revised site plan, which is included as Attachment 21. This site plan did not include contours and the proposal was laid over until the October meeting.

On October 15, 2019, the Petitioners submitted another revised site, which is included as Attachment 22. The Kendall County Regional Planning Commission reviewed this Petition at their meeting on October 23, 2019, with the revised site plan of October 15<sup>th</sup>. The Petitioners agreed with the proposed Findings of Fact and conditions proposed by Staff. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff by a vote of seven (7) in favor and zero (0) in opposition. Two (2) members of the Commission were absent. The minutes of this meeting are included as Attachment 23.

#### **ZBA**

The Kendall County Zoning Board of Appeals opened the public hearing on this proposal on July 29, 2019. Because of site plan defects, the hearing was continued until September 30, 2019, and October 28, 2019. The minutes of the July 29<sup>th</sup> and September 30<sup>th</sup> hearings for this Petition only are included as Attachments 24 and 25 respectively.

#### **BUSINESS OPERATION**

According to the information originally provided to the County in Attachment 1, Page 2, TZ Landscaping, LLC will use the existing barns and garage on the subject property. They will store landscaping materials, including mulch, rock, and gravel on the property outside on the property. The company's trucks will be stored on the property after business hours inside one (1) of the two (2) buildings.

According to the information provided to the County in Attachments 21 and 22, the Petitioners will demolish the crib on the east side of the property and construct a new sixty foot by one hundred twenty foot (60'X120') building at approximately the same location as the crib. The new building will be approximately thirty-one feet (31') feet off of the eastern property line. No date was provided regarding the demolition of the crib. The construction of the new building will occur within three (3) years of the landscaping business acquiring ownership of the property.

Attachments 21 and 22 also provided for storage area for sand, rock, gravel, soil, and mulch. The concrete storage area will be ninety feet by fifteen feet by six feet (90'X15'X6') and will be installed by March 2020. Two (2) shipping containers will be onsite. The containers will each be eight feet by forty feet (8'X40'). A brick area will be thirty feet by thirty feet (30'X30'). A thirty foot by sixty foot (30'X60') debris area is also planned to store concrete waste, brick waste, grass clippings, and branches. This debris will eventually be hauled offsite. The debris area will use the same type of encasements as the gravel, soil, and mulch area. A new gas area measuring ten feet by fifteen feet (10'X15') will be installed.



TZ Landscaping, LLC currently has two (2) owners and eight (8) full-time employees. These employees work part-time during the winter season. The number of employees could expand to fifteen (15) in the next five (5) years if the business grows as anticipated. No office personnel or sales employees shall report to the property for work related to the proposed use.

The hours of operation are 6:00 a.m. until 8:00 p.m., Monday through Saturday between April and November. The business is on-call twenty-four (24) hours per day every day between December and March.

TZ Landscaping, LLC has been in business for seven (7) years with customers in Shorewood, Minooka, Channahon, Joliet, and Plainfield.

#### **BUILDING CODES**

Any new buildings constructed onsite will require building permits. If the existing buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

#### **PUBLIC HEALTH**

TZ Landscaping, LLC does not use the house that is currently on the property. There are no other sources of water on the property and no bathroom facilities outside of the house. Employees would have to go offsite for bathroom facilities. No customers are planned to come onto the property.

#### **ACCESS**

The property fronts Route 52.

#### **TRAILS**

The City of Joliet's plans call for a trail along Route 52.

#### **PARKING**

The site plan shows parking east of the existing house. This parking area will need to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. The parking area will be forty-five feet by sixty feet (45'X60'). No customers will come to the property.

#### **LIGHTING**

Currently, one (1) pole light and one (1) exterior barn light are located on the property. The Petitioners plan to install security lights with the new building. No specifics about the lights was provided.

#### **SIGNAGE**

The Petitioners plan to install one (1) five foot by six foot (5'X6') sign north of the berm. No information was provided regarding the height of the sign.

#### **SCREENING**

According to Attachments 21 and 22, the Petitioners plan to install one hundred twenty-four (124) Techny Arborvitae along the western, eastern, and southern portions of the site. The Arborvitae will be three feet (3') in height at the time of planting. They will be planted approximately ten feet (10') apart and will be fifteen to twenty feet (15'-20') from off the property line. They will grow approximately fifteen feet (15') in height. Planting will occur by October 2020.

None of the existing trees along Route 52 will be removed.

A berm three feet (3') in height and six feet (6') in width will be installed for a length of fifty feet (50') east of the driveway. The berm will be made of dirt and seed. The berm will be installed by October 2020.

#### **STORMWATER**

The property drains to the south of the proposed business operations. The Petitioners did not provide any additional information regarding contours, drainage, or dimensions of impervious surface. A stormwater management permit will be required.

## FINDINGS OF FACT

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

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided that landscaping materials are properly stored, that appropriate screening is installed, that the well and septic systems are operational and sized to handle the proposed use, and that applicable building and stormwater permits are secured, 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 subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, 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. **Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location and size septic field are unknown. The Petitioners may have to upgrade the septic system because of the new use of the property.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **Provided the Petitioners comply with all applicable laws, 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 requested special use permit subject to the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 22).
2. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
3. One (1) business related five foot by six foot (5'X6') sign shall be allowed on the subject property as shown on the attached site plan. The sign will not be illuminated.
4. The parking area shown on the site plan shall be located to comply with the Kendall County Zoning Ordinance, shall be gravel, and shall be approximately forty-five feet by sixty feet (45'X60') in size.
5. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected east of the driveway as shown on the site plan. The berm shall be six feet (6') wide at the base, shall extend approximately fifty feet (50'), and shall be made of dirt and seed. The berm shall be installed by October 2020.
6. One hundred twenty-four (124) Techny Arborvitae shall be planted in substantially the locations shown on the attached site plan. The arborvitae shall be three feet (3') tall at the time of planting and

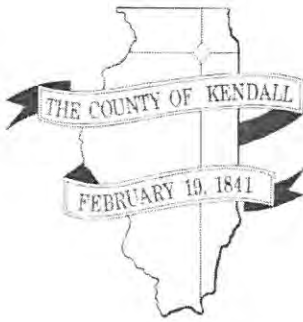
shall grow to approximately fifteen feet (15'). The arborvitaes shall be installed by October 2020. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.

7. Any materials associated with the landscaping business stored outdoors, including the debris area and brick area, must be stored on concrete pads with blocks on three sides of the materials in substantially the same locations as shown on the site plan. The concrete pads must be installed by March 2020.
8. Equipment and vehicles related to the business may be stored outdoors.
9. Within sixty (60) days of the approval of this special use permit, the Petitioners 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 Petitioners and the Kendall County Health Department.
10. No landscape waste generated off the property can be burned on this site.
11. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
14. 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.
15. 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.
16. 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. Looking Southwest from 52
4. Looking South from 52
5. Employee Parking
6. Storage Area North
7. Storage Area North Close Up
8. Storage Area Middle
9. Storage Area South
10. Southeast Barn
11. Looking East
12. 7-2-19 Village of Shorewood Email
13. 6-24-19 City of Joliet Email
14. 7-2-19 ZPAC Minutes
15. NRI Report
16. 7-22-19 Seward Township Planning Commission Minutes
17. 7-22-19 Seward Township Board Minutes (Corrected)
18. 7-24-19 Kendall County Regional Planning Commission Minutes

19. Revised Site Plan 8-23-19
20. 8-23-19 Email from Matt Asselmeier to Lorien Schoenstedt
21. Revised Site Plan 9-18-19
22. Revised Site Plan 10-14-19
23. 10-23-19 Kendall County Regional Planning Commission Minutes
24. 7-29-19 Zoning Board of Appeals Minutes (This Petition Only)
25. 9-30-19 Zoning Board of Appeals Minutes (This Petition Only)



# DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

## APPLICATION

PROJECT NAME SUP - TZ Landscaping, LLC

FILE #: 19-26

<b>NAME OF APPLICANT</b>		
TZ Landscaping, LLC		
<b>CURRENT LANDOWNER/NAME(s)</b>		
Ed Baltz		
<b>SITE INFORMATION</b>		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
10.8	276 Rt. 52, Minooka, Illinois 60447	09-13-400-0006
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
agricultural	A-1	commercial
<b>REQUESTED ACTION</b> (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezoned to <input type="text"/> ) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: <input type="text"/> <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)		
<b><sup>1</sup>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Thomas Zurliene	[REDACTED]	tzlandscaping@gmail.com
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER # (Cell, etc.)</b>
[REDACTED]	[REDACTED]	Lschoenstedt@rciawfirm.com
<b><sup>2</sup>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
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.		
<b>SIGNATURE OF APPLICANT</b>	[REDACTED]	<b>DATE</b>
		4/23/19

FEE PAID: \$1155  
CHECK #: 1753

<sup>1</sup>Primary Contact will receive all correspondence from County

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

RECEIVED

JUN 20 2019

KENDALL COUNTY  
PLANNING, BUILDING  
& ZONING

PROPOSAL FOR BUSINESS PLAN  
TZ LANDSCAPING, LLC  
276 RT. 52  
MINOOKA, ILLINOIS

**HOURS OF OPERATION:**

April-November  
Monday – Saturday  
6:00 AM – 8:00 PM

December-March  
On call 24 hours a day 7 days a week  
dependent on weather.

**NUMBER OF EMPLOYEES:** 2 owners and 8 full time employees during summer during peak season who work part-time during winter season.

**DESCRIPTION OF BUSINESS:** TZ Landscaping, LC is a privately owned landscaping company. The owners are Thomas Zurliene and Tyler Zurliene. They have been in business for 7 years serving Shorewood, Minooka, Channahon, Joliet, and Plainfield with their landscaping needs. We service lawns, install mulch and rock, clean up landscaping, install walkways, patios, retaining walls, plant trees and shrubs, install sod, and install drainage pipes in yards.

**BUSINESS PLAN:** Continue to use the 2 existing barns and garage on the premises. The area will be used for storing landscaping material such as mulch, rock, and gravel. The trucks will also be stores on the premises after hours of operation. The number of employees may increase to 12 - 15 in the next five years depending on community need for our services.

**TZ Landscaping, LLC**

**Legal Description for 276 Rt. 52, Minooka, IL 60447**

THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 8 EAST  
OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE SOUTH 544 00  
FEET OF THE WEST 480 FEET THEREOF, IN KENDALL COUNTY, ILLINOIS



**TRUSTEE'S DEED**

201100019108

DEBBIE  
GILLETTE  
KENDALL COUNTY, IL

RECORDED: 11/17/2011 1:04 PM  
TRSD: 52.00 RHSPS FEE: 10.00  
PAGES: 7

**THIS INDENTURE** Made this 23rd day of September, 2011 between **FIRST MIDWEST BANK**, Joliet, Illinois, as Trustee or successor Trustee under the provision of a deed or deeds in trust, duly recorded and delivered to said Bank in pursuance of a trust agreement dated the 29<sup>th</sup> day of December, 1988, and known as Trust Number 5220, party of the first part and **ERB PROPERTIES, LLC**, of 26124 Seil Road, Shorewood, IL 60404, party of the second part.

**WITNESSETH**, that said party of the first part, in consideration of the sum of TEN and no/100, (\$10.00) Dollars and other good and valuable considerations in hand paid, does hereby convey and quit claim unto said party of the second part, all interest in the following described real estate, situated in Kendall County, Illinois, to-wit:

**Legal Description attached hereto and made a part hereof**

together with the tenement and appurtenances thereunto belonging.

**TO HAVE AND TO HOLD** the same unto said party of the second part and to the proper use, benefit and behoof of said party of the second part forever.

Subject to: Liens, encumbrances, easements, covenants, conditions and restrictions of record, if any; general real estate taxes for the year 2011 and subsequent; and

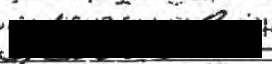
This deed is executed pursuant to and in the exercise of the power and authority granted to and vested in said trustee by the terms of said deed or deeds in trust delivered to said trustee in pursuance of the trust agreement above mentioned. This deed is made subject to the lien of every trust deed or mortgage (if any there be) of record in said county given to secure the payment of money and remaining unreleased at the date of the delivery hereof.

**IN WITNESS WHEREOF**, said party of the first part has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its Trust Officer and attested by its Trust Officer, the day and year first above written.

**FIRST MIDWEST BANK**, as Trustee as aforesaid,

By: 

Trust Officer

Attest: 

Trust Officer



Exempt under provisions of Paragraph 2  
 Section S1-45, Property Tax Code.

10/29/11  
 Date

[Redacted]  
 Buyer, Seller or Representative

STATE OF ILLINOIS,

Ss:

COUNTY OF KANKAKEE \_\_\_\_\_

I, the undersigned, a Notary Public in and for said County, in the State aforementioned DO HEREBY CERTIFY that Rosa Arias Angeles, Trust Officer of FIRST MIDWEST BANK, Joliet, Illinois and Robert Lee, the attesting Trust Officer thereof, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Trust Officer and the attesting Trust Officer respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said Bank, for the uses and purposes therein set forth; and the said attesting Trust Officer did also then and there acknowledge that she as custodian of the corporate seal of said Bank did affix the said corporate seal of said Bank to said instrument as her own free and voluntary act, and as the free and voluntary act of said Bank for the uses and purposes therein set forth.

GIVEN under my hand and seal this 28<sup>th</sup> day of October, A.D. 2011.



[Redacted]  
 Notary Public.

THIS INSTRUMENT WAS PREPARED BY

Peggy Regas  
 First Midwest Bank, Trust Division  
 2801 W. Jefferson St.  
 Joliet, IL 60435

PROPERTY ADDRESS

See Attached

PERMANENT INDEX NUMBER

See Attached

AFTER RECORDING  
 MAIL THIS INSTRUMENT TO

Andrew C. Dystrup  
 822 Infantry Drive  
 Joliet, IL 60435

MAIL TAX BILL TO

ERB Properties, LLC  
 26124 Seil Road  
 Shorewood, IL 60404

Buyer, Seller or Representative

Date

Exempt under provisions of Paragraph  
 Section S1-45, Property Tax Code.

**FIRST MIDWEST TRUST 5220  
PROPERTIES**

**KENDALL COUNTY**

**PARCEL 1:**

AN UNDIVIDED 92.5% INTEREST IN THE NORTH HALF OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN TOWNSHIP OF SEWARD, KENDALL COUNTY, ILLINOIS.

Commonly known As: 1562 Jones Road, Minooka, IL

PIN No.: 09-11-300-001-0000

**PARCEL 2:**

THE NORTHWEST FRACTIONAL ONE-QUARTER OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN THE TOWN OF SEWARD, KENDALL COUNTY, ILLINOIS

PIN No.: 09-19-100-001

**PARCEL 3:**

THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN: EXCEPTING THEREFROM THE SOUTH 544.00 FEET OF THE WEST 480 FEET THEREOF, IN KENDALL COUNTY, ILLINOIS.

PIN NO.: 09-14-100-006

**PARCEL 4**

THE NORTH 806.65 FEET OF THE WEST 1296.00 FEET OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE SOUTH 80.67 FEET THEREOF, IN KENDALL COUNTY, ILLINOIS.

PIN NO.: 09-13-400-006

COMMONLY KNOWN AS: 276 US HIGHWAY 52, SHOREWOOD, IL

LEGAL DESCRIPTION

PARCEL 5:

THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, KENDALL COUNTY, ILLINOIS, EXCEPT THE FOLLOWING DESCRIBED TRACTS:

EXCEPTION TRACT A:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1477.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG THE SAID EAST LINE FOR A DISTANCE OF 150 FEET; THENCE DUE WEST FOR A DISTANCE OF 235 FEET; THENCE DUE SOUTH FOR A DISTANCE OF 150 FEET; THENCE DUE EAST FOR A DISTANCE OF 235 FEET TO THE POINT OF BEGINNING, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF SEWARD, COUNTY OF KENDALL AND STATE OF ILLINOIS.

EXCEPTION TRACT B:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1277.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID EAST LINE FOR A DISTANCE OF 200 FEET; THENCE DUE WEST FOR A DISTANCE OF 235 FEET; THENCE DUE SOUTH FOR A DISTANCE OF 200 FEET; THENCE DUE EAST FOR A DISTANCE OF 235 FEET TO THE POINT OF BEGINNING, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF SEWARD, COUNTY OF KENDALL AND STATE OF ILLINOIS.

PARCEL II:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 7, LYING SOUTH OF THE INDIAN BOUNDARY LINE, AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 17, LYING NORTH OF THE INDIAN BOUNDARY LINE ALL LYING WEST OF GROVE ROAD, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS.

PIN NO.: 09-18-200-004

A 92.5% UNDIVIDED INTEREST IN THE FOLLOWING PARCELS:

LEGAL DESCRIPTION OF PARCEL 6

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:  
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 444.50 feet for the point of beginning; thence Southerly, along said West Line, 551.94 feet; thence Easterly, parallel with the North Line of said Southwest Fractional Quarter, 821.68 feet to the East Line of the West Half of said Southwest Fractional Quarter; thence Northerly, along said East Line, 551.96 feet to a line drawn Easterly from the point of beginning which is parallel with said North Line; thence Westerly, parallel with said North Line, 823.82 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.4247 acres.

LEGAL DESCRIPTION OF PARCEL 7

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:  
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 996.44 feet for the point of beginning; thence Southerly, along said West Line, 551.93 feet; thence Easterly, parallel with the North Line of said Southwest Fractional Quarter, 819.55 feet to the East Line of the West Half of said Southwest Fractional Quarter; thence Northerly, along said East Line, 551.95 feet to a line drawn Easterly from the point of beginning which is parallel with said North Line; thence Westerly, parallel with said North Line, 821.68 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.3974 acres.

LEGAL DESCRIPTION OF PARCEL 8

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:  
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 1548.37 feet for the point of beginning; thence Southerly, along said West Line, 551.93 feet; thence Easterly, parallel with the North Line of said Southwest Fractional Quarter, 817.41 feet to the East Line of the West Half of said Southwest Fractional Quarter; thence Northerly, along said East Line, 551.95 feet to a line drawn Easterly from the point of beginning which is parallel with said North Line; thence Westerly, parallel with said North Line, 819.55 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.3704 acres.

LEGAL DESCRIPTION OF PARCEL 9:

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:  
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 2100.30 feet for the point of beginning; thence Southerly, along said West Line, 551.93 feet to the Southwest Corner of said Southwest Fractional Quarter; thence Easterly, along the South Line of said Southwest Fractional Quarter, 815.23 feet to the Southeast Corner of the West Half of said Southwest Fractional Quarter; thence Northerly, along the East Line of the West Half of said Southwest Fractional Quarter, 558.79 feet to a line drawn Easterly from the point of beginning which is parallel with the North Line of said Southwest Fractional Quarter; thence Westerly, parallel with said North Line, 817.41 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.4074 acres.

Commonly Known As: 41.99 Acres of Vacant Farmland US Rt. 52  
Minooka, IL

PIN No.: Part of 09-18-300-001





**Debbie Gillette**  
**Kendall County Clerk & Recorder**

**PLAT ACT AFFIDAVIT OF METES AND BOUNDS**

STATE OF ILLINOIS )  
 ) SS  
 COUNTY OF KENDALL )

Andrew C. Dystrup of 822 Infantry Drive, Joliet, IL, 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    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 10<sup>th</sup> day of Nov, 20 11

Signature of Affiant

Signature of Notary Public

OFFICIAL SEAL  
 LEAHA M SALAZAR  
 NOTARY PUBLIC, STATE OF ILLINOIS  
 My Commission Expires Oct. 14, 2014

111 W. Fox Street · Yorkville, IL 60560 - 1498  
 Tel: (630) 553-4112 · Fax: (630) 553-5101

CORTINA, MUELLER & FROBISH, P.C.

ATTORNEYS AT LAW

124 W. Washington Street

Morris, IL 60450

Frank J. Cortina, Jr.

Joseph A. Mueller

Eric P. Frobish

Matthew J. Mueller

Jacob C. Lawson

Telephone: (815) 942-0635

Fax: (815) 942-0647

Real Est. Fax: (815) 941-9827

staff@cortinamueller.com

June 19, 2019

To Whom It May Concern:

Please be advised that I represent ERB Properties, LLC in the sale of their property located in Kendall County more specifically described under PIN No. 09-13-400-006. This letter shall serve as further consent to TZ Landscaping, Inc. and Tom and Tyler Zurliene to apply to Kendall County for a Special Use Permit for the operation of their landscaping business. If you need any additional information, please do not hesitate to contact the undersigned.

Thank you.



JC Lawson

Attorney for ERB Properties, LLC

JCL:nb

KENDALL COUNTY  
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant ERB Properties  
 Address 26124 Seil Rd. Shorewood, IL 60404  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
2. Nature of Benefit Sought Special Use Permit
3. Nature of Applicant: (Please check one)  
☐ Natural Person (a)  
☒ Corporation (b)  
☐ Land Trust/Trustee (c)  
☐ Trust/Trustee (d)  
☐ Partnership (e)  
☐ Joint Venture (f)
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:
5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:
- | NAME            | ADDRESS    | INTEREST |
|-----------------|------------|----------|
| EDWARD J. BALTZ | [REDACTED] | 50%      |
| ROBERT D. BALTZ | [REDACTED] | 50%      |
|                 |            |          |
|                 |            |          |
|                 |            |          |

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

J.C. Lawson, 124 W. Washington St. Moline, IL - Attorney

I, J.C. Lawson, Attorney, VERIFICATION  
 being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 19 day of June, A.D. 2019

(seal)



Notary Public



# KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

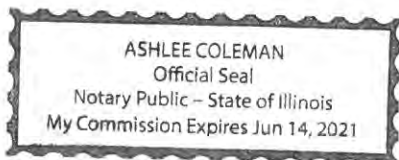
1. Applicant TZ Landscaping, LLC  
 Address 276 Rt. 52  
 City Minooka State IL Zip 60447
2. Nature of Benefit Sought Special Use Permit
3. Nature of Applicant: (Please check one)  
☐ Natural Person (a)  
☒ Corporation (b)  
☐ Land Trust/Trustee (c)  
☐ Trust/Trustee (d)  
☐ Partnership (e)  
☐ Joint Venture (f)
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:  
Limited Liability Company
5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:
- | NAME            | ADDRESS    | INTEREST |
|-----------------|------------|----------|
| Thomas Zurliene | [REDACTED] | 50%      |
| Tyler Zurliene  | [REDACTED] | 50%      |
|                 |            |          |
|                 |            |          |
|                 |            |          |
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:  
Thomas Zurliene, 25619 Roan Ln., Shorewood, IL 60404 - Co-Owner of TZ Landscaping, LLC

## VERIFICATION

I, [REDACTED], being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 23 day of April, A.D. 2019

(seal)



[REDACTED]  
Notary Public



Kendall County Soil & Water  
Conservation District

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



[www.kendallswcd.org](http://www.kendallswcd.org)

## NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

**Petitioner:** TZ Landscaping, LLC

Address: 276 Rt. 52

City, State, Zip: Minooka, IL 60447

Phone Number: ( ) [REDACTED]

Email: tzlandscaping@gmail.com

**Contact Person:** Thomas Zurliene

[REDACTED]

( ) [REDACTED]

tzlandscaping@gmail.com

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

### Site Location & Proposed Use

Township Name Seward

Township 35 N, Range 8 E, Section(s) 13

Parcel Index Number(s) 09-13-400-006

Project or Subdivision Name

Number of Acres 10.8

Current Use of Site Farm - AG 1

Proposed Use landscaping business

Proposed Number of Lots 1

Proposed Number of Structures

Proposed Water Supply WEL

Proposed type of Wastewater Treatment

Proposed type of Storm Water Management

### Type of Request

☐ Change in Zoning from \_\_\_\_\_ to \_\_\_\_\_

☐ Variance (Please describe fully on separate page)

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

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

### 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

10 Additional Acres at \$18.00 each \$ 180.00

**Total NRI Fee** \$ 555.00

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

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

[REDACTED]  
Petitioner or Authorized Agent

6/17/19  
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: TZ Landscaping, LLC  
 Contact: Tom Zurliene  
 Address: 276 Rt. 52  
 Minooka, IL 60447

IDNR Project Number: 1911969  
 Date: 06/17/2019

Project: TZ Landscaping  
 Address: 276 Rt. 52, Minooka

Description: Special Use Permit to use the 2 existing barns and garage on the premises. The area will be used for storing landscaping material.

#### Natural Resource Review Results

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

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

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

#### Location

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

County: Kendall

Township, Range, Section:  
 35N, 8E, 13



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

Government Jurisdiction  
 Kendall County  
 Matthew Asselmeier  
 111 West Fox Street  
 Yorkville, Illinois 60560 -1498

#### Disclaimer

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

#### 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.

Page 1 of 3



2 of 3 Find | Next

IDNR Project Number: 1911969



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.



3 of 3

End | Next

IDNR Project Number: 1911969



## EcoCAT Receipt

Project Code 1911969

APPLICANT

DATE

TZ Landscaping, LLC  
Frank Cservenyak

6/17/2019

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](mailto:dnr.ecocat@illinois.gov)



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

*That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.* The storage of landscaping material in the existing barns and garage on the premises

will not be detrimental to public health, safety, morals, comfort, or general welfare. Further, trucks are  
stored on the premises after business hours which will also not cause disruption.

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

The special use will have no negative affect on the use and enjoyment of other properties or diminish  
or impair property values. The use is an existing use and the business has operated on the property  
for 7 years. The proposed use will comply with all code requirements and does not adversely impact  
adjacent uses or properties.

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

All utilities are adequate and access roads and points of ingress and egress are not impaired. All  
drainage is provided for. Emergency vehicles have access to and from the property.

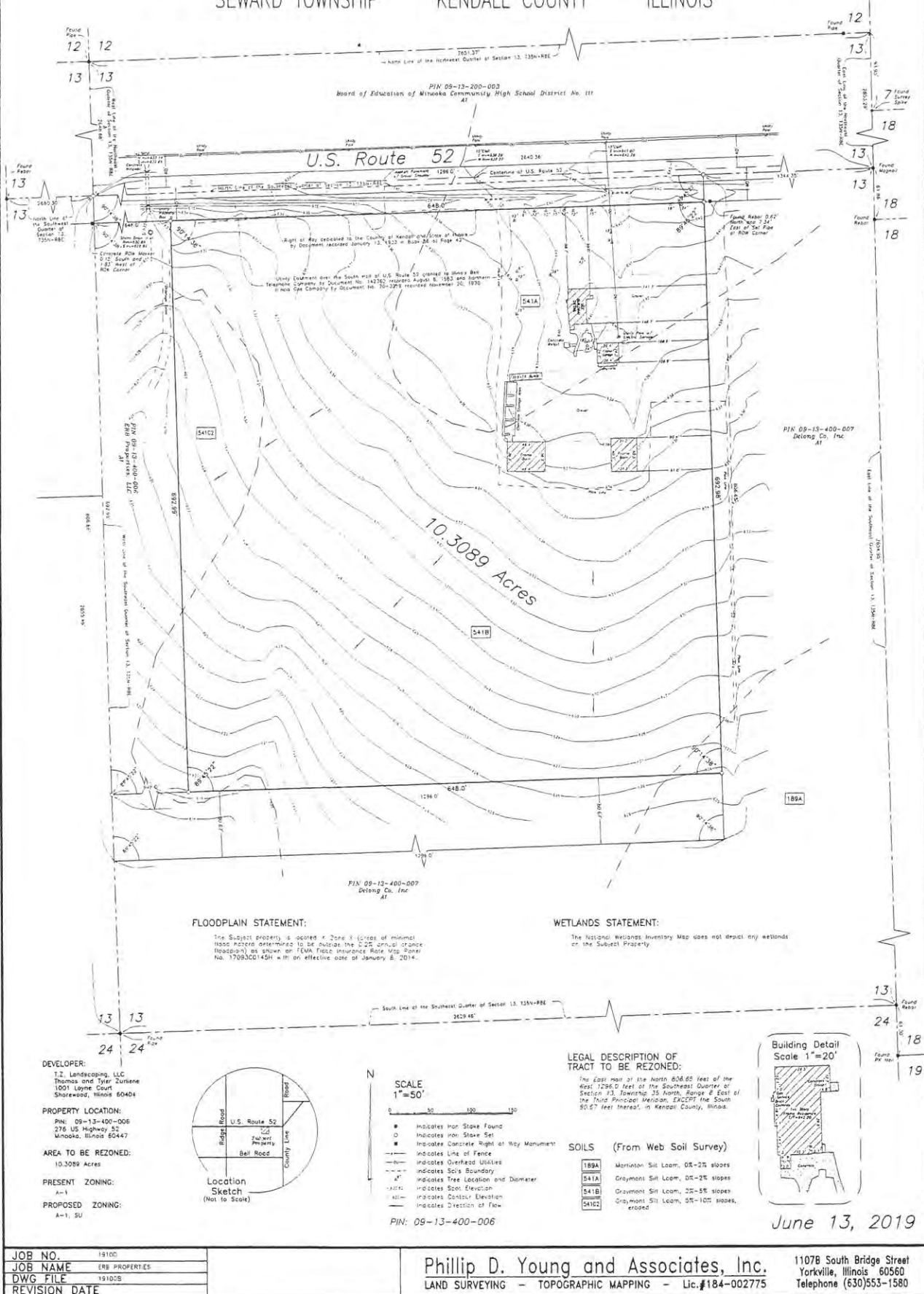
*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals* The special use conforms to the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

A-1 and the applicant requests to use the barn and storage for landscaping material and to allow  
trucks on the premises.

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

The special use is in line with the purpose and objectives. Applicants will comply with all requirements  
and policies adopted by the County or other applicable municipal plans.

# ZONING PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 13, T35N-R8E, 3rd PM SEWARD TOWNSHIP KENDALL COUNTY ILLINOIS

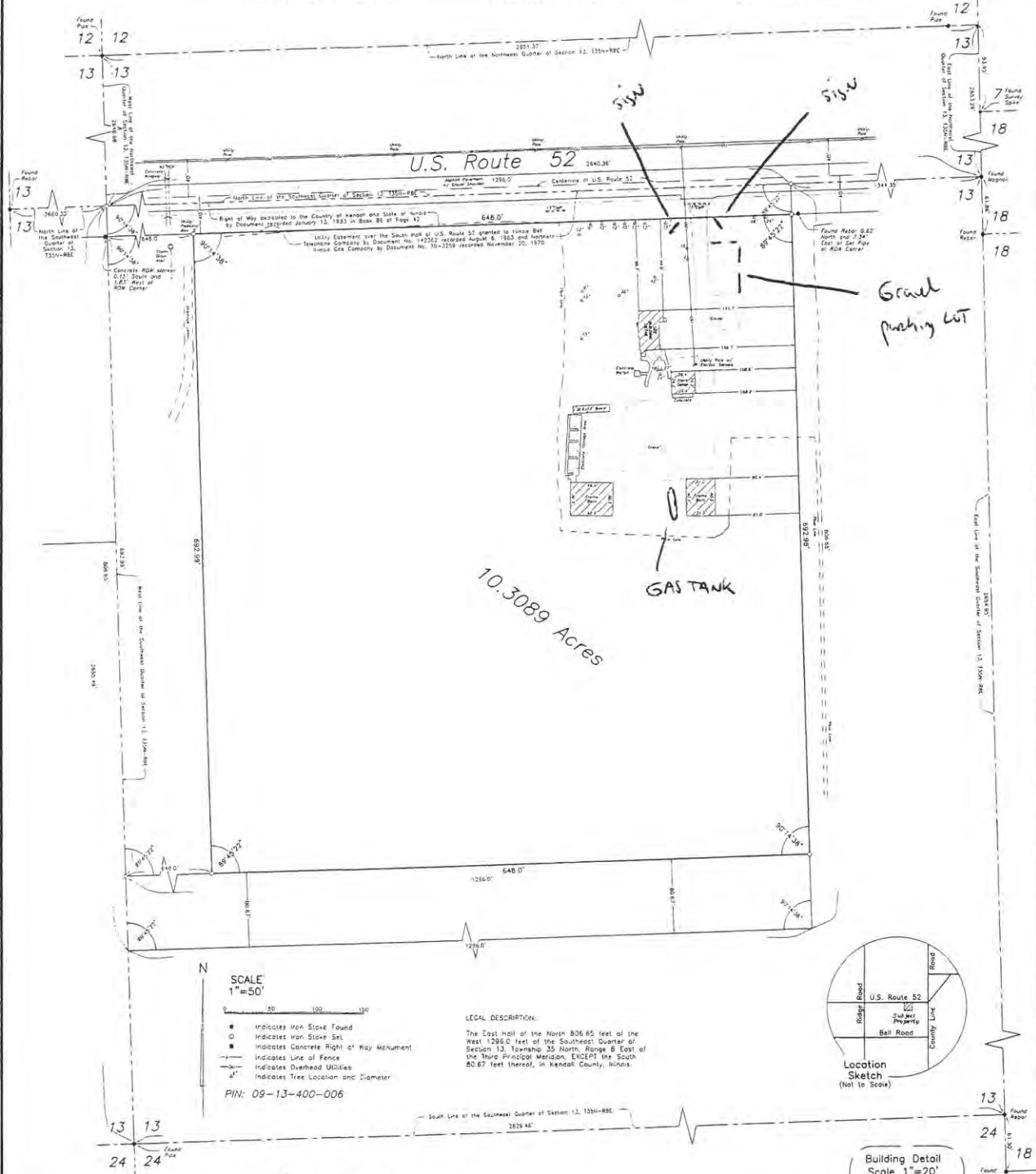




# Concept Plan

Attachment 1, Page 21

## ALTA/ACSM LAND TITLE SURVEY PART OF THE SOUTHEAST QUARTER OF SECTION 13, T35N-R8E, 3rd PM SEWARD TOWNSHIP KENDALL COUNTY ILLINOIS



SCALE  
1"=50'

PIN: 09-13-400-006

LEGAL DESCRIPTION:  
The East half of the North 806.65 feet of the West 1296.0 feet of the Southeast Quarter of Section 13, Township 35 North, Range 8 East of the Third Principal Meridian, EXCEPT the South 80.67 feet thereof, in Kendall County, Illinois.

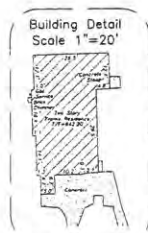


State of Illinois )  
County of Kendall )  
To: ERB Properties, LLC  
Thomas and Tyler Zurlene  
Chicago Title Insurance Company  
This is to certify that this map or plan and the survey on which it is based were made in accordance with the 2016 Minimum Standards and Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 8, 9, and 11 of Table A thereof. The title work was completed on May 22, 2019.  
Dated June 13, 2019 at Yorkville, Illinois  
Phillip D. Young  
Illinois Professional Land Surveyor No. 2676 (Expires 11/30/2021)



### SURVEYOR'S NOTES:

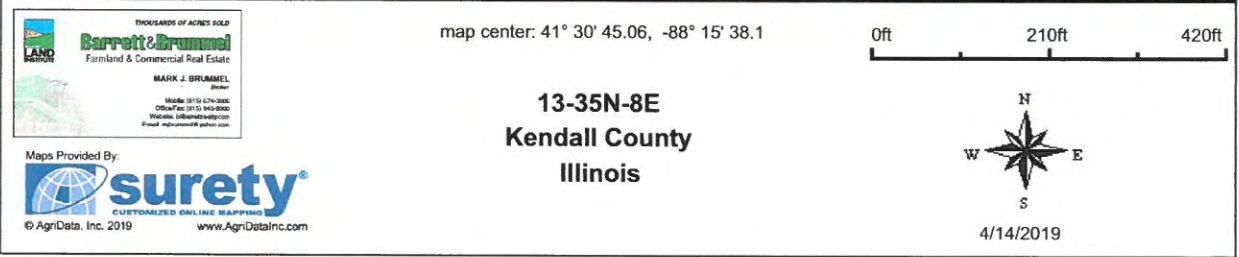
- Regarding Item 2 of Table A: The Subject Property is commonly known as 276 US Highway 52, Minooka, Illinois 60447.
- Regarding Item 3 of Table A: The Subject Property is located within Zone A (Areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map No. 17093C0245N with an effective date of January 8, 2014.
- Regarding Item 4 of Table A: The area of the Subject Property is 449.055 ac./ft. (± 10.3086 acres).
- Regarding Item 6(a) of Table A: The Subject Property has Kendall County Zoning A-1 (Agricultural District). No Zoning Record or Letter was furnished to the Surveyor.
- Regarding Item 9 of Table A: There are no striped parking spaces on the Subject Property.
- Regarding Item 11 of Table A: Underground utilities shown are based on surface improvements. The Surveyor will not be held responsible for the location of underground utilities.
- The easements shown are those shown on the recorded plat of subdivision and/or Chicago Title Insurance Company Commitment No. A43257-1900390 with an effective date of May 2016 and a printing date of May 29, 2019 transmitted from the Client to the Surveyor.
- Shoreline Oil Company Pipeline described in a Document recorded January 6, 1947 in Book 102 at Page 403 lay approximately 1300 feet Southwest of the Subject Property.



JOB NO.	15100
JOB NAME	ERB PROPERTIES
DWG FILE	15100A
REVISION DATE	

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

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



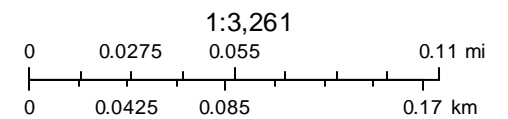
Field borders provided by Farm Service Agency as of 5/21/2008. Soils data provided by University of Illinois at Champaign-Urbana.





June 20, 2019

- |              |              |            |
|--------------|--------------|------------|
| — Arrow 100  | — FromTo 400 | — Tip 100  |
| — Arrow 400  | — Hook 100   | — Tip 400  |
| — FromTo 100 | — Hook 400   | Road Names |









































**Chrisse\_Kelley**

**From:** Chrisse\_Kelley  
**Sent:** Tuesday, July 2, 2019 8:31 AM  
**To:** Matt Asselmeier  
**Subject:** RE: Kendall County Zoning Petition 19-26

**Importance:** High

Matt,

In response to the submitted request for a Special Use to operate a Landscape Business at 276 Route 52, I offer the following:

1. While the Village's Future Land Use Plan calls for Commercial uses on the subject property, this use is industrial in nature as it is essentially a storage yard. They do not have employees onsite and they do not even have access to the house for restroom facilities. This use would be considered Business Park use in our Future Land Use Plan. As such, we are opposed to granting the Special Use as it is inconsistent with our Comprehensive Plan.
2. Per Kendall County's regulations, the operation of a business should be within an enclosed building. If this Special Use is granted with the ability to store materials outside, the Village would recommend installation of an 8-foot tall privacy fence to screen the storage of all materials stored outside.
3. The existing property lacks proper maintenance. For example, there is a large hole in the roof of the eastern barn and other dilapidation of the structures can be seen in the photographs. In fact, as a way to compensate for the lack of maintenance, the business has put at least one cargo container onsite. Additionally, there is a brush pile and other piles of debris throughout the property. The application states that this property has been occupied by the business for seven years but it appears that the property has been allowed to fall into disrepair. If this Special Use is granted, we would recommend that these property maintenance issues be addressed as a condition of approval.
4. It appears that there has been impervious area added since the business began operating at this location. If the Special Use were granted, the Village recommends evaluating the amount of impervious that has been added already plus the addition of compacted gravel for the parking lot to determine if detention or BMPs would be needed.
5. A double-sided sign could serve the purpose of creating exposure for the business from both directions on Route 52. The Village would oppose granting a variance for two signs, as no hardship has been presented.

In summary, the Village opposes granting the Special Use for a landscape storage yard at the subject property. However, if the County were to approve the Special Use, the Village recommends the following conditions: 1) install an 8-foot tall privacy fence to fully screen the materials being stored outside; 2) properly maintain the existing structures and clean up the debris on the property; and 3) ensure adequate stormwater management of existing and proposed impervious area. With regard to the sign variance, the Village opposes erecting two signs when a double-sided sign can serve the same purpose.

Please let me know if I can offer any clarifications.

Regards,

Kelley Chrisse, AICP  
*Economic Development Director*



Village of Shorewood

## Matt Asselmeier

---

**From:** Schwarz, Michael <mschwarz@jolietcity.org>  
**Sent:** Monday, June 24, 2019 4:02 PM  
**To:** Matt Asselmeier  
**Cc:** Jackson, Kendall B; Torri, James N; Bernhard, Jayne; Miller, Helen; dlambert@vil.shorewood.il.us; kchrisse@vil.shorewood.il.us  
**Subject:** [External]RE: Kendall County Zoning Petition 19-26  
**Attachments:** Joliet-Shorewood Boundary Agreement Map.pdf; Ord. No. 16866.pdf

Matt,

Thank you for providing the attached notice of the proposed Kendall County Zoning Petition 19-26: Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property.

Although the subject property is located with 1.5-miles of the City of Joliet, the subject property is located outside of the City's extraterritorial planning area pursuant to the Joliet-Shorewood boundary agreement. The subject property is located on the Shorewood side of mutual planning boundary in this area, which extends from east to west along the a line located one-half mile north of and generally parallel to US Route 52 between County Line Road and Brisbin Road (IGA and map attached). Although the Joliet-Shorewood Boundary Agreement expired in 2014, City staff will honor the previous planning boundary line until a new boundary agreement is established. We do encourage Kendall County to carefully consider any potential impacts that the use may have on the watersheds in this area.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,  
Mike

Michael J. Schwarz, AICP  
Planning Director  
City of Joliet, Planning Division  
150 W. Jefferson St.  
Joliet, IL 60432  
Phone: (815) 724-4041  
Email: [mschwarz@jolietcity.org](mailto:mschwarz@jolietcity.org)

**From:** Matt Asselmeier [mailto:[masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us)]  
**Sent:** Monday, June 24, 2019 3:13 PM  
**To:** Anne Vickery <[home4728@gmail.com](mailto:home4728@gmail.com)>; Jean Homerding (Seward Township) <[home1519@yahoo.com](mailto:home1519@yahoo.com)>; Jessica Nelsen (Seward Township Plan Commission) <[Jessicanelsen73@yahoo.com](mailto:Jessicanelsen73@yahoo.com)>; scasey1948@sbcglobal.net (Seward Planning Commission) <[scasey1948@sbcglobal.net](mailto:scasey1948@sbcglobal.net)>; Sharleen Smith (Seward Township Clerk) <[sharleensmith7@gmail.com](mailto:sharleensmith7@gmail.com)>; Al Yancey <[yanceya@minookafire.com](mailto:yanceya@minookafire.com)>; Schwarz, Michael <[mschwarz@jolietcity.org](mailto:mschwarz@jolietcity.org)>; City Clerk <[cityclerk@jolietcity.org](mailto:cityclerk@jolietcity.org)>; dlambert@vil.shorewood.il.us; kchrisse@vil.shorewood.il.us  
**Subject:** Kendall County Zoning Petition 19-26

To All:

Kendall County received a request for a special use permit for a landscaping business at 276 Route 52 in Seward Township.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
July 2, 2019 – Unapproved Meeting Minutes**

PBZ Committee Chairman Matthew Prochaska called the meeting to order at 9:01 a.m.

Present:

Megan Andrews – Soil and Water Conservation District  
Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS  
David Guritz – Forest Preserve  
Commander Jason Langston – Sheriff's Department  
Aaron Rybski – Health Department  
Matthew Prochaska – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department

Audience:

Mr. Zurliene and Lorien Schoenstedt

**AGENDA**

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

**MINUTES**

Ms. Andrews made a motion, seconded by Mr. Guritz, to approve the April 2, 2019, meeting minutes. With a voice vote of all ayes, the motion carried unanimously.

**PETITIONS**

**Petition 19-25 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner)**

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. Restriction Number 1 of the special use permit and Section 12.06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

The property is approximately forty-three (43) acres in size.

The property is zoned M-2 with a special use permit for a billboard.

The County's Land Resource Management Plan calls for the property to be residential and the City of Aurora's Comprehensive Plan calls for the property to be commercial.

Route 34 is a State maintained highway and Hafenrichter is a local road maintained by Oswego Township. The City of Aurora has a trail planned along Hafenrichter.

There are no floodplains or wetlands in the area.

The adjacent land uses are industrial, commercial, residential, and agricultural. The zoning in the area is a mix of residential, commercial, and industrial. The future land uses in the area are also residential, commercial, and industrial.

The endangered species report was not required.

The NRI was not required.

Petition information was sent to Oswego Township on June 19, 2019, and the Oswego Township Highway Department had not objections.

Petition information was sent to the City of Aurora on June 19, 2019, and they had no objections.

Petition information was sent to Oswego Fire Protection District on June 19, 2019.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions.

The restrictions imposed by Ordinance 2017-14 include:

1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
2. The sign will not be illuminated.
3. The advertising on the sign is restricted to Pulte Group's residential development.
4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
9. The appearance of the signs were included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

Since the sign is pre-existing, a building permit would not be required.

Access from an adjacent road is not applicable.

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

Parking regulations are not applicable.

The sign will not be illuminated.

Screening regulations are not applicable.

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

No easements are believed to be impacted by the proposed sign.

The proposed findings of fact were as follows:



That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

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. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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

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

If approved, Staff recommends the following conditions be included in the approving special use ordinance:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Group's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Guritz made a motion, seconded by Ms. Andrews, to recommend approval of renewing the special use permit as requested subject to the conditions proposed by Staff.

Ayes (7): Andrews, Asselmeier, Briganti, Guritz, Langston, Rybski, and Prochaska  
Nays (0): None  
Present (0): None  
Absent (3): Chismark, Holdiman, and Klaas

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on July 24, 2019.

**Petition 19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping (Tenant)**

Mr. Asselmeier summarized the request.

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property located at 276 Route 52 in Seward Township.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

The property is approximately twenty-two (22) acres in size and the landscaping business operates on approximately eleven (11) of those acres.

The property is zoned A-1 and is used as an agricultural/farmstead. The future land use of the property is commercial.

Route 52 is a State maintained highway. The City of Joliet has a trail planned along Route 52.

No floodplains or wetlands are present.

The adjacent land uses and zoning classifications are agricultural, with residential uses planned in the future.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

The EcoCAT Report was submitted and consultation was terminated.

The Natural Resource Inventory application was submitted on June 17, 2019.

Petition information was sent to Seward Township on June 24, 2019.

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the sign ordinance.

Petition information was sent to the City of Joliet on June 24, 2019. They declined to submit comments per their boundary agreement with the Village of Shorewood.

Petition information was sent to the Minooka Fire Protection District on June 24, 2019.

According to the information provided to the County, TZ Landscaping, LLC will use the existing barns and garage on the subject property. They will store landscaping materials, including mulch, rock, and gravel on the property outside on the property. The company's trucks will be stored on the property after business hours inside one (1) of the two (2) buildings.

TZ Landscaping, LLC currently has two (2) owners and eight (8) full-time employees. These employees work part-time during the winter season. The number of employees could expand to fifteen (15) in the next five (5) years if the business grows as anticipated. No office personnel or sales employees shall report to the property for work related to the proposed use.

The hours of operation are 6:00 a.m. until 8:00 p.m., Monday through Saturday between April and November. The business is on-call twenty-four (24) hours per day every day between December and March.

TZ Landscaping, LLC has been in business for seven (7) years with customers in Shorewood, Minooka, Channahon, Joliet, and Plainfield.

Since the buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

TZ Landscaping, LLC does not use the house that is currently on the property. There are no other sources of water on the property and no bathroom facilities outside of the house. Employees would have to go offsite for bathroom facilities. No customers are planned to come onto the property. The property fronts Route 52.

The City of Joliet's plans call for a trail along Route 52.

The site plan shows parking east of the existing house. This parking area will need to be moved at further south to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. No customers will come to the property.

Currently, one (1) pole light and one (1) exterior barn light are located on the property. No additional lighting was proposed.

According to the site plan, two (2) signs are proposed. Per Section 12.08.A of the Kendall County Zoning Ordinance, only one (1) non-illuminated sign is allowed on the property. The sign can be a maximum of thirty-two (32) square feet. If the Petitioners desire more than one (1) sign, a variance will be required.

No berming or fencing is planned. Because the Petitioner plans to store materials outdoors, discussion will be needed regarding berming.

The property drains to the southwest of the proposed business operations.

Mr. Asselmeier asked why a sign variance was necessary. Mr. Zurliene responded the variance was needed to increase visibility of the business. Mr. Zurliene clarified that they did not want two (2) signs and will use a double-faced sign. He verbally withdrew the sign variance request.

Mr. Guritz questioned the parking location in relation to the road. Mr. Zurliene stated that parking lot will be relocated to meet regulations, with a fence and berming.

Mr. Asselmeier asked about the location of berming. Mr. Zurliene said berming will be placed along the front to block visibility from Route 52. Mr. Zurliene said they would construct a two to three foot (2'-3') berm with a fence on top of the berm, if a fence is required.

Mr. Asselmeier asked about runoff control and advised Mr. Zurliene to careful consider which restrictions he approves.

Mr. Rybski asked about new parking areas. Mr. Zurliene said the parking area will be moved to comply with the Zoning Ordinance.

Mr. Rybski asked if the location of the septic system was known. Mr. Rybski advised Mr. Zurliene to located the septic system. Mr. Rybski advised that the water well be protected.

Mr. Rybski advised that landscaping material cannot be hauled onto the site and burned.

Ms. Andrews said that the Kendall County Soil and Water Conservation District is working on the NRI Report.

The consensus of the Committee was to forward the proposal to the Kendall County Regional Planning Commission provided that the septic field is located, the sign variance request is withdrawn, and the berm height and fencing is determined.

Ayes (7):	Andrews, Asselmeier, Briganti, Guritz, Langston, Rybski, and Prochaska
Nays (0):	None
Present (0):	None
Absent (3):	Chismark, Holdiman, and Klaas

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on July 24, 2019.

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

Mr. Asselmeier reported that Petition 17-28, pertaining to the Kendall County gun range zoning regulations, was approved by the County Board and provided a summary of the regulations.

Mr. Asselmeier reported that Petition 19-07, pertaining to the parking and storage of mobile homes, trailers, and RVs, was withdrawn by the Planning, Building and Zoning Committee.

Mr. Asselmeier reported that Petition 19-08, pertaining to a rezoning on property east of 8225 Galena Road, was approved.

Mr. Asselmeier reported that Petition 19-13, pertaining to research and development home occupations, was rejected at the County Board, but could be considered again in the future.

**OLD BUSINESS/NEW BUSINESS**

Mr. Asselmeier reported that someone wants to build a house at the corner of Sheridan Road and Route 71 and a change to the Land Resource Management Plan and a rezoning are required in order to permit the construction of a house at that location.

Mr. Asselmeier reported that he is reviewing the changes to the Zoning Ordinance identified by Teska Associates.

Mr. Asselmeier reported that the Department is waiting on guidance from the County Board regarding recreational marijuana zoning regulations.

**CORRESPONDENCE**

None

**PUBLIC COMMENT**

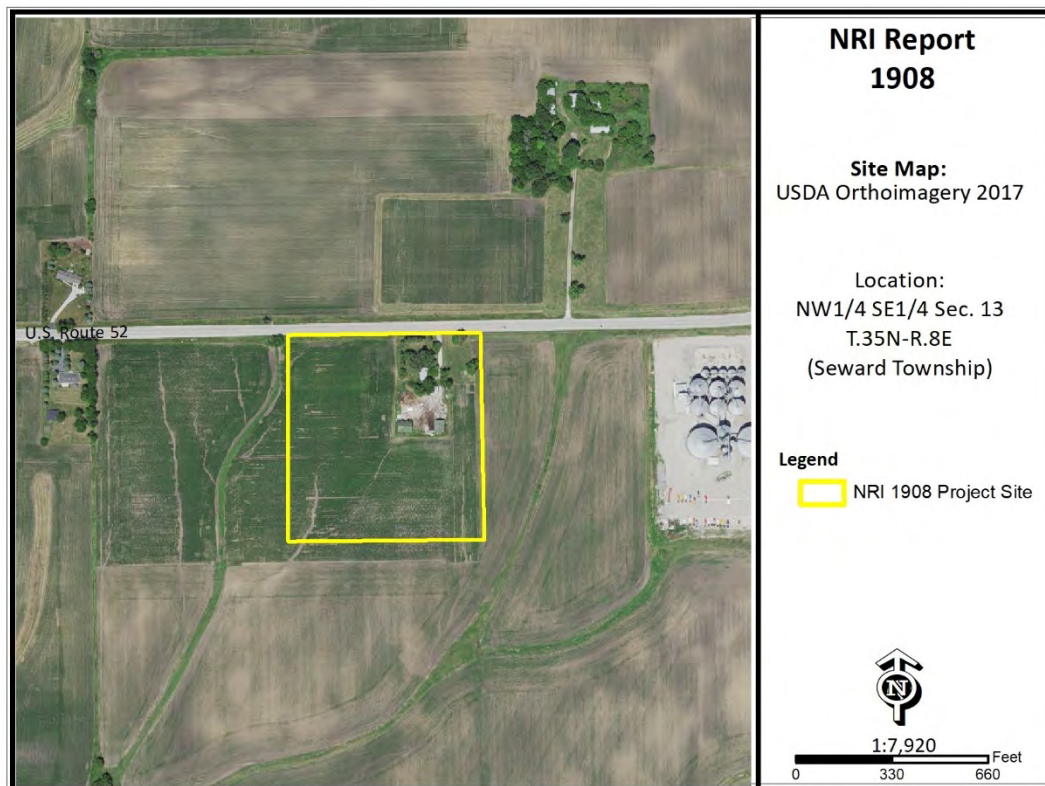
None

**ADJOURNMENT**

Mr. Guritz made a motion, seconded by Mr. Langston to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:25 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner

# NATURAL RESOURCE INFORMATION (NRI) REPORT: 1908



July  
2019

Petitioner: TZ Landscaping, LLC  
Contact: Thomas Zurliene

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](http://www.kendallswcd.org)

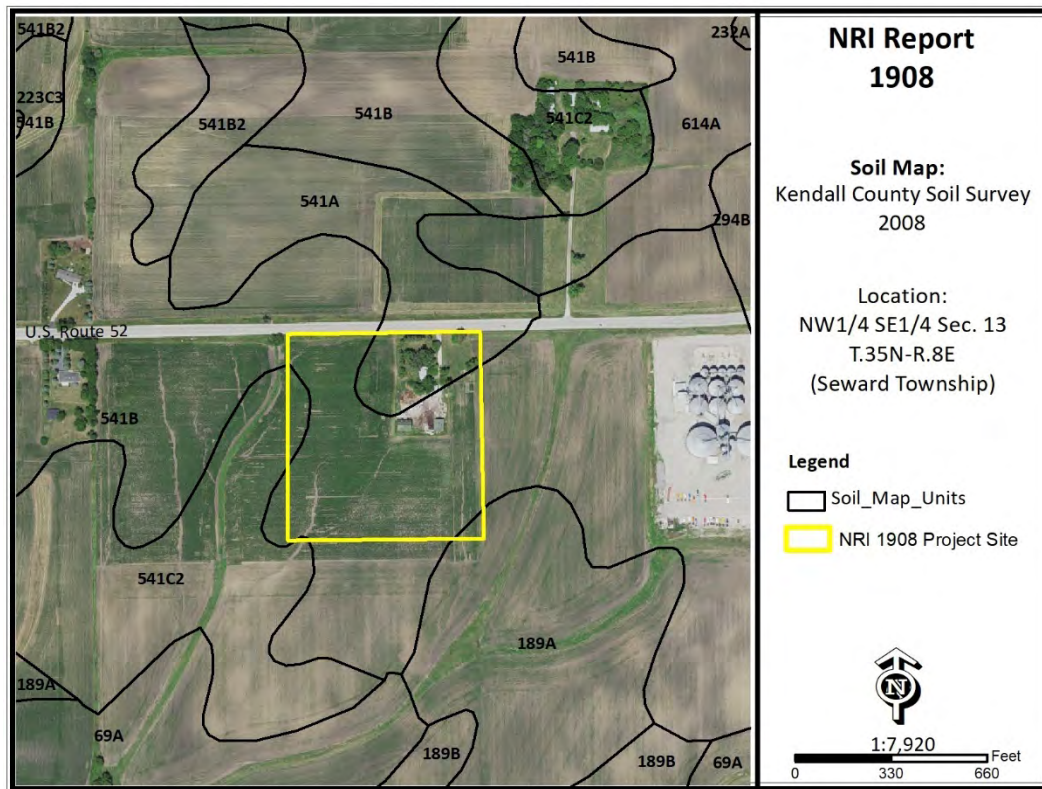
1908

## Executive Summary

July 2019

**Petitioner:** TZ Landscaping, LLC**Contact Person:** Thomas Zurliene**County or Municipality the petition is filed with:** Kendall County**Location of Parcel:** NW¼ SE¼ Section 13, T.35N.-R.8E. (Seward Township) of the 3<sup>rd</sup> Principal Meridian**Project or Subdivision Name:** TZ Landscaping, LLC**Existing Zoning & Land Use:** A-1; Cropland, Farmstead with partial use as Landscaping Business**Proposed Zoning & Land Use:** 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:** 10.3 acres**Land Evaluation Site Assessment Score:** 214 (Land Evaluation: 94 ; Site Assessment: 120)

## Natural Resource Findings

**Soil Map:****SOIL INFORMATION:**

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

**Table 1:**

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
189A	Martinton silt loam, 0-2% slopes	Somewhat poorly drained	C/D	Non-hydric; Hydric inclusions likely	Prime Farmland
541A	Graymont silt loam, 0-2% slopes	Moderately well drained	C	Non-hydric	Prime Farmland
541B	Graymont silt loam, 2-5% slopes	Moderately well drained	C	Non-hydric	Prime Farmland
541C2	Graymont silt loam, 2-5% slopes, eroded	Moderately well drained	C	Non-hydric	Prime Farmland

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

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

**Hydric Soils:** A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, none are classified as being a hydric soil. However, one soil type found onsite, 189A Martinton silt loam, is designated as likely to have 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.

**Soil Limitations:** Limitations for dwellings without basements, dwellings with basements, small commercial building, shallow excavations, lawns/landscaping and conventional septic systems.

**Table 2a:**

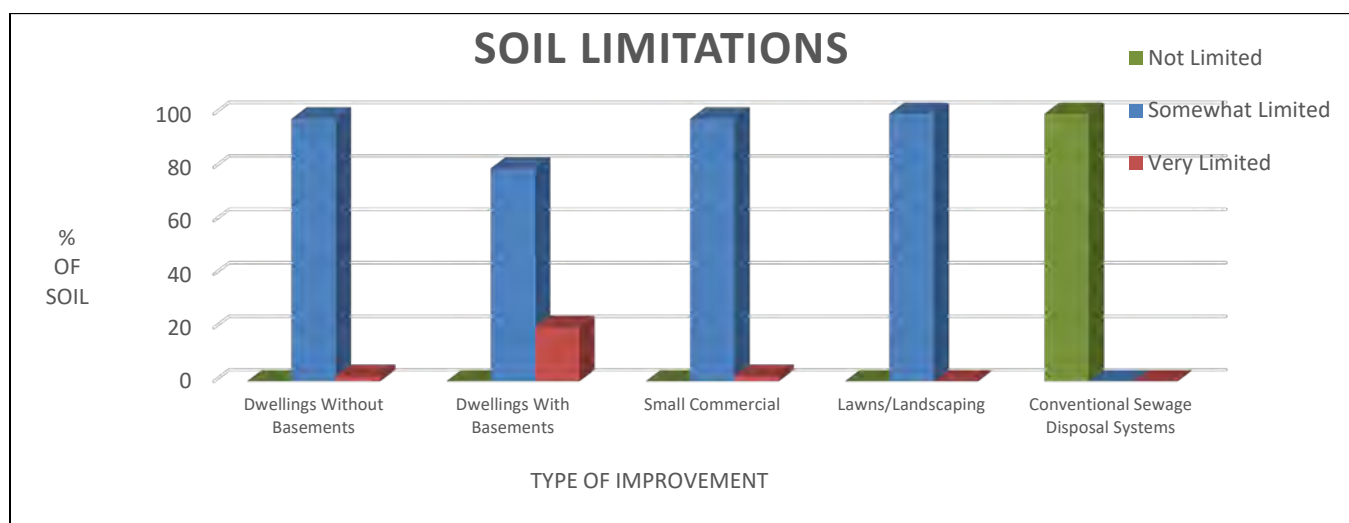
Soil Type	Dwellings Without Basements	Dwellings With Basements	Small Commercial Building
189A	Very Limited	Very Limited	Very Limited
541A	Somewhat Limited	Very Limited	Somewhat Limited
541B	Somewhat Limited	Somewhat Limited	Somewhat Limited
541B2	Somewhat Limited	Somewhat Limited	Somewhat Limited



Table 2b:

Soil Type	Shallow Excavations	Lawns/Landscaping	Conventional Septic Systems
189A	Very Limited	Somewhat Limited	Suitable
541A	Very Limited	Somewhat Limited	Suitable
541B	Somewhat Limited	Somewhat Limited	Suitable
541B2	Somewhat Limited	Somewhat Limited	Suitable

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



#### **Kendall County Land Evaluation and Site Assessment (LESA):**

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

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
  - ✓ The Land Evaluation score for this site is 94, indicating that this site is **currently well suited** for agricultural uses.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.
  - ✓ The Site Assessment score for this site is 120.

The **LESA Score for this site is 214 which indicates a medium 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(s) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

**Floodplain:** The 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 FINDINGS:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner TZ Landscaping, LLC for the proposed landscaping business project (A-1 Special Use Permit request) within Kendall County located in Section 13 of Seward Township (T.35N-R.8E) of the 3<sup>rd</sup> 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 presents the following information.

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 an 94 out of a possible 100 points indicating the soils are well suited for agricultural uses. The total LESA Score for this site is 214 which indicates a medium level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. Additionally, of the soils found onsite, 100% are classified as prime farmland.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 20.4% are very limited for dwellings with basements and shallow excavations while 1.9% of the soils are very limited for dwellings without basements and small commercial building. This information is based on the soil in an undisturbed state. Since the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within both the Illinois River Watershed and Aux Sable Creek subwatershed.

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

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

The information that is included in this Natural Resources Information Report is to assure 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).

Chair

7/23/2019

Date

**SEWARD TOWNSHIP PLAN COMMISSION MINUTES**

**JULY 22, 2019**

The Seward Township Plan Commission met on July 22, 2019 to review a request submitted to Kendall County by TZ Landscape, requesting a special use permit to operate a Landscape business at 276 Route 52. Members present included Rob Lombardo, Jessica Nelsen, Daniel Dugan and Suzanne Casey. Elaine Beutel was absent. Following the pledge to the Flag, Chairman Lombard commenced the discussion of the landscape business special use permit request.

Other documents available for committee review included a document from the Village of Shorewood summarizing their concerns regarding the granting of the permit for the proposed landscape business, as well a communication sent to Matt Asselmeier from the City of Joliet, also objecting to the approval.

A summary of the discussion by the Seward Township committee with the TZ Landscape representative present addressed the following issues:

- The burning of materials/spoils brought in from other property.
- The sound, organized management of the land/property, including recommendations for the berm at Route 52 and for the trees planted on the other 3 perimeter property lines.
- An organization of materials on the property, with proper storage available for said materials.
- The maintenance of buildings, so that the structures are not falling down and in need of major repair.
- Proper parking for employee vehicles available in an organized parking area of the property.
- Well and Septic were also questioned.

After a discussion, the TZ Landscape representative assured the committee that it was his intention to clean up the property and organize his daily operation with the necessary materials and planning, once he gained ownership of the property. He did not want to assume any of that until he knew he could own the property and operate his business from there with the necessary permit.

The Seward Township Board will be meeting at 7:30 Monday night, immediately following this meeting, and this recommendation will be provided to them.

Minutes of this meeting will be provided to Matt Asselmeier on Tuesday, July 23 for his use at the Regional Plan Commission meeting on Wednesday, July 24.

Minutes submitted by:

Suzanne Casey

July 22, 2019

STATE OF ILLINOIS  
Kendall County  
Town of Seward

A Special meeting of the Board of Trustees met at the office of the Town Clerk at Seward Town Hall on July 22, 2019. This meeting was to review a request by TZ Landscapers to open a business on 276 Route 52.

Present:

Mrs. Jean Homerding, Supervisor  
Ms Sharleen Smith, Clerk  
Mr. Tom Fleming, Trustee  
Mr. Phil Chaney, Trustee  
Mr. Jim Martin, Trustee

Absent: Dan Roberts, Trustee

Jean Homerding, Chairperson and Sharleen Smith, Clerk conducted the following business.

The Seward Township Special Meeting on July 22, 2019 meeting was called to order at 7:30 p.m. All Trustees were present except Dan Roberts. The Board met to discuss the recommendation from the Seward Township Plan Commission on TZ Landscapers to operate a business a 276 Route 52. A representative from TZ Landscapers was present to address concerns and questions. He indicated that once he was able to purchase the property (approximately 10 acres) and obtain the correct permits he would clean up the place, put up a berm on three sides with trees, take down 1 barn and replace it with a pole barn for storage of trucks. There will be 1 sign per Kendall County zoning rules. This will not be a retail business so there will be no customers creating a traffic problem on Route 52. Jim Martin made a motion to recommend the Special Use Permit and Phil Chaney seconded. All members voting Aye, motion carried.

Sharleen Smith will forward a copy of these minutes to Suzanne Casey of the Seward Township Plan Commission and to Matt Asselmeier of the Regional Plan Commission.

The Special session was adjourned at 7:41pm after a motion was made by Tom Fleming and seconded by Phil Chaney. All members voting Aye, motioned carried.

Attest  
Sharleen Smith  
Clerk

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 July 24, 2019 - 7:00 p.m.**

Chairman Ashton called the meeting to order at 7:05 p.m.

**ROLL CALL**

**Members Present:** Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, and Claire Wilson

**Members Absent:** Karin McCarthy-Lange and John Shaw

**Staff Present:** Matthew H. Asselmeier, Senior Planner, Lorien Schoenstedt, Tyler Zurliene, and Suzanne Casey

**APPROVAL OF AGENDA**

No objections were made regarding the agenda.

**APPROVAL OF MINUTES**

Member Nelson made a motion, seconded by Member Rodriguez, to approve the minutes of the June 26, 2019, meeting. With a voice vote of seven (7) ayes, the motion carried unanimously.

**PETITIONS**

**19-25 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner)**

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. Restriction Number 1 of the special use permit and Section 12.06.A.4 of the Zoning Ordinance require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

The property is approximately forty-three (43) acres in size.

The property is zoned M-2 with a special use permit for a billboard.

The County's Land Resource Management Plan calls for the property to be residential and the City of Aurora's Comprehensive Plan calls for the property to be commercial.

Route 34 is a State maintained highway and Hafenrichter is a local road maintained by Oswego Township. The City of Aurora has a trail planned along Hafenrichter.

There are no floodplains or wetlands in the area.

The adjacent land uses are industrial, commercial, residential, and agricultural. The zoning in the area is a mix of residential, commercial, and industrial. The future land uses in the area are also residential, commercial, and industrial.

The endangered species report was not required.

The NRI was not required.

Petition information was sent to Oswego Township on June 19, 2019, and the Oswego Township Highway Department had no objections.

Petition information was sent to the City of Aurora on June 19, 2019, and they had no objections.

Petition information was sent to Oswego Fire Protection District on June 19, 2019.

ZPAC reviewed the proposal at their meeting on July 2, 2019, and unanimously recommended approval.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions.

The restrictions imposed by Ordinance 2017-14 include:

1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
2. The sign will not be illuminated.
3. The advertising on the sign is restricted to Pulte Group's residential development.
4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
9. The appearance of the signs was included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4 of the Zoning Ordinance, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

Since the sign is pre-existing, a building permit would not be required.

Access from an adjacent road is not applicable.

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

Parking regulations are not applicable.

The sign will not be illuminated.

Screening regulations are not applicable.

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

No easements are believed to be impacted by the proposed sign.

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

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. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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

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

If approved, Staff recommends the following conditions be included in the approving special use ordinance:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Group's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member Wilson asked why this special use permit required renewal. Mr. Asselmeier responded that both the Kendall County Zoning Ordinance and Ordinance 2017-14 required two (2) year renewals of this type of special use permit.

No complaints regarding the sign have been received.

Member Wilson made a motion, seconded by Member Davis, to recommend approval of the requested special use permit renewal with conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Wilson

Nays (0): None

Absent (2): McCarthy-Lange and Shaw

The motion passed. This proposal will go to the Zoning Board of Appeals on July 29<sup>th</sup>.

**19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)**

Mr. Asselmeier summarized the request.

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property located at 276 Route 52 in Seward Township.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

The property is approximately twenty-two (22) acres in size and the landscaping business operates on approximately eleven (11) of those acres.

The property is zoned A-1 and is used as an agricultural/farmstead. The future land use of the property is commercial.

Route 52 is a State maintained highway. The City of Joliet has a trail planned along Route 52.

No floodplains or wetlands are present.

The adjacent land uses and zoning classifications are agricultural, with residential uses planned in the future.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

The EcoCAT Report was submitted and consultation was terminated.

The Natural Resource Inventory application was submitted on June 17, 2019. The LESA Score was 214 indicating a medium level of protection.

Petition information was sent to Seward Township on June 24, 2019. The Seward Township Planning Commission met on July 22, 2019. Discussion occurred regarding burning of material onsite, the placement of a berm along Route 52, the placement of trees along the east, west, and south sides, organization and storage of materials, maintenance of buildings, proper parking, and well and septic concerns. The Petitioner told the Commission that they will clean up the property. The Seward Township Planning Commission recommended approval with one (1) member absent. The Seward Township Board also met on July 22, 2019 and discussed similar concerns as the Seward Township Planning Commission. Discussion occurred regarding placing a berm on three (3) sides of the property and demolishing one (1) of the barns and replacing it with a new barn. The Seward Township Board recommended approval with one (1) member absent.

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the sign ordinance.

Petition information was sent to the City of Joliet on June 24, 2019. They declined to submit comments per their boundary agreement with the Village of Shorewood.

Petition information was sent to the Minooka Fire Protection District on June 24, 2019. To date, no comments have been received.

ZPAC reviewed this proposal at their meeting on July 2, 2019. Greater specificity was needed regarding the location and size of berms and other screening. Concerns were expressed regarding stormwater runoff control. The Kendall County Health Department requested that the septic field be located. The Petitioners withdrew their request for a sign variance; they intend to install a two (2) sided sign. The consensus of ZPAC members was to forward the proposal to the Kendall County Regional Planning Commission.



According to the information provided to the County, TZ Landscaping, LLC will use the existing barns and garage on the subject property. They will store landscaping materials, including mulch, rock, and gravel on the property outside on the property. The company's trucks will be stored on the property after business hours inside one (1) of the two (2) buildings.

TZ Landscaping, LLC currently has two (2) owners and eight (8) full-time employees. These employees work part-time during the winter season. The number of employees could expand to fifteen (15) in the next five (5) years if the business grows as anticipated. No office personnel or sales employees shall report to the property for work related to the proposed use.

The hours of operation are 6:00 a.m. until 8:00 p.m., Monday through Saturday between April and November. The business is on-call twenty-four (24) hours per day every day between December and March.

TZ Landscaping, LLC has been in business for seven (7) years with customers in Shorewood, Minooka, Channahon, Joliet, and Plainfield.

Since the buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

TZ Landscaping, LLC does not use the house that is currently on the property. There are no other sources of water on the property and no bathroom facilities outside of the house. Employees would have to go offsite for bathroom facilities. No customers are planned to come onto the property.

The property fronts Route 52. The City of Joliet's plans call for a trail along Route 52.

The site plan shows parking east of the existing house. This parking area will need to be moved at further south to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. No customers will come to the property.

Currently, one (1) pole light and one (1) exterior barn light are located on the property. No additional lighting was proposed.

According to the site plan, two (2) signs are proposed. Per Section 12.08.A of the Kendall County Zoning Ordinance, only one (1) non-illuminated sign is allowed on the property. The sign can be a maximum of thirty-two (32) square feet. If the Petitioners desire more than one (1) sign, a variance will be required.

No berming or fencing is planned. Because the Petitioner plans to store materials outdoors, discussion will be needed regarding berming.

The property drains to the southwest of the proposed business operations.

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that landscaping materials are properly stored and that appropriate screening is installed, 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 subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, 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. Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location of the septic field is unknown and no restroom facilities exist on the property. A restriction is required to ensure that landscaping debris does not create drainage problems.

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 no sign variance is necessary, 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.

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

1. The site shall be developed substantially in accordance with the attached site plan with changes as outlined in the following conditions.
2. One (1) business related sign shall be allowed on the subject property in one (1) of the locations shown on the site plan. The sign will not be illuminated.
3. The parking area shown on the site plan shall be relocated to comply with the Kendall County Zoning Ordinance.
4. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected along the northern portion of the property used for the special use allowed by this ordinance, except for the area used as ingress/egress. The berm shall be installed within sixty (60) days of the approval of this special use permit ordinance. (Area in white on site plan).
5. Within sixty (60) days of the approval of this special use permit, the owner and/or operator of the use allowed by this special use permit ordinance shall plant arborvitaes at least six feet (6') in height at the time of planting along the east, west, and south sides of the area used for the landscaping business to block the visibility of the operations from adjoining properties. The arborvitaes shall be planted in sufficient numbers to create a complete buffer within five (5) years of the approval of this special use permit. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. (Area in white on site plan).
6. Any materials associated with the landscaping business stored outdoors must be stored with blocks on three sides of the materials. Mr. Asselmeier referenced the picture included as Attachment 8 in the packet.
7. Equipment and vehicles related to the business may be stored outdoors.

8. Within sixty (60) days of the approval of this special use permit, the Petitioners 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 Petitioners and the Kendall County Health Department.
9. No landscape waste generated off the property can be burned on this site.
10. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
11. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
12. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
13. 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.
14. 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.
15. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The Petitioners requested that all recommendations with timeframes of sixty (60) days be extended to ninety (90) days because of the time needed to close on the purchase of the property.

Tyler Zurliene requested that the arborvitaes be three or four feet (3'-4') instead of six foot (6'). He noted that the current owner will not let them install any plants or berming. All plants, fences, and berming will be installed after closing. The closing date has not been finalized. Attorney Lorien Schoenstedt stated that the contract is executed, but is conditional on securing the proper zoning permits. The cost of the plants was the reason for wanting shorter plants. The total number of plants has not been determined.

Discussion occurred about the need for screening. The property is near the entrance to the County and some neighbors are in the vicinity.

Chairman Ashton asked who came up with the six foot (6') arborvitae condition. Mr. Asselmeier responded that condition came from a previous special use permit related to solar panels.

Member Davis asked about the linear footage of screening. The linear footage was approximately one thousand (1,000) linear feet.

Chairman Ashton asked if Mr. Zurliene favored the fence or arborvitaes. Mr. Zurliene responded that he would like to do his due diligence and see which option was more cost effective. The height and type of fence would be determined as part of the special use permit.

Member Casey stated that the property is an eyesore. Mr. Zurliene said that he plans to clean-up the property after he assumes ownership. Mr. Zurliene said that he did not originally think that he would be able to purchase the subject property.

Member Nelson asked if the junk on the property was owned by Mr. Zurliene. Mr. Zurliene responded that the junk around barns was from previous farmers. The shipping container is owned by Mr. Zurliene. The broken concrete is also owned by Mr. Zurliene. One (1) dumpster is for the tenants.

Discussion occurred regarding the deadline for installing a fence or arborvitaes. Several Commissioners wanted the deadline to be measured from the date of closing.

There are renters living on the property. Mr. Zurliene plans to evict the current tenants. The house will be rented.

Discussion occurred regarding restroom facilities. Mr. Zurliene stated that he plans to install porta-a-potties.

Member Casey pointed out that the Seward Township Planning Commission and the Seward Township Board disagreed on the placement of berms.

Member Wilson asked which building would be demolished and replaced. The crib shown in Attachment 10 would be removed. The new barn would not be constructed for another five (5) years.

Member Rodriguez asked about graveling the area. Mr. Zurliene responded that he intends to gravel the parking area after he assumes ownership of the property.

Suzanne Casey, Seward Township Planning Commissioner, stated the Commission recommended approval, but they had several concerns. She asked about running a business on the property and having someone living in the house. Mr. Asselmeier responded that someone living in the house is a permitted use in the A-1 Zoning District. Unless the property owner specifically gives up that use as part of the special use permit, the residential use could continue.

Ms. Casey expressed concerns regarding drainage of the property and the impact of a berm on the drainage of the area. The berm would be installed to improve the aesthetics of the area. Ms. Casey expressed concerns of having this use in close proximity to a future school and having the property look visually appealing. She advised Mr. Zurliene to consider the investment he is making and the maintenance responsibility he is undertaking if the special use permit is approved.

Member Wilson asked about the location of a farm and drainage in the area. Ms. Casey provided information about the farm and drainage in the area.

Chairman Ashton suggested a more detailed site plan showing the future development of the property. He suggested that the Petitioner layover this matter one (1) month to determine if they prefer a fence, berm arborvitae, or some combination. Ms. Schoenstedt stated they favor the fence option. Mr. Zurliene said they would do their due diligence on the matter.

Discussion occurred regarding installing a Menard's stockade type fence, six feet (6') in height along the east, west, and south sides. Discussion occurred regarding the trees along Route 52.

Discussion occurred regarding the timeline for assuming ownership on the property. Financing is secured. Closing could occur quickly. Ninety (90) days from the date of closing was agreed to be the deadline for installing berms, fencing, and/or arborvitae. Member Nelson made a suggestion that closing should occur within sixty (60) days of approval of the special use permit. Chairman Ashton suggested that the Petitioner be required to inform the Planning, Building and Zoning Department that closing occurred.

The Petitioner might have to remove vegetation in order to install a berm.

Member Davis requested a sample of the fencing and additional pictures of the trees along Route 52. Chairman Ashton requested a concept drawing of the sign for the business.

The Petitioner requested that the proposal be laid over until August meeting when an updated site plan will be submitted.

This matter will be on the August 28<sup>th</sup> Kendall County Regional Planning Commission agenda.

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

Suzanne Casey stated that several unpermitted businesses are occurring along Route 52 from O'Brien Road east to the County Line. Near Jughandle Road, there appears to be a banquet facility. She would like a stronger plan to control growth from Joliet and Shorewood.

Member Wilson asked if the County has a Junk and Debris Ordinance. Mr. Asselmeier responded yes and read the definition of junk and debris from Ordinance 19-12.

### **NEW BUSINESS**

None

### **OLD BUSINESS**

#### **Update on Petition 18-04 Request from the Kendall County Regional Planning Commission for Amendments to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township**

Mr. Asselmeier reported that Vulcan Materials Company claimed that several parcels shown as unincorporated on the map are inside the Village of Lisbon. Vulcan provided a signed annexation agreement. The matter was referred back to the Planning, Building and Zoning Committee.

#### **Update on Zoning Ordinance Project**

Mr. Asselmeier reported that the document received from Teska had redlines over everything that was changed, including changes in fonts and margins. The Comprehensive Land Plan and Ordinance Committee reviewed Sections 1-3 at their meeting earlier in the evening. They will continue to review sections of the Zoning Ordinance at future meetings.

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

Mr. Asselmeier reported that Petition 19-11, amending the site plan for Dickson Valley Ministries, was approved by the County Board.

Mr. Asselmeier reported that Petition 19-13, pertaining to research and development home occupations, was defeated at the County Board and the motion to reconsider was also defeated at the County Board.

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported that the property owner at the corner of Sheridan Road and Route 71 was exploring their options regarding whether or not to rezone the property in order to be able to construct a house at the site.

A proposal regarding recreational marijuana zoning regulations will be presented in the next month. A special meeting may be required in order to have recreational marijuana zoning regulations in place by January 1, 2020.

**ADJOURNMENT**

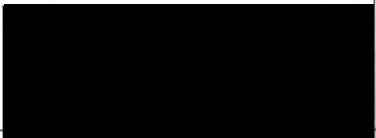
Member Wilson made a motion, seconded by Member Davis, to adjourn. With a voice vote of seven (7) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:27 p.m.

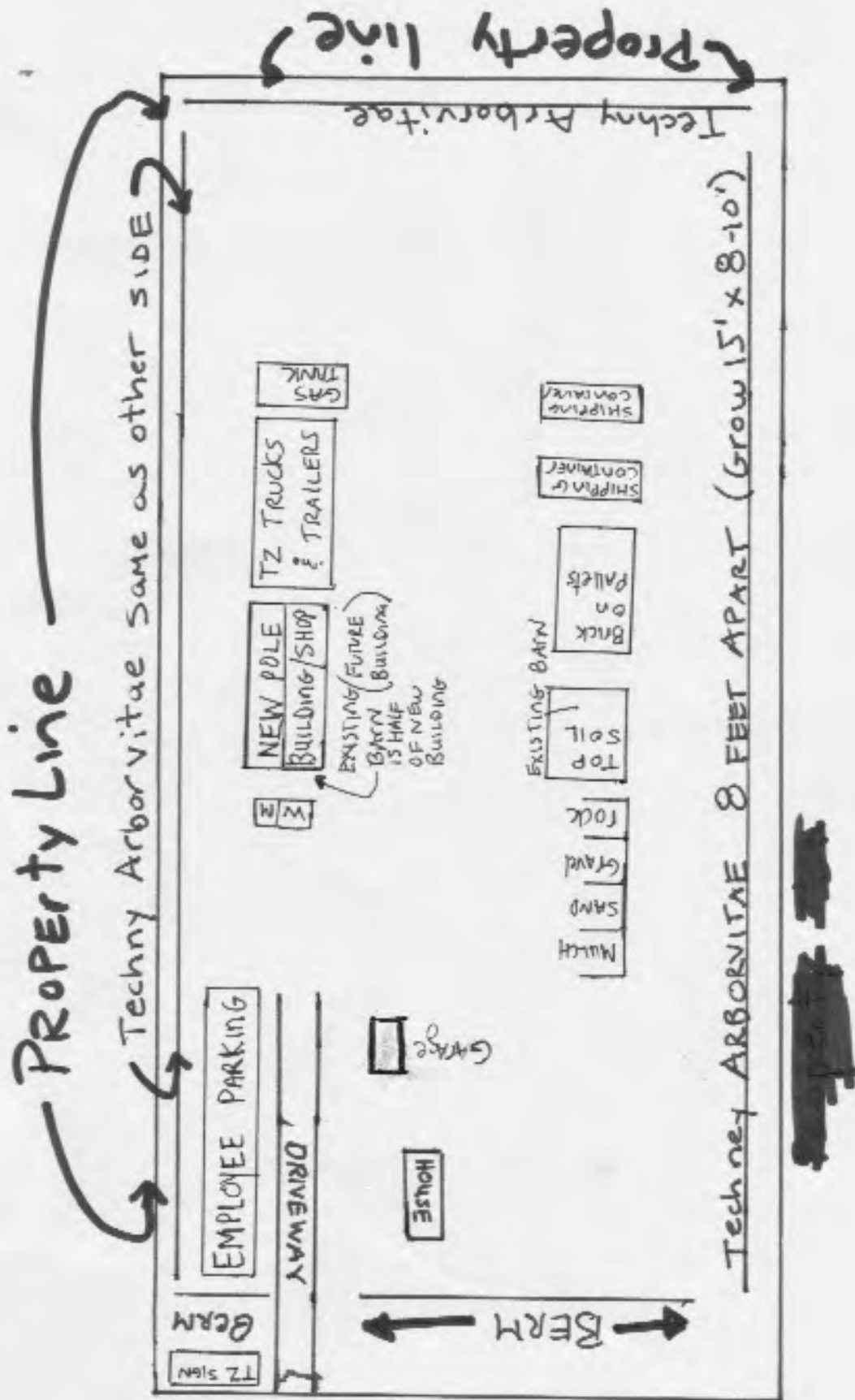
Respectfully submitted by,  
Matthew H. Asselmeier, AICP  
Senior Planner

Enc.

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
JULY 24, 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)
LOZIM Schoenstedt	3260 Executive Dr. Sollet IL	Lschoenstedt@ rekiafirm.com
Tyler Zurliene		tzlandscaping@ gmail.com
Suzanne Cree		scary191@sbcglobal.net





**Matt Asselmeier**

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**From:** Matt Asselmeier  
**Sent:** Friday, August 23, 2019 10:54 AM  
**To:** 'Lorien E. Schoenstedt'  
**Cc:** Carl Buck  
**Subject:** RE: [External]FW: Drawing for TZ

Lorien:

Per our conversation, the Kendall County Planning, Building and Zoning Department reviewed the updated site plan that you submitted today for the proposed special use permit at 276 Route 52 in Seward Township. The Department finds the revised plan to be deficient and requests the following information be added to the site plan or supplied to the Department in another manner:

1. A scale should be added to the site plan.
2. The dimensions of the portion of the property proposed for the special use permit submitted with the original application appear to be different than the revised site plan. Please clarify the area of the property that will be used for the proposed special use and, if necessary, update the legal description for the petition.
3. Please provide a definition of the berm including height, width, and composition.
4. Please provide the dimensions of the sign shown on the site plan.
5. Please state the height at the time of planting for the arborvitae shown on the plan.
6. Will a gap exist between the arborvitae and the berm?
7. Please provide a timeline for the installation of the berm and arborvitae.
8. Please verify that the employee parking area meets the setbacks contained in the Kendall County Zoning Ordinance. Please also confirm the material type of the parking area.
9. Please provide the dimensions of the mulch, sand, gravel, and rock storage areas.
10. There is an area identified as "top soil" ("existing barn") on the site plan. Please clarify if the top soil will be stored inside the existing barn.
11. Please provide the dimensions of the bricks on pallets area.
12. How many shipping containers are planned for the site? There is presently one shipping container on the property.
13. There are two squares marked "w" and "m". Are these restrooms?
14. There is a new pole building/shop shown on the plan. The site plan says that the existing barn is half of the new building. Please provide the dimensions of the new building and timeline for construction. Also, please clarify if that building will have restrooms.
15. There is an area identified as "TZ Trucks and Trailers." Please clarify if this area is planned to be a new building and the dimensions of the area.
16. Will any new pavement be added to the property? In particular, will the area from the mulch storage area south to the gas tank be paved in some way? What are the drainage plans for handling new pavement?
17. Will any additional lighting be placed on the property?
18. There is nothing on the plan indicating the placement of piles of landscaping waste. Please indicate placement of these piles if you plan to bring landscaping debris onto the property.
19. The Department has received several complaints that landscaping debris from other properties have been hauled onto the site and burned. Such burning is a violation of State law. Please respond to these allegations.

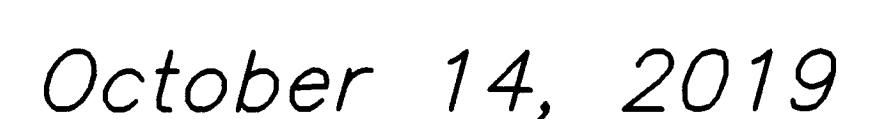
Because of the above defects, the August 28<sup>th</sup> meeting of the Kendall County Regional Planning Commission will be cancelled.

Please provide responses to the above defects by the closing of business on September 18, 2019.

If you have any questions, please let me know.







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

Attachment 23, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

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

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

Chairman Ashton called the meeting to order at 7:01 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Roger Bledsoe, Bill Davis, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, and Claire Wilson

Members Absent: Tom Casey and Ruben Rodriguez

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Carl Buck, Thomas Zurliene, Tyler Zurliene, Caitlin Paloian, Scott Shalvis, John Gay, John Constantine, and Matthew Prochaska

**APPROVAL OF AGENDA**

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the agenda. With a voice vote of seven (7) ayes, the motion carried unanimously.

**APPROVAL OF MINUTES**

Member Wilson made a motion, seconded by Member Bledsoe, to approve the minutes of the September 25, 2019 meeting. With a voice vote of seven (7) ayes, the motion carried unanimously.

**PETITIONS**

**19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)**

Mr. Asselmeier noted the changes in the proposal.

The area subject to the special use permit is approximately ten (10) acres in size, but the business will be operating only a small portion of the property.

The Petitioners submitted revised site plans on September 18<sup>th</sup> and October 15<sup>th</sup>. According to these site plans, the Petitioners will demolish the crib on the east side of the property and construct a new sixty foot by one hundred twenty foot (60'X120') building at approximately the same location as the crib. The new building will be approximately thirty-one feet (31') feet off of the eastern property line. Restrooms will be placed inside the building; portable restrooms will be used until completion of the new building. No date was provided regarding the demolition of the crib. The construction of the new building will occur within three (3) years of the landscaping business acquiring ownership of the property.

The site plans also provided for storage area for sand, rock, gravel, soil, and mulch. The concrete storage area will be ninety feet by fifteen feet by six feet (90'X15'X6') and will be installed by March 2020. Two (2) shipping containers will be onsite. The containers will each be eight feet by forty feet (8'X40'). A brick area will be thirty feet by thirty feet (30'X30'). A thirty foot by sixty foot (30'X60') debris area is also planned to store concrete waste, brick waste, grass clippings, and branches. This debris eventually will be hauled offsite. The debris area will use the same type of encasements as the gravel, soil, and mulch area. A new gas area measuring ten feet by fifteen feet (10'X15') will be installed.

Any new buildings constructed onsite will require building permits. If the existing buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

The site plan shows parking east of the existing house. This parking area will need to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. The parking area will be forty-five feet by sixty feet (45'X60'). No customers will come to the property.

Currently, one (1) pole light and one (1) exterior barn light are located on the property. The Petitioners plan to install security lights with the new building. No specifics about the lights was provided.

The Petitioners plan to install one (1) five foot by six foot (5'X6') sign north of the berm. No information was provided regarding the height of the sign.

According to the site plans, the Petitioners plan to install one hundred twenty-four (124) Techny Arborvite along the western, eastern, and southern portions of the site. The Arborvitae will be three feet (3') in height at the time of planting. They will be planted approximately ten feet (10') apart and will be fifteen to twenty feet (15'-20') from off the property line. They will grow approximately fifteen feet (15') in height. Planting will occur by October 2020.

None of the existing trees along Route 52 will be removed.

A berm three feet (3') in height and six feet (6') in width will be installed for a length of fifty feet (50') east of the driveway. The berm will be made of dirt and seed. The berm will be installed by October 2020.

The property drains to the south of the proposed business operations. The Petitioners did not provide any additional information regarding contours, drainage, or dimensions of impervious surface. A stormwater management permit will be required.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that landscaping materials are properly stored, that appropriate screening is installed, that the well and septic systems are operational and sized to handle the proposed use, and that applicable building and stormwater permits are secured, 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 subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, 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. Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location and size septic field are unknown. The Petitioners may have to upgrade the septic system because of the new use of the property.

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

Staff recommended approval subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan submitted on October 15, 2019.
2. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
3. One (1) business related five foot by six foot (5'X6') sign shall be allowed on the subject property as shown on the attached site plan. The sign will not be illuminated.
4. The parking area shown on the site plan shall be located to comply with the Kendall County Zoning Ordinance, shall be gravel, and shall be approximately forty-five feet by sixty feet (45'X60') in size.
5. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected east of the driveway as shown on the site plan. The berm shall be six feet (6') wide at the base, shall extend approximately fifty feet (50'), and shall be made of dirt and seed. The berm shall be installed by October 2020.
6. One hundred twenty-four (124) Techny Arborvitaes shall be planted in substantially the locations shown on the attached site plan. The arborvitae shall be three feet (3') tall at the time of planting and shall grow to approximately fifteen feet (15'). The arborvitaes shall be installed by October 2020. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
7. Any materials associated with the landscaping business stored outdoors, including the debris area and brick area, must be stored on concrete pads with blocks on three sides of the materials in substantially the same locations as shown on the site plan. The concrete pads must be installed by March 2020.
8. Equipment and vehicles related to the business may be stored outdoors.
9. Within sixty (60) days of the approval of this special use permit, the Petitioners 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 Petitioners and the Kendall County Health Department.
10. No landscape waste generated off the property can be burned on this site.
11. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials

on the property.

12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
14. 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.
15. 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.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Carl Buck, Attorney for the Petitioners, stated that the Petitioners concur with the proposed Findings of Fact and the proposed conditions. He noted that the buildings shall not be built until the Petitioners acquire ownership of the property. The Petitioners shall supply necessary information for building permits at that time.

Clarification regarding the sizes and locations of the storage containers was provided.

Chairman Ashton asked about the Village of Shorewood's concerns. Mr. Buck responded that the Petitioners followed-up with the Village of Shorewood and the Village of Shorewood did not object to their proposal.

The Petitioners are requesting one (1) two-sided sign.

Member Nelson made a motion, seconded by Member Bledsoe, to recommend approval of Petition 19-26 with the conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Davis, Hamman, McCarthy-Lange, Nelson, and Wilson

Nays (0): None

Absent (2): Casey and Rodriguez

The motion carried. The proposal goes to the Zoning Board of Appeals on October 28, 2019.

### **19-31 John and Laura Gay**

Mr. Asselmeier summarized the request.

John and Laura Gay would like to establish a kennel, The Pets Home Pet Resort and Spa, at the subject property which they own at 3601 Plainfield Road. They are also requesting a variance to allow the kennel to be approximately thirty feet, six and one half inches (30'-6 1/2") from property zoned other than residential at the kennel's closest point with neighboring property.

The property is approximately five (5) acres in size and the special use area is approximately four point seven (4.7) acres in size.

The existing land use is agricultural and single-family residential. The future land use is suburban residential. There are no trails planned in the area. There are no floodplains or wetlands on the property, but Morgan Creek runs along the northern boundary of the property.

The adjacent land uses are agricultural, farmstead, and single-family residential. The adjacent zoning is A-1. The Land Resource Management Plan calls for the area to be suburban residential with commercial to the south of the property. The adjacent zonings are A-1 and R-1 in the County and R-2 inside the Village of Oswego.

The Ashcroft Place subdivision is located within one half mile (1/2) to the north.

The Deerpath Trails and Morgan Crossing subdivisions are located within one half (1/2) mile to the west.

EcoCat submitted on July 22, 2019, and found no protected species or sites in the vicinity.

NRI application submitted on September 12, 2019. The LESA Score was 170 indicating a low level of protection.

Oswego Township was emailed information on September 23, 2019. On October 9, 2019, Oswego Township submitted comments regarding this proposal. They do not object to the proposal, but would like adequate screening around the property.

Oswego Fire Protection District was emailed information on September 23, 2019. They requested the building to be fire alarmed. They requested the building to be sprinkled. They also requested turn-around capabilities for fire apparatus on the subject property. The Petitioners agreed to amend their site plan to have a turn-around area and submitted a revised site plan to that effect.

The Village of Oswego was emailed information on September 23, 2019.

ZPAC met on this proposal on October 1, 2019. Discussion occurred regarding the Oswego Fire Protection District's requests. The Petitioners stated they would examine the Oswego Fire Protection District's requests. The Highway Department requested a fifteen foot (15') right-of-way dedication along the entire existing frontage of Plainfield Road to be used as Plainfield Road right-of-way. Discussion occurred regarding the number of vehicle trips at the property. The Health Department requested to work with the Petitioners regarding their well and septic systems. ZPAC recommended approval by a vote of seven (7) in favor, zero (0) in opposition, and three (3) members absent. The ZPAC minutes were provided.

The Petitioners currently reside in the one-story frame house on the property.

Because of the shape of the property, a variance is required to the distance from the kennel to non-residentially zoned property.

According to the information provided to the County, the Petitioners plan to offer pet daycare, boarding, and grooming services. The proposed hours of operation are Monday through Sunday from 6:00 a.m. until 6:00 p.m. However, the Petitioners would like to have the option to be closed on weekends and to allow boarders to drop-off and pick-up pets on the weekends on a pre-scheduled basis. The Petitioners plan to hire five (5) employees. The maximum number of pets planned for the site is one hundred (100). Per the Kendall County



Zoning Ordinance, all animals will be indoors by sunset. The Petitioners believe the area is lacking this type of service.

As noted in the site plan, the Petitioners plan to construct an approximately four thousand, one hundred fifty (4,150) square foot building southeast of the existing home on the property. The building shall consist of fourteen (14) rooms including a lobby, manager's office, restroom, bathroom, break room, laundry, pet bathing room, three (3) pet suites, and pet areas for small, medium, and large pets. A six foot (6') tall wood fence would be located approximately fifteen feet (15') from the building to the southeast and northeast. The fenced area would be approximately six hundred twenty (620) square feet in size and serve as a play area for the pets.

Building and Occupancy Permits will be required for the new building.

The Petitioner indicated that they are working with the Health Department regarding well and septic facilities.

The property fronts Plainfield Road and curb cut already exists for the proposed driveway for the kennel. The Petitioners are going to remove an existing driveway connection on the property. If this removal occurs, there would be one (1) dedicated entrance for the residence and one (1) dedicated entrance for the kennel.

The Petitioners believe most of the traffic generated by the proposed business will occur in the morning and early evening when patrons drop-off and pick-up their pets.

The Petitioners propose to install an eleven (11) spot parking lot. One (1) of the spaces would be handicapped accessible. The parking lot would access Plainfield Road through a twenty-two foot (22') wide asphalt driveway.

The Petitioners plan to installed three (3) lights along the driveway and in the parking lot. These lights are twelve feet (12') in height. Two (2) wall pack will be installed along the east side of the building. Four (4) wall lights will be installed on the building; three (3) will be on the north side of the building and one (1) will be on the east side of the building. The description of the types of lighting that might be installed were provided. The exact light fixtures are not known.

The Petitioners plan to have one (1) sign along Plainfield Road.

The Petitioners plan to install eight (8) canopy trees, six (6) deciduous shrubs, twenty-eight (28) evergreen shrubs, and six (6) groundcovers, grass, and perennials. The specific location of the plants can be found on the site plan.

The Petitioners believe the distance of their facility to existing houses combined with having the pets indoors by sunset will prevent any noise issues.

The Petitioners plan to install an eight foot by ten foot (8' X 10') refuse enclosure at the northeastern end of the parking lot. The enclosure is proposed to be six feet (6') tall surrounded by brick with a steel gate for access. Refuse will be picked up weekly.

If approved, this would be the fifth active special use permit for a kennel in unincorporated Kendall County.

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

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

detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1. There are no existing structures on adjacent properties within one hundred feet (100') of the property line. Taking into account the residential properties to the west and southwest of the property, the proposed kennel location will be situated on the east end of the property, thereby well-exceeding the two hundred fifty foot (250') setback requirement from any residential district set forth in the Zoning Ordinance. In addition, the Petitioners have a waste management plan and have considered the impact of noise on surrounding properties. A six foot (6') tall fencing is planned around the outdoor play area. The Petitioners intend to follow the Kendall County Zoning Ordinance as it relates to having all pets inside by dusk.

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. As noted in the previous finding, the proposed special use will be setback further than the required setback for residentially zoned properties. The Petitioners plan to install a fence and security lighting. The Petitioners agreed to have animals indoors by sunset. The proposed hours of operation will also prevent injury to neighboring land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. An existing curb cut is already located off of Plainfield Road at the subject property. The Petitioners will have to secure applicable permits related to stormwater, drainage, well, and septic systems.

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 non-residentially zoned or use properties, 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 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement ". . . of locally owned businesses."

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

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject property is triangular in shape and combined with its size of approximately five (5) acres makes it difficult for any use to be greater than one hundred fifty feet (150') from any non-residentially zoned property.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The configuration of this property is unique among A-1 zoned properties. Most A-1 zoned properties are larger and more rectangular in shaping than the subject property giving them more space for uses to be away from non-residentially zoned property.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioners did not create the configuration of 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. Provided the site is developed as proposed, the granting of the variation will not be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood.

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. Provided all applicable permits are secured, no threats to public safety should arise. The proposed use will not cause an impairment of light or air to adjacent property. Increased traffic congestion is not anticipated. If developed as proposed, property values should not be impaired.

Staff recommended approval with the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan, security plan, landscaping plan, and lighting plan (original site plan). The site plan shall be adjusted to accommodate a turn-around area for emergency vehicles (site plan submitted on October 16, 2019). The previously listed plans may be slightly altered to meet the right-of-way dedication mentioned in condition 2.
2. Within one hundred eighty (180) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire Plainfield Road portion of the property to Kendall County to be used as Plainfield Road right-of-way. This dedication shall have a depth of fifteen feet (15') as measured from the right-of-way line that existed on the date of adoption of this special use permit ordinance.
3. A variance is granted to Section 7.01.D.27 of the Kendall County Zoning Ordinance allowing the kennel operation granted by this special use permit to be placed thirty feet, six inches (30' 6") at its closest point to lot lines of properties zoned other than residential or shown on the Land Resource Management Plan (LRMP) map as non-residential.
4. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map.
5. One (1) non-illuminated sign may be installed on the subject property in substantially the location shown on the site plan (original site plan). The specific location of the sign may be adjusted slightly to reflect the right-of-way dedication in condition 2.
6. A maximum of one hundred (100) pets may be on the subject property at any time.
7. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
8. The hours of operation for the business allowed by this special use permit shall be Monday through Sunday from 6:00 a.m. until 6:00 p.m. The operator(s) of the business allowed by this special use

permit may reduce these hours of operation. Pets experiencing medical emergencies may be tended to outside the hours of operation.

9. The maximum number of employees for the business allowed by this special use permit shall be seven (7), including the business owners.
10. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
11. Any construction on the property related to the use allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
12. The operator(s) of the kennel allowed by this special use permit may sell ancillary items related to their kennel operations.
13. The operator(s) of the kennel acknowledge and agree to follow Kendall County's Right to Farm Clause.
14. The operator(s) of the kennel allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
15. 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.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Discussion occurred regarding the screening requested by Oswego Township. Caitlin Paloian, Attorney for the Petitioner, stated that Oswego Township was satisfied by the fencing proposed at the site.

Member Wilson asked about the proposed future land uses to the south of the property. Mr. Asselmeier responded that, in the County, the proposed future land use is commercial.

Member Wilson asked about pets being indoors between sunset and sunrise. John Gay responded that the Petitioners will abide by their hours of operation. Pets will not be outdoors playing after sunset. Dogs will not be caged.

Member Wilson asked about individual runs for pets. Ms. Paloian responded that individual runs are not planned.

The variance is necessary because of the shape of the property. Discussion occurred about the location of the play areas in relation to the southern property line.

One member of the staff will be onsite overnight. During the day, there will be shifts of three (3) employees for each shift.

The special use will include pets beyond just dogs. The Petitioners plan to have just dogs at this point in time.

Chairman Ashton asked if the Oswego Fire Protection District approved of the turn-around area. Ms. Paloian responded that the Oswego Fire Protection District found the turn-around area acceptable.

John Constantine had no objections and asked the Commission to approve the request.

Member Bledsoe made a motion, seconded by Member Hamman, to recommend approval of Petition 19-35 with the conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Davis, Hamman, McCarthy-Lange, Nelson, and Wilson

Nays (0): None

Absent (2): Casey and Rodriguez

The motion carried. The proposal goes to the Zoning Board of Appeals on October 28, 2019.

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

None

#### **NEW BUSINESS**

None

#### **OLD BUSINESS**

##### **Update on Zoning Ordinance Project**

Mr. Asselmeier reported that Comprehensive Land Plan and Ordinance Committee has reviewed Sections 1-10 and Section 12.

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

None

#### **OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported there is a request to amend the Future Land Use Map in the Land Resource Management Plan on County Line Road north of Route 52 by changing the area from Public/Institutional to Commercial and rezone the property for an athletic facility and an outdoor/indoor storage area.

Mr. Asselmeier reported that the Village of Millbrook voted to opt-out of cannabis uses and the Village of Plattville is still deciding their stance on the matter.

Member Nelson announced that the State is funding various road projects throughout the County. He suggested examining the transportation plans in the western townships of the County for the February Annual Meeting.

#### **ADJOURNMENT**

Member McCarthy-Lange made a motion, seconded by Member Nelson, to adjourn. With a voice vote of seven (7) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 7:43 p.m.

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

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# KENDALL COUNTY REGIONAL PLANNING COMMISSION OCTOBER 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)
John Constantine		
CARL BUCK		cbuck@ecklamf.milwaukee
Caitlin Palnan		Caitlin@no-attorneys.com
Scott Shalves		Scott.S@ArchStudio.com



**MINUTES – UNOFFICIAL UNTIL APPROVED  
KENDALL COUNTY  
ZONING BOARD OF APPEALS MEETING  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
July 29, 2019 – 7:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

**ROLL CALL:**

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

Members Absent: Scott Cherry

Staff Present: Matthew Asselmeier, AICP, Senior Planner, Dan Kramer, Pat Kinnally, William Barclay, Peter Lodestro, Dorothy Flisk

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 19-26 at 7:02 p.m.

<b>Petition 19 – 26 –</b>	<b>Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)</b>
Request:	Special Use Permit for a Landscaping Business
PINs:	09-13-400-006
Location:	276 U.S. Route 52, Seward Township
Purpose:	Petitioners Want to Operate a Landscaping Business on the Subject Property; Property is Zoned A-1

Mr. Asselmeier read his memo on the subject.

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at 276 Route 52 in Seward Township.

At the July 24, 2019, Kendall County Regional Planning Commission meeting, discussion occurred regarding the site plan and landscaping plan for the property. The Petitioner request a layover until the August 28<sup>th</sup> Kendall County Regional Planning Commission meeting.

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 and landscaping plan are submitted.

Chairman Mohr opened the public hearing at 7:02 p.m. and recessed the public hearing at 7:02.

Member Whitfield made a motion, seconded by Member LeCuyer, to layover this Petition until a revised site plan and landscaping plan are submitted.

The votes were as follows:

Ayes (6): Mohr, Clementi, Fox, LeCuyer, Thompson, and Whitfield

Nays (0): None

Absent (1): Cherry

The motion passed.

The Zoning Board of Appeals completed their review of Petition 19-26 at 7:03 p.m.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member Clementi made a motion, seconded by Member LeCuyer, to adjourn. With a voice vote of six (6), the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 8:34 p.m.

The next hearing/meeting will be on September 4, 2019.

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

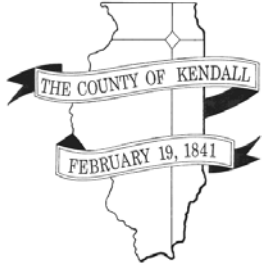
**Exhibits**

1. Memo on Petition 19-26 Dated July 25, 2019.
2. Certificate of Publication for Petition 19-26 (Not Included with Report but on file in Planning, Building and Zoning Office).

# KENDALL COUNTY ZONING BOARD OF APPEALS

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

[illegible]



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**MEMORANDUM**

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To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: July 25, 2019

Re: Petition 19-26 Request for a Special Use Permit for a Landscaping Business at 276 Route 52  
in Seward Township– Petitioner Requests a Layover

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Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at 276 Route 52 in Seward Township.

At the July 24, 2019, Kendall County Regional Planning Commission meeting, discussion occurred regarding the site plan and landscaping plan for the property. The Petitioner request a layover until the August 28<sup>th</sup> Kendall County Regional Planning Commission meeting.

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 and landscaping plan are submitted.

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

Thanks,

MHA

**MINUTES – UNOFFICIAL UNTIL APPROVED  
KENDALL COUNTY  
ZONING BOARD OF APPEALS MEETING  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
September 30, 2019 – 7:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

**ROLL CALL:**

Members Present: 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

Others Present: Matthew Prochaska, Commander Jason Langston, and Steve Gengler

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 19-26 at 7:02 p.m.

**Continuation of Hearing    Petition 19 – 26 – Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)**

Request:                      Special Use Permit for a Landscaping Business

PINs:                         09-13-400-006

Location:                  276 U.S. Route 52, Seward Township

Purpose:                     Petitioners Want to Operate a Landscaping Business on the Subject Property;  
Property is Zoned A-1

Mr. Asselmeier read a letter from the Petitioner requesting layover until the October meeting.

With no objections, the Petition was laid over until the October hearing/meeting.

The Zoning Board of Appeals completed their review of Petition 19-26 at 7:04 p.m.

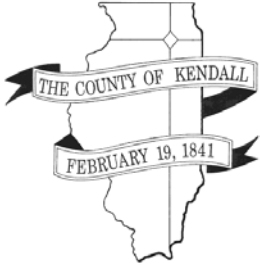
**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member LeCuyer made a motion, seconded by Member Cherry, to adjourn. With a voice vote of six (6) ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 7:45 p.m.

The next hearing/meeting will be on October 28, 2019.

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

Exhibits: September 23, 2019 Memo on Petition 19-26



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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Fax (630) 553-4179

**MEMORANDUM**

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To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: September 23, 2019

Re: Petition 19-26 Request for a Special Use Permit for a Landscaping Business at 276 Route 52  
in Seward Township– Petitioner Requests a Layover

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Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at 276 Route 52 in Seward Township.

At the July 24, 2019, Kendall County Regional Planning Commission meeting, discussion occurred regarding the site plan and landscaping plan for the property. The Petitioner request a layover until the August 28<sup>th</sup> Kendall County Regional Planning Commission meeting.

On September 20, 2019, the Petitioners submitted the attached letter requesting a layover until October.

The notice of the Zoning Board of Appeals hearing was already printed prior to the ZPAC meeting.

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

Thanks,

MHA



LAW OFFICES

CARL R. BUCK  
MARIO P. CARLASARE  
FRANK S. CSERVENYAK, JR.  
WILLARD L. HEMSWORTH III  
NICKOLAS M. JERDE  
WILLIAM V. KOZOL  
MICHAEL J. LICHNER  
LUIS J. MAGAÑA  
KATHERINE L. MALONEY  
LAURA I. MIROBALLI  
MEGHAN E. PRESTON  
SCOTT PYLES  
TIMOTHY J. RATHBUN  
KATIE E. ROCK  
LORIEN E. SCHOENSTEDT  
STEPHEN D. WHITE

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**& KOZOL, LLC**

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September 20, 2019

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15409 S. Route 59  
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Fax 815-577-9769

MOKENA OFFICE  
9450 Enterprise Drive  
Mokena, Illinois 60448  
Telephone 708-479-9949  
Fax 708-479-0503

JEFFREY L. FISHER, OF COUNSEL  
207 South Water Street  
Wilmington, Illinois 60481

**VIA EMAIL** ([masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us))

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

RE: TZ Landscaping - 276 Route 52

Dear Mr. Asselmeier:

Please be advised that this firm represents TZ Landscaping in its application for a Special Use Permit. The tenants/applicants, Tom and Tyler Zurliene, are working with a survey company, Phil Young, to update the topography survey to include the buildings and structures. Due to this continued work, the tenants/applicants request to be pushed to the October agenda date.

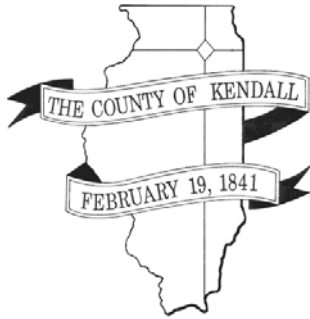
Thank you for your time and consideration to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

RATHBUN, CSERVENYAK & KOZOL, LLC

By: \_\_\_\_\_

Carl R. Buck



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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**Petition 19-35****John and Laura Gay****A-1 Special Use – Kennel****Variance – Distance From Property Zoned****Other Than Residential****INTRODUCTION**

John and Laura Gay would like to establish a kennel, The Pets Home Pet Resort and Spa, at the subject property which they own. They are also requesting a variance to allow the kennel to be approximately thirty feet, six and one half inches (30'-6 ½") from property zoned other than residential at the kennel's closest point with neighboring property. The application material, survey, and site plan are included as Attachments 1, 2, and 3 respectively.

**SITE INFORMATION**

PETITIONER John and Laura Gay

ADDRESS 3601 Plainfield Road

LOCATION Approximately 0.31 Miles North of the Intersection of Plainfield Road and Collins Road on the East Side of Plainfield Road



TOWNSHIP Oswego

PARCEL # 03-28-100-004

LOT SIZE 5.18 Acres (Gross) 4.77 (Proposed Special Use Area)

EXISTING LAND USE Agricultural/Farmstead

**ZONING** A-1 Agricultural District

LRMP	Current Land Use	Agricultural and Single-Family Residential
	Future Land Use	Suburban Residential (Max 1.0 Du/Acre)
	Roads	Plainfield Road is a County Road Classified as a Major Collector.
	Trails	None
	Floodplain/ Wetlands	None, but Morgan Creek runs along the Northeastern Boundary of the Property.

**REQUESTED ACTION** A-1 Special Use to Operate a Kennel and a Variance to Allow a Kennel to be Closer than One Hundred Fifty Feet (150') from Property Zoned Other Than Residential

**APPLICABLE REGULATIONS** Section 7.01.D.27 – A-1 Special Uses – Permits Kennels to be Located in the A-1 District if the Kennel is Located Inside and Must Be Located a Minimum of Two Hundred Fifty Feet (250') from the Lot Line of Lots Zoned Residential or Shown as Residential on the Land Resource Management Plan (LRMP) Map and One Hundred Fifty Feet (150') from Lots Zoned Other Than Residential or Shown on the LRMP Map as non-residential. The animals must be indoors by sunset.

Section 13.04 – Variance Procedures

Section 13.08 – Special Use Procedures

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Suburban Residential (Max 1.0 DU/Acre)	A-1 (County) R-2 (Oswego)
South	Agricultural/Farmstead	A-1	Commercial	A-1 and R-1
East	Agricultural	A-1	Suburban Residential	A-1
West	Single-Family Residential	A-1	Suburban Residential	A-1 (County) R-2 (Oswego)

The Ashcroft Place subdivision is located within one half mile (1/2) to the north.

The Deerpath Trails and Morgan Crossing subdivisions are located within one half (1/2) mile to the west.

The aerial of the property is included as Attachment 4.

**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

EcoCat submitted on July 22, 2019, and found no protected species or sites in the vicinity (see Attachment 1, Pages 11-12) and consultation was terminated (see Attachment 5).

**NATURAL RESOURCES INVENTORY**

NRI application submitted on September 12, 2019 (see Attachment 1, Pages 8-10). The LESA Score was 170 indicating a low level of protection. The NRI Report is included as Attachment 10.

## **ACTION SUMMARY**

### **OSWEGO TOWNSHIP**

Oswego Township was emailed information on September 23, 2019. On October 9, 2019, Oswego Township submitted comments regarding this proposal. They do not object to the proposal, but would like adequate screening around the property. Their comments are included as Attachment 6.

### **OSWEGO FIRE PROTECTION DISTRICT**

Oswego Fire Protection District was emailed information on September 23, 2019. Oswego Fire Protection District submitted comments on September 23, 2019. The Oswego Fire Protection District requested the building to be fire alarmed and sprinklered. They also requested a turn-around area for their fire apparatus. Related correspondence is included as Attachment 7. The Petitioners agreed to amend their site plan to have a turn-around area. The revised site plan is included as Attachment 9.

### **VILLAGE OF OSWEGO**

The Village of Oswego was emailed information on September 23, 2019.

### **ZPAC**

ZPAC met on this proposal on October 1, 2019. Discussion occurred regarding the Oswego Fire Protection District's requests. The Petitioners stated they would examine the Oswego Fire Protection District's requests. The Highway Department requested a fifteen foot (15') right-of-way dedication along the entire existing frontage of Plainfield Road to be used as Plainfield Road right-of-way. Discussion occurred regarding the number of vehicle trips at the property. The Health Department requested to work with the Petitioners regarding their well and septic systems. ZPAC recommended approval by a vote of seven (7) in favor, zero (0) in opposition, and three (3) members absent. The ZPAC minutes are included as Attachment 8.

### **KCRPC**

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 23, 2019. Discussion occurred about future land uses in the area, the need for appropriate screening and fencing, having the animals inside after dusk to reduce noise, and the number of employees at the site during and after hours of operation. A neighbor, John Constantine, requested that the Commission approve the requested special use permit. The Kendall County Regional Planning Commission recommended approval of the requested special use permit and variance with the conditions proposed by Staff with a vote of seven (7) in favor and zero (0) in opposition. Two (2) members of the Commission were absent. The minutes of this meeting are included as Attachment 11.

## **GENERAL**

The Petitioners currently reside in the one-story frame house on the property.

Because of the shape of the property, a variance is required to the distance from the kennel to non-residentially zoned property.

## **BUSINESS OPERATION**

According to the information provided to the County, the Petitioners plan to offer pet daycare, boarding, and grooming services. The proposed hours of operation are Monday through Sunday from 6:00 a.m. until 6:00 p.m. However, the Petitioners would like to have the option to be closed on weekends and to allow boarders to drop-off and pick-up pets on the weekends on a pre-scheduled basis. The Petitioners plan to hire five (5) employees. The maximum number of pets planned for the site is one hundred (100). Per the Kendall County Zoning Ordinance, all animals will be indoors by sunset. The Petitioners believe the area is lacking this type of service.

## **BUILDING AND BUILDING CODES**

As noted in the original site plan (see Attachment 3), the Petitioners plan to construct an approximately four thousand, one hundred fifty (4,150) square foot building southeast of the existing home on the property. The building shall consist of fourteen (14) rooms including a lobby, manager's office, restroom, bathroom, break room, laundry, pet bathing room, three (3) pet suites, and pet areas for small, medium, and large pets. A six foot (6') tall wood fence would be located approximately fifteen feet (15') from the building to the southeast

and northeast. The fenced area would be approximately six hundred twenty (620) square feet in size and serve as a play area for the dogs and other pets at the facility.

Building and Occupancy Permits will be required for the new building.

#### **ENVIRONMENTAL HEALTH**

The Petitioners indicated that they are working with the Health Department regarding well and septic facilities.

#### **ROAD ACCESS**

The property fronts Plainfield Road and curb cut already exists for the proposed driveway for the kennel. The Petitioners are going to remove an existing driveway connection on the property. If this removal occurs, there would be one (1) dedicated entrance for the residence and one (1) dedicated entrance for the kennel.

The Petitioners believe most of the traffic generated by the proposed business will occur in the morning and early evening when patrons drop-off and pick-up their pets.

#### **PARKING AND INTERNAL TRAFFIC CIRCULATION**

The Petitioners propose to install an eleven (11) spot parking lot. One (1) of the spaces would be handicapped accessible. The parking lot would access Plainfield Road through a twenty-two foot (22') wide asphalt driveway.

#### **LIGHTING**

The Petitioners plan to installed three (3) lights along the driveway and in the parking lot. These lights are twelve feet (12') in height. Two (2) wall pack will be installed along the east side of the building. Four (4) wall lights will be installed on the building; three (3) will be on the north side of the building and one (1) will be on the east side of the building. The description of the types of lighting that might be installed can be found on Attachment 3, Pages 7-15. The exact light fixtures are not known.

#### **SIGNAGE**

The Petitioners plan to have one (1) sign along Plainfield Road.

#### **LANDSCAPING**

The Petitioners plan to install eight (8) canopy trees, six (6) deciduous shrubs, twenty-eight (28) evergreen shrubs, and six (6) groundcovers, grass, and perennials. The specific location of the plants can be found on Attachment 3, Page 5.

#### **NOISE CONTROL**

The Petitioners believe the distance of their facility to existing houses combined with having the pets indoors by sunset will prevent any noise issues.

#### **REFUSE PLAN**

The Petitioners plan to install an eight foot by ten foot (8' X 10') refuse enclosure to the northeast of the parking lot. The enclosure is proposed to be six feet (6') tall surrounded by brick with a steel gate for access. Refuse will be picked up weekly.

#### **RELATION TO OTHER SPECIAL USES**

If approved, this would be the fifth active special use permit for a kennel in unincorporated Kendall County.

#### **FINDINGS OF FACT-SPECIAL USE**

§ 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. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1. There are no existing structures on adjacent properties within one hundred feet (100') of the property line. Taking into account the residential properties*



to the west and southwest of the property, the proposed kennel location will be situated on the east end of the property, thereby well-exceeding the two hundred fifty foot (250') setback requirement from any residential district set forth in the Zoning Ordinance. In addition, the Petitioners have a waste management plan and have considered the impact of noise on surrounding properties. A six foot (6') tall fencing is planned around the outdoor play area. The Petitioners intend to follow the Kendall County Zoning Ordinance as it relates to having all pets inside by dusk.

*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. As noted in the previous finding, the proposed special use will be setback further than the required setback for residentially zoned properties. The Petitioners plan to install a fence and security lighting. The Petitioners agreed to have animals indoors by sunset. The proposed of hours of operation will also prevent injury to neighboring land uses.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. An existing curb cut is already located off of Plainfield Road at the subject property. The Petitioners will have to secure applicable permits related stormwater, drainage, well, and septic systems.*

*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 non-residentially zoned or use properties, 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 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement "... of locally owned businesses."*

#### **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 subject property is triangular in shape and combined with its size of approximately five (5) acres makes it difficult for any use to be greater than one hundred fifty feet (150') from any non-residentially zoned property.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The configuration of this property is unique among A-1 zoned properties. Most A-1 zoned properties are larger and more rectangular in shaping than the subject property giving them more space for uses to be away from non-residentially zoned property.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioners did not create the configuration of 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. **Provided the site is developed as proposed, the granting of the variation will not be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood.***

*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. **Provided all applicable permits are secured, no threats to public safety should arise. The proposed use will not cause an impairment of light or air to adjacent property. Increased traffic congestion is not anticipated. If developed as proposed, property values should not be impaired.***

## **RECOMMENDATION**

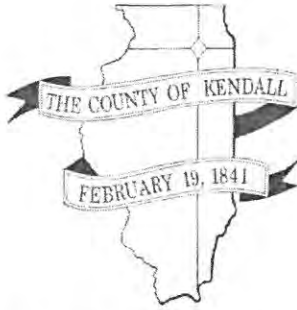
Staff recommends approval of the requested special use permit for a kennel and variance subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan, security plan, landscaping plan, and lighting plan (Attachment 3, Pages 1 and 5). The site plan shall be adjusted to accommodate a turn-around area for emergency vehicles (Attachment 9). The previously listed plans may be slightly altered to meet the right-of-way dedication mentioned in condition 2.
2. Within one hundred eighty (180) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire Plainfield Road portion of the property to Kendall County to be used as Plainfield Road right-of-way. This dedication shall have a depth of fifteen feet (15') as measured from the right-of-way line that existed on the date of adoption of this special use permit ordinance.
3. A variance is granted to Section 7.01.D.27 of the Kendall County Zoning Ordinance allowing the kennel operation granted by this special use permit to be placed thirty feet, six and one half inches (30' 6 1/2") at its closest point to lot lines of properties zoned other than residential or shown on the Land Resource Management Plan (LRMP) map as non-residential.
4. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map.
5. One (1) non-illuminated sign may be installed on the subject property in substantially the location shown on the site plan (Attachment 3, Page 5). The specific location of the sign may be adjusted slightly to reflect the right-of-way dedication in condition 2.
6. A maximum of one hundred (100) pets may be on the subject property at any time.
7. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
8. The hours of operation for the business allowed by this special use permit shall be Monday through Sunday from 6:00 a.m. until 6:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies may be tended to outside the hours of operation.
9. The maximum number of employees for the business allowed by this special use permit shall be seven (7), including the business owners.
10. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
11. Any construction on the property related to the use allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
12. The operator(s) of the kennel allowed by this special use permit may sell ancillary items related to their kennel operations.
13. The operator(s) of the kennel acknowledge and agree to follow Kendall County's Right to Farm Clause.

14. The operator(s) of the kennel allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
15. 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.
16. 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 (Including Landscaping Plan and Photometric Plan) (Original)
4. Aerial
5. EcoCat Consultation Terminated
6. Oswego Township Correspondence
7. Oswego Fire Protection District Related Correspondence
8. 10-1-19 ZPAC Minutes
9. Revised Site Plan
10. NRI Report
11. 10-23-19 Kendall County Regional Planning Commission Meeting Minutes



## DEPARTMENT OF PLANNING, BUILDING & ZONING

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

### APPLICATION

PROJECT NAME The Pet's Home Pet Resort and Spa

FILE #: 15-35

<b>NAME OF APPLICANT</b>		
John Gay & Laura Gay		
<b>CURRENT LANDOWNER/NAME(s)</b>		
John Gay & Laura Gay		
<b>SITE INFORMATION</b>		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
4.773	3601 Plainfield Road, Oswego, IL	03-28-100-004
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Agricultural & R	A-1	
<b>REQUESTED ACTION</b> (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to ____)	<input checked="" 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)		
<b><sup>1</sup>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Caitlin E. Paloian	127 Aurora Avenue, Naperville, IL 60523	caitlin@rw-attorneys.com
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER # (Cell, etc.)</b>
630-355-4600	630-352-3610	
<b><sup>2</sup>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
Dan O'Donnell		dodriv@icloud.com
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
815-514-4266		
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.		
<b>SIGNATURE OF APPLICANT</b>		<b>DATE</b> <u>9/17/19</u>

FEE PAID: \$ 1255.00  
CHECK #: 1119

<sup>1</sup>Primary Contact will receive all correspondence from County

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

RECEIVED

SEP 18 2019

KENDALL COUNTY  
PLANNING, BUILDING  
& ZONING

## DETAILED DESCRIPTION OF PROPOSED USE

Petitioner is proposing to construct a Kennel facility on the property commonly known as 3601 Plainfield Road, Oswego, IL. The Kennel will primarily offer pet daycare, boarding, and grooming services such as bathing, teeth cleaning and nail services. Petitioner plans to hire five (5) employees to assist with the day-to-day operations and the business hours of operation will be from 6:00am to 6:00pm Monday through Friday. The primary goal of this use is to provide a much-needed service of pet daycare in the community while pet owners are at work, boarding services while the pet owner is out of town, and pet grooming. The peak hours for the use will be during morning and evening rush hours, which is when the pet owners are expected to drop off and pick up their pet. Petitioner's property is situated on approximately 4.773 acres and the Kennel facility will be approximately 4,150 square feet consisting of separate play areas for small, medium, and large dogs. Each of the play areas will have access to outdoor play areas for the corresponding pet size and the outdoor play area will be enclosed in by a 6-foot tall privacy fence. In addition, Petitioner is proposing "pet suites" to board the pets comfortably. As illustrated on the site plan submitted herewith, the refuse enclosure will be 6 feet tall and enclosed with a brick screen wall and a steel gate. Additional details regarding the proposed use may be found in the Petition for Development Relief, which has been submitted with the corresponding application materials.



## LEGAL DESCRIPTION

THAT PART OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, 1902.46 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY OF PLAINFIELD ROAD FOR A POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT OF WAY LINE OF PLAINFIELD ROAD WHICH FORMS AN ANGLE OF 129 DEGREES 35 MINUTES 20 SECONDS TO THE LEFT FROM A PROLONGATION OF THE LAST DESCRIBED LINE, 354.51 FEET TO A POINT IN THE CENTER LINE OF MORGAN CREEK; THENCE NORTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK WHICH FORMS AN ANGLE OF 71 DEGREES 58 MINUTES 30 SECONDS WITH THE LAST DESCRIBED LINE, MEASURED FROM SOUTHEAST TO NORTHWEST, 131.19 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET FOR AN ARC DISTANCE OF 100.42 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK, 933.39 FEET TO A POINT OF CURVATURE ; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE LEFT HAVING A RADIUS OF 753.23 FEET FOR AN ARC DISTANCE OF 149.51 FEET TO A POINT OF TANGENCY; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK 73.03 FEET; THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN ANGLE OF 95 DEGREES 25 MINUTES 11 SECONDS MEASURED FROM WEST TO SOUTH WITH THE LAST DESCRIBED LINE, 20.00 FEET TO A POINT IN SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, THENCE WESTERLY ALONG THE SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, 1107.30 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

WARRANTY DEED  
ILLINOIS STATUTORY  
INDIVIDUAL

201800008546

DEBBIE GILLETTE  
RECORDER - KENDALL COUNTY, IL

RECORDED: 6/21/2018 10:50 AM  
WD: 39.00 RHSPS FEE: 10.00  
STATE TAX: 355.50  
COUNTY TAX: 177.75  
PAGES: 4

FIRST AMERICAN TITLE  
FILE # 2913639

Preparer File: 2913639  
FATIC No.: 2913639

THE GRANTOR(S) Richard J. Zwart Jr. and Beaty Zwart, husband and wife, of the Village of Oswego, County of KENDALL, State of IL for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration in hand paid, CONVEY(S) and WARRANT(S) to John Gay and Laura Gay, husband and wife, as tenants by the entirety, of 12716 Meadow Lane Plainfield, IL 60585 of the County of Will, all interest in the following described Real Estate situated in the County of KENDALL in the State of IL, to wit:

*HUSBAND AND WIFE*

*See Exhibit "A" attached hereto and made a part hereof*

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

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

Permanent Real Estate Index Number(s) 03-28-100-004


Address(es) of Real Estate: 3601 Plainfield Rd  
Oswego, IL 60543

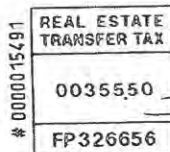
Dated this 29 day of May, 2018

Richard J. Zwart Jr.

Beaty Zwart

COUNTY OF KENDALL  
REAL ESTATE TRANSFER TAX  
177.75 JM

 First American  
Title Insurance Company



ity Deed - Individual

STATE OF ILLINOIS  
COUNTY OF KENDALL SS

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

Given under my hand and official seal this 29 day of May, 20 18.

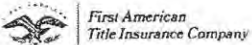


[Redacted Signature]  
Notary Public

Prepared by:  
Law Office of Lisa A. Coffey, P.C.  
3408 Orchard Road  
Oswego, IL 60543

Mail to:  
John & Laura Gay  
[Redacted Address]

Name and Address of Taxpayer:  
John & Laura Gay  
[Redacted Address]



Warranty Deed - Individual

201800008546 2/4

## Exhibit "A" – Legal Description

THAT PART OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, 1902.46 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY OF PLAINFIELD ROAD FOR A POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT OF WAY LINE OF PLAINFIELD ROAD WHICH FORMS AN ANGLE OF 129 DEGREES 35 MINUTES 20 SECONDS TO THE LEFT FROM A PROLONGATION OF THE LAST DESCRIBED LINE, 354.51 FEET TO A POINT IN THE CENTER LINE OF MORGAN CREEK; THENCE NORTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK WHICH FORMS AN ANGLE OF 71 DEGREES 58 MINUTES 30 SECONDS WITH THE LAST DESCRIBED LINE, MEASURED FROM SOUTHEAST TO NORTHEAST, 131.19 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET FOR AN ARC DISTANCE OF 100.42 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK, 933.39 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE LEFT HAVING A RADIUS OF 753.23 FEET FOR AN ARC DISTANCE OF 149.51 FEET TO A POINT OF TANGENCY; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK 73.03 FEET, THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN ANGLE OF 95 DEGREES 25 MINUTES 11 SECONDS MEASURED FROM WEST TO SOUTH WITH THE LAST DESCRIBED LINE, 20.00 FEET TO A POINT IN SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, THENCE WESTERLY ALONG THE SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, 1107.30 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.



First American  
Title Insurance Company

Warranty Deed - Individual

201800008546 3/4

**PLAT ACT AFFIDAVIT**  
(Pursuant to 765 ILCS 205/1)

STATE OF ILLINOIS )  
COUNTY OF KENDALL )

Richard Jr. and Beary Zwart, the grantor or his/her agent, being duly sworn on oath, states that he/she resides at [REDACTED]  
Affiant states that the attached deed is *not* a violation [REDACTED]

- A. The sale or exchange is of an entire tract of land not being a part of a larger tract of land and described in the same manner as title was taken by the grantor(s);
- B. One of the following exemptions from 765 ILCS 205/1 (b) applies;
1. The division or subdivision of land is into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
  2. The division is of lots or blocks of less than 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 is between owners of adjoining and contiguous land.
  4. 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 easements of access.
  5. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
  6. The conveyance is of land or highway or other public purpose 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. The conveyance is made to correct descriptions in prior conveyances.
  8. 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.
  9. The sale is of a single lot of less than 5 acres from a larger tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configuration 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 provided that this exemption does not invalidate any local requirements applicable to the subdivision of land (page 2).
  10. The preparation of a plat for wind energy devices under Sec.10-620 of the Property Tax Code.
  11. Other: \_\_\_\_\_

C. The division does not meet any of the above criteria and must have county approval (page 2).

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO THE ATTACHED DEED.

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

SUBSCRIBED and SWORN TO before me  
this 29 day of May, 2018

Signature of Notary Public

LISA A COFFEY  
Official Seal  
Notary Public - State of Illinois  
My Commission Expires Jun 14, 2020

Signature of Party





Kendall County Soil & Water  
Conservation District

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



[www.kendallswcd.org](http://www.kendallswcd.org)

## NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

**Petitioner:** John Gay & Laura Gay **Contact Person:** Caitlin Paloian, Attorney for Petitioner  
**Address:** [REDACTED] **127 Aurora Avenue**  
**City, State, Zip:** [REDACTED] **Naperville, IL 60563**  
**Phone Number:** ( ) [REDACTED] **( ) 630-355-4600**  
**Email:** [REDACTED] **caitlin@rw-attorneys.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** 8 **E, Section(s)** 28  
**Parcel Index Number(s)** 03-28-100-004  
**Project or Subdivision Name** The Pet's Home Pet Resort and Spa **Number of Acres** 4.773  
**Current Use of Site** Residential & Agricultural **Proposed Use** Residential Home & Pet Kennel  
**Proposed Number of Lots** 1 **Proposed Number of Structures** 2  
**Proposed Water Supply** **Proposed type of Wastewater Treatment**  
**Proposed type of Storm Water Management**

### Type of Request

☐ Change in Zoning from \_\_\_\_\_ to \_\_\_\_\_  
☒ Variance (Please describe fully on separate page)  
☒ Special Use Permit (Please describe fully on separate page)  
**Name of County or Municipality the request is being filed with:** Kendall County

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

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

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

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

Fee for first five acres and under	\$ 375.00
0 Additional Acres at \$18.00 each	\$
<b>Total NRI Fee</b>	<b>\$ 375.00</b>

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

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

[REDACTED] Attorney for Petitioner  
**Petitioner or Authorized Agent**

9/12/19  
**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** \_\_\_\_\_

KENDALL COUNTY SOIL & WATER CONSERVATION DISTRICT  
PETITIONER'S REQUEST FOR A SPECIAL USE PERMIT AND VARIANCE FROM  
KENDALL COUNTY

Petitioner's John and Laura Gay are the Owner's of the Property commonly known as 3601 Plainfield Road, Oswego, IL and are petitioning to Kendall County to approve: (i) a special use to allow the operation of a Kennel on the Property for the purposes of providing pet daycare, boarding, and grooming services; and (ii) a variance from the 150' setback requirement from lots zoned other than Residential as set forth in the A'1 zoning district in connection with the operation of a Kennel.

2-1/710

DATE 3-8-19

MP

THE PET'S HOME, LLC  
3601 PLAINFIELD RD.  
OSWEGO, IL 60543-9643

PAY TO THE ORDER OF Keshall County Sol. + Water Conserv. \$ 375.00

Three Hundred & Seventy Five - 00/100

CHASE  
JPMorgan Chase Bank, N.A.  
www.Chase.com

DOLLARS 1

Security Features  
Check for Sure.

MEMO



**Applicant:** Civil and Environmental Consultants, Inc  
**Contact:** Ian Jorgensen  
**Address:** 1230 E. Diehl Road  
Suite 200  
Naperville, IL 60563

**IDNR Project Number:** 2000749  
**Date:** 07/22/2019

**Project:** 3601 Plainfield Road  
**Address:** 3601 Plainfield Road, Oswego

**Description:** The development of a property with a native drainage feature within the property constraints.

### Natural Resource Review Results

*This project was submitted for information only. It is not a consultation under 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.

#### Location

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

**County:** Kendall

**Township, Range, Section:**  
37N, 8E, 28



#### **IL Department of Natural Resources**

##### **Contact**

Impact Assessment Section  
217-785-5500  
Division of Ecosystems & Environment

#### **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.

#### **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.



IDNR Project Number: 2000749

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.



STATE OF ILLINOIS            )  
   )  
 COUNTY OF KENDALL         )

**PETITION TO KENDALL COUNTY FOR DEVELOPMENT RELIEF**

**THE UNDERSIGNED** Petitioner, John Gay & Laura Gay (hereinafter the “Petitioner(s)”), as the owner of the property legally described on **Exhibit A** (hereinafter the “Property”), respectfully petitions Kendall County (the “County”) to (i) approve a special use to allow the operation of a Kennel on the Property; (ii) approve a variance from the 150’ setback requirement from lots zoned other than Residential as set forth in the A-1 zoning district in connection with the operation of a Kennel; and (iii) to approve such other relief from the Kendall County Code (the “Code”) as may be deemed necessary and appropriate to develop the Property consistent with the plans submitted herewith.

1. The Property consists of approximately 4.773 acres, commonly known as 3601 Plainfield Road, Oswego, Illinois 60543;
2. The Property is zoned A-1 (Agricultural) in unincorporated Kendall County;
3. The Property is currently improved with a single-family home in which the Petitioners reside;
4. Petitioner seeks to develop a portion of the Property into a Kennel offering pet daycare, boarding, and grooming services;
5. The existing land uses surrounding the Property are as follows:
  - a. North: A-1 Zoning in unincorporated Kendall County: vacant farmland & residential home
  - b. East: A-1 Zoning in unincorporated Kendall County: vacant farmland
  - c. Southeast: A-1 Zoning in unincorporated Kendall County: vacant farmland

- d. Southwest: A-1 Zoning in unincorporated Kendall County: Farm & residential homes
- e. West: R-2 Single-Family Residence District in Oswego: Residential homes

**SPECIAL USE FOR THE OPERATION OF A KENNEL**

6. Petitioner's proposed special use for a Kennel meets the standards as set forth in the Code as follows:

- a. *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; and*

Operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties to the north, east, and southeast are vacant farmland also zoned A-1 in Kendall County. There are no existing structures on adjacent properties within 100 feet of the Property line. Taking into account the residential properties to the west and southwest of the Property, Petitioner thoughtfully planned the proposed kennel location to be situated on the east end of the Property, thereby well-exceeding the 250' setback requirement from any residential district set forth in the Code. In addition, Petitioner has a waste management plan as well as a noise management plan in connection with the operation of the special use.

Petitioner will install 6-foot tall fencing surrounding the perimeter of the proposed Kennel and its outdoor play area. Petitioner's plans illustrate the measures that will be taken to ensure the special use will not endanger the public health, safety, morals, comfort, or general welfare.

- b. *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; and*

Petitioner's plan for the special use involves taking measures above and beyond what is otherwise required pursuant to the Code. As previously mentioned, the Property is essentially surrounded by vacant farmland similarly zoned A-1 in Kendall County. Taking into consideration the nearby residential zoned properties in Oswego, Petitioner thoughtfully positioned the proposed kennel further east, thereby exceeding the 250' setback requirement from properties zoned residential. In addition, 6-foot privacy fencing will be provided around the perimeter of the Kennel facility to ensure the safety of the animals as well as maintain privacy from the nearby properties. Petitioner will also install any necessary security lighting and will not allow animals to be located outside at times other than during the hours of operation, which will comply with the standards set forth in the Code.

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

Petitioner is not proposing new access points to the Property for ingress and egress. Petitioner's home is currently located on the west end of the Property fronting Plainfield Road. Since there is already an existing curb cut, Petitioner's plan shows a driveway extending to the single-family home, as well as an extension of the driveway leading to the rear of the Property for customer access to the Kennel. Petitioner will provide adequate parking for its employees and customers in compliance with County requirements.

As it relates to plumbing, Petitioner is working with the Health Department to ensure all plumbing will comply with the Health Department's standards. In addition, the special use will not require additional drainage facilities for stormwater.

- d. *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; and*

Petitioner has requested a variance from the Code standards with respect to the 150' setback requirement from any property not zoned Residential. In all other respects, the special use conforms to the applicable regulations set forth in the Code. In addition, Petitioner's hours of operation will be from 6:00am-6:00pm, and Petitioner will ensure the animals will be indoors by sunset in compliance with the Code.

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

The special use is consistent with the Land Resource Management Plan (LRMP) in that the Property will still be used as a residence for the Petitioners who will be the sole owners and operators of the Kennel. The LRMP identifies specific goals and objectives with respect to Agricultural uses and specifically encourages opportunities for locally owned businesses while protecting the existing character of rural areas (*LRMP – Kendall County Northern Three Townships p. 34 & 44*). Traditional agricultural uses in Kendall County encourage farm animals and dairy and livestock farming. The special use involves animals, but is limited to household pets and will operate on a much smaller scale of less intensity than traditional farming operations. Therefore, the special use is consistent with the LRMP goals and objectives as it relates to Agricultural uses.

**VARIANCE FROM THE REQUIRED 150' FROM LOTS ZONED OTHER THAN RESIDENTIAL**

7. The variance meets the standards as set forth in the Code as follows:

- a. That the particular physical surroundings, shape, or topographical condition of 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; and*

The Property is shaped irregularly, which results in the particular hardship Petitioner is facing. If Petitioner elected to construct the Kennel where the Property is widest, another variance would be triggered as Petitioner would then not meet the 250' setback requirement from any residential zoned Property. Constructing the Kennel further east avoids Petitioner from the aforementioned variance, but results in the need for a variance from the Code requirement of the Kennel being located 150' from lots zoned other than residential due to the narrowing nature of the Property. Therefore, the shape of the Property is unique and creates a hardship out of the Petitioner's control.

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

The size of the Property and its configuration is very unique and not typical of other lots zoned Agricultural. Due to not only the size of the Property, but also its unique dimensions, Petitioner requires a variance where other Properties zoned Agricultural may not.

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

Petitioners purchased the Property in its current state and therefore, the lot configuration is an existing condition not caused by the Petitioners.

- d. 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; and*



The Property is immediately adjacent to Plainfield road and Agricultural zoned properties. The proposed special use will be located approximately 35 feet away from the southern Property line. Kendall County previously passed Ordinance No. 2016-02 granting a special use for the operation of a kennel facility, which included a structure located 25 feet from a non-residential zoned Property. Petitioner's proposal illustrates the use to be located further from the nearest adjacent property not zoned residential than the previously approved kennel. The request for a variance from the 150' setback requirement from all properties zoned other than residential will not have a negative impact on nearby properties given the agricultural nature of the surrounding properties. Moreover, there are no structures on adjacent properties within 100 feet of the Property.

- e. 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 the property values within the neighborhood.*

The requested variance would allow for construction of a Kennel as part of a special use. The proposed Kennel will not impair an adequate supply of light and air to adjacent properties as it will operate very similar to traditional Agricultural uses. The Kennel will not increase the congestion in the public streets as the peak times for visitors will be limited to 6:00am and 6:00pm, Monday through Friday, when customers are dropping off and picking up their pet(s). Lastly, the Kennel will be constructed in compliance with the applicable Code regulations and will not increase the danger of fire, endanger the public safety, or substantially diminish or impair nearby property values.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner respectfully petitions the County to (i) approve a special use to allow the operation of a Kennel on the Property; (ii) approve a variance from the 150' setback requirement from lots zoned other than

Residential as set forth in the A-1 zoning district in connection with the operation of a Kennel;  
and (iii) to approve such other relief from the Code as may be deemed necessary and appropriate  
to develop the Property consistent with the plans submitted herewith.

**RESPECTFULLY SUBMITTED** this 17<sup>th</sup> day of September, 2019.

PETITIONER:

John Gay & Laura Gay

By: 

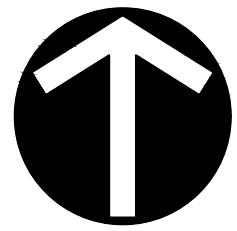
Caitlin E. Paloian  
Rosanova & Whitaker, Ltd.  
Attorney for Petitioners

**EXHIBIT A**

**LEGAL DESCRIPTION**

THAT PART OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, 1902.46 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY OF PLAINFIELD ROAD FOR A POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT OF WAY LINE OF PLAINFIELD ROAD WHICH FORMS AN ANGLE OF 129 DEGREES 35 MINUTES 20 SECONDS TO THE LEFT FROM A PROLONGATION OF THE LAST DESCRIBED LINE, 354.51 FEET TO A POINT IN THE CENTER LINE OF MORGAN CREEK; THENCE NORTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK WHICH FORMS AN ANGLE OF 71 DEGREES 58 MINUTES 30 SECONDS WITH THE LAST DESCRIBED LINE, MEASURED FROM SOUTHEAST TO NORTHWEST, 131.19 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET FOR AN ARC DISTANCE OF 100.42 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK, 933.39 FEET TO A POINT OF CURVATURE ; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE LEFT HAVING A RADIUS OF 753.23 FEET FOR AN ARC DISTANCE OF 149.51 FEET TO A POINT OF TANGENCY; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK 73.03 FEET; THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN ANGLE OF 95 DEGREES 25 MINUTES 11 SECONDS MEASURED FROM WEST TO SOUTH WITH THE LAST DESCRIBED LINE, 20.00 FEET TO A POINT IN SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, THENCE WESTERLY ALONG THE SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, 1107.30 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.





NORTH

# PLAT OF SURVEY OF

THAT PART OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, 1902.46 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY OF PLAINFIELD ROAD FOR A POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT OF WAY LINE OF PLAINFIELD ROAD WHICH FORMS AN ANGLE OF 129 DEGREES 35 MINUTES 20 SECONDS TO THE LEFT FROM A PROLONGATION OF THE LAST DESCRIBED LINE, 354.51 FEET TO A POINT IN THE CENTER LINE OF MORGAN CREEK; THENCE NORTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK WHICH FORMS AN ANGLE OF 71 DEGREES 58 MINUTES 30 SECONDS WITH THE LAST DESCRIBED LINE, MEASURED FROM SOUTHEAST TO NORTHEAST, 131.19 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET FOR AN ARC DISTANCE OF 100.42 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK, 933.39 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE LEFT HAVING A RADIUS OF 753.23 FEET FOR AN ARC DISTANCE OF 149.51 FEET TO A POINT OF TANGENCY; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK 73.03 FEET; THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN ANGLE OF 95 DEGREES 25 MINUTES 11 SECONDS MEASURED FROM WEST TO SOUTH WITH THE LAST DESCRIBED LINE, 20.00 FEET TO A POINT IN SAID SOUTH LINE OF THE NORTH HALF OF SECTION 28, THENCE WESTERLY ALONG THE SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, 1107.30 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

## AREA SUMMARY

GROSS AREA= 207,901 S.F. (4.773 ACRES)

LOCATION MAP  
(N.T.S.)

## OWNER

JOHN AND LAURA GAY  
3601 PLAINFIELD ROAD  
OSWEGO, IL 60543PIN: 03-28-100-008  
ADDRESS: 3663 PLAINFIELD ROAD  
LAND USE: AGRICULTURALPIN: 03-28-100-003  
ADDRESS: 3598 PLAINFIELD RD  
LAND USE: RESIDENTIALPIN: 03-28-100-014  
ADDRESS: 3576A PLAINFIELD RD  
LAND USE: RESIDENTIALPIN: 03-28-200-008  
ADDRESS: UNKNOWN  
LAND USE: AGRICULTURAL

## SURVEYOR'S NOTES

- COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE.
- COMPARE ALL POINTS ON THE GROUND BEFORE BUILDING BY SAME AND REPORT ANY DIFFERENCE AT ONCE.
- BUILDING LINES AND EASEMENTS INDICATED HAVE BEEN TAKEN FROM THE ORIGINAL RECORDED SUBDIVISION PLAT. FOR SUBSEQUENT EASEMENTS AND BUILDING LINES ADDED, ALTERED, OR NOT DEPICTED HEREIN, REFER TO YOUR TITLE POLICY, DEED OR INSTRUMENT CREATING SAME.
- IRON PIPE AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
- THE SURVEYED PROPERTY IS LOCATED IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FEMA FLOOD MAP NO. 17093C0065H WITH EFFECTIVE DATE OF JANUARY 8, 2014.
- THE SURVEYED PROPERTY IS WITHIN THE MORGAN CREEK DRAINAGE DISTRICT PER THE KENDALL COUNTY GIS ONLINE "MORGAN CREEK DRAINAGE DISTRICT KENDALL COUNTY -2013-" MAP.
- THE SURVEYED PROPERTY'S LAND USE IS A-1 AGRICULTURAL DISTRICT PER THE KENDALL COUNTY ONLINE GIS ZONING ORDINANCE.
- THERE WERE NO HABITABLE STRUCTURES OBSERVED WITHIN 100 FEET OF THE SURVEYED PROPERTY.

## SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }  
COUNTY OF DUPAGE } SS

I HEREBY CERTIFY THAT THIS PLAT, AND THE SURVEY UPON WHICH IT IS BASED, HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION. ALL DISTANCES ARE GIVEN IN FEET AND DECIMALS THEREOF.

THIS PLAT HAS BEEN PREPARED BY CIVIL &amp; ENVIRONMENTAL CONSULTANTS, INC. ILLINOIS LICENSED PROFESSIONAL DESIGN FIRM NO. 184.004002, LICENSE EXPIRES APRIL 30, 2021. FOR THE EXCLUSIVE USE OF THE CLIENT NOTED HEREON. REPRODUCTION OF USE BY THIRD PARTIES IS STRICTLY PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE UNDERSIGNED. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

FIELDWORK WAS COMPLETED ON AUGUST 29, 2019.

GIVEN UNDER MY HAND AND SEAL THIS 10TH DAY OF SEPTEMBER, 2019.

ILLINOIS LICENSED PROFESSIONAL LAND SURVEYOR NO. 035-002992  
LICENSED VALID THROUGH NOVEMBER 30, 2020SCALE IN FEET  
0 50 100

TOPOGRAPHIC SYMBOLS	TOPOGRAPHIC SYMBOLS
FLAG POLE	GROUND LIGHT
SIGN	LIGHT STANDARD
AC UNIT	BOLLARD
STORM MANHOLE	CATCH BASIN (TYPE)
CURB INLET	RISER PIPE
INLET (CIRCULAR)	DRAIN
BEEHIVE INLET SQUARE	INLET SQUARE
FLARED END SECTION	SANITARY MANHOLE
CLEAN OUT	COMBINATION MANHOLE
STAND PIPE (RISER)	LIFT STATION
WATER MANHOLE	WATER BOX (WATER VALVE)
FIRE HYDRANT	WATER WELL
SPRINKLER VALVE	WATERLINE MARKER
WATER METER	WATER PUMP
HOSE BIB BUILDING	PIV - POST INDICATOR VALVE
SPRINKLER HEAD	IRRIGATION VALVE
IRRIGATION CONTROL BOX	FIRE DEPT. CONNECTION
FIRE DEPT. CONNECTION (BLDG.)	FARM SPIGOT
GAS MANHOLE	GAS LINE MARKER
GAS BOX (GAS VALVE)	GAS METER
GAS TAP	PROpane TANK
GAS WELL	

## REVISION RECORD

NO.	DATE	DESCRIPTION
1	9/10/19	REVISE PER ATTORNEY REVIEW

## EXISTING LEGEND:

TOPOGRAPHIC SYMBOLS	TOPOGRAPHIC SYMBOLS
FLAG POLE	GROUND LIGHT
SIGN	LIGHT STANDARD
AC UNIT	BOLLARD
STORM MANHOLE	CATCH BASIN (TYPE)
CURB INLET	RISER PIPE
INLET (CIRCULAR)	DRAIN
BEEHIVE INLET SQUARE	INLET SQUARE
FLARED END SECTION	SANITARY MANHOLE
CLEAN OUT	COMBINATION MANHOLE
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SPRINKLER VALVE	WATERLINE MARKER
WATER METER	WATER PUMP
HOSE BIB BUILDING	PIV - POST INDICATOR VALVE
SPRINKLER HEAD	IRRIGATION VALVE
IRRIGATION CONTROL BOX	FIRE DEPT. CONNECTION
FIRE DEPT. CONNECTION (BLDG.)	FARM SPIGOT
GAS MANHOLE	GAS LINE MARKER
GAS BOX (GAS VALVE)	GAS METER
GAS TAP	PROpane TANK
GAS WELL	

EXISTING PROPERTY LINE  
EXISTING LOT LINES  
EXISTING RIGHT-OF-WAY  
EXISTING EASEMENT  
EXISTING OVERHEAD ELECTRIC



Civil &amp; Environmental Consultants, Inc.

1230 East Diehl Road, Suite 200 - Naperville, IL 60563  
Ph: 630.963.6026 - 877.963.6026 - Fax: 630.963.6027  
www.cecinc.com

## PLAT OF SURVEY

Situates In  
KENDALL COUNTY  
ILLINOISMade For  
MADONNA DEVELOPMENT INC.  
8801 W 143RD STREET  
ORLAND PARK, ILLINOIS 60462

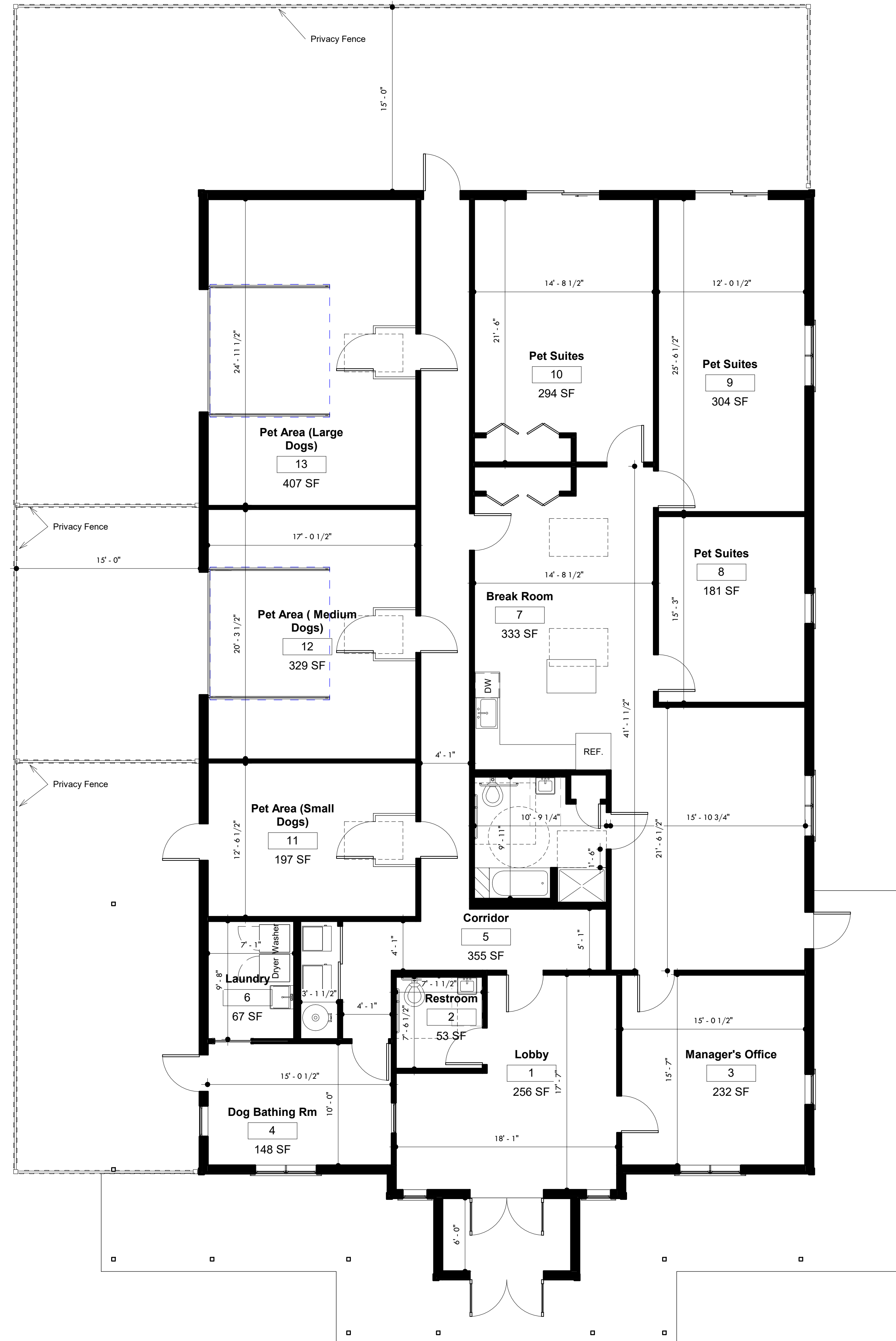
DATE: SEPTEMBER 4, 2019	SCALE: 1"=50'	DRAWING NO.: SV01
DRAWN BY: SRH	CHECKED BY: DRM	
PROJECT NO: 194-473.0001	APPROVED BY: DRM	







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① First Floor Plan  
3/16" = 1'-0"

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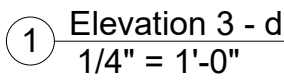
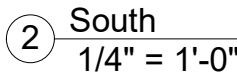
John and Laura Gay
The Pets Home Pet Resort and Spa
Floor Plan

Project number	2019-071
Date	2019-09-10
Drawn by	SAS
Checked by	Checker

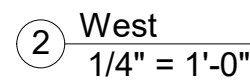
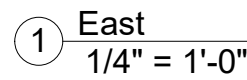
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Scale	3/16" = 1'-0"
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### Canopy Trees

### Decidious Shrubs

### Evergreen Shrubs

### Groundcovers, Grasses, and Perennials

<u>SYMBOL</u>	<u>QUANTITY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>COMMENTS</u>
MP	6	Miscanthus sinensis Purpurascens	Purple Miscanthus Grass	1 gal.	-

[illegible]

Project number	2019-071
Date	2019-09-10
Drawn by	Author
Checked by	Checker

A-3.0

Scale	As indicated
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[illegible]

Project number	2019-071
Date	2019-09-10
Drawn by	Author
Checked by	Checker

Scale	
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Fixture Type: F4

# LED TRADITIONAL WALLPACKS (SWPM)



**CONSTRUCTION:** Precision die-cast aluminum housing with stainless steel hardware, tempered borosilicate glass refractor and ingress resistant gasket. Knock-out on housing for available button photocell accessory

**LEDs:** Select High-performance LEDs. Color temperature available in 5000K and 4000K

**CRI:** Reference below Technical / Lumen Output chart

**ELECTRICAL:** Class 2 driver has universal voltage (120-277V, 50/60 Hz) input. 10Kv surge protection standard.

**DIMMING:** 0-10 volt dimming, standard

**OPERATING TEMPERATURE:** -35° through 40°C (-31° through 104°F)

**PHOTOCELL:** 120-277 photocell standard with cover.

**DISTRIBUTION:** Highly specular forward throw reflector

**FINISH:** Chip and fade resistant powder coat finish

**PHOTOMETRICS:** Please visit our web site at [www.lsi-industries.com](http://www.lsi-industries.com) for detailed photometric data

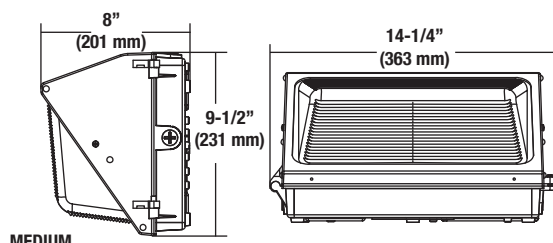
**INSTALLATION:** Luminaire features a back plate designed to be easily mounted to a 4" square electrical junction box

**EXPECTED LIFE:** Minimum 50,000 hours

**WARRANTY:** Limited 5-year warranty

**LISTING:** UL listed to U.S. and Canadian safety standards. Suitable for wet locations.

## DIMENSIONS



## TECHNICAL INFORMATION

SWPM	PL1		PL2	
Color Temperature	4000K	5000K	4000K	5000K
System Wattage	50w	50w	68w	68w
Replaces	150w HID	150w HID	250w HID	250w HID
Lumens	4837 lms	5018 lms	6237 lms	6365 lms
Lumens Per Watt	98 lpw	100 lpw	92 lpw	94 lpw
CRI	80	80	84	83
Dimensions (Inches)	7.5" x 14.3" x 9.2"			
Weight	8.82 lbs.			



**IP65**  
**lighting facts®**  
A Program of the U.S. DOE

LED TRADITIONAL  
WALLPACKS (SWPM)

## LUMINAIRE ORDERING INFORMATION

TYPICAL ORDER EXAMPLE: **SWPM WB LED PL1 40 UE BRZ PD**

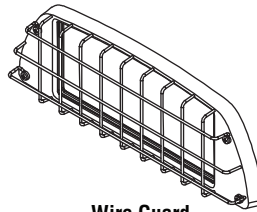
Fixture Type: F4

Prefix	Distribution	Light Source	Drive Current	Color Temperature	Input Voltage	Finish <sup>1</sup>	Controls
SWPM (Medium LED Wall Pack)	WB - Wide Beam Flood	LED	PL1 - Performance Level 1 PL2 - Performance Level 2	40 - 4000K 50 - 5000K	UE - Universal Voltage (120-277V)	BRZ - Bronze	PD - Photocell Dimming

1. Black, white and specialty finishes available. Consult factory for prices and lead time.

## ACCESSORIES ORDERING INFORMATION

Order Number	Description
SWPMWG - Medium Wire Guard	



Wire Guard

## BUG Listing

## SWPM - TYPE WB

Perform. Level	Color Temp. *	Lumens	Watts	LER	BUG Rating
PL1	40	4837	50	98	B1-U4-G3
	50	5018	50	100	B1-U4-G3
PL2	40	6239	68	92	B1-U4-G4
	50	6364	68	94	B1-U4-G4

\* Color Temperature: 40-4000K, 50-5000K



DESCRIPTION

The classic lines and sophisticated construction of Vision Site LED luminaire makes it an ideal complement to site design. Offering LED technology across the AVS and AVM, the Vision Site luminaire provides true family scaling in both physical form and lumen capability for architectural site lighting applications. UL/cUL listed for use in wet locations.

Catalog #		Type
Project		
Comments		Date
Prepared by		

SPECIFICATION FEATURES

Construction

**HOUSING:** Heavy-wall one-piece, die-cast aluminum housing has precise tolerance control and repeatability in manufacturing. Housing features a partition wall that isolates driver components for cooler operation. Integral aluminum heat sink provides superior thermal heat transfer in +40°C ambient environments. **DOOR:** One-piece, die-cast aluminum construction with tool-less release latch. Door swings down and is retained on two catch hinges. **GASKET:** Continuous gasket provided to seal housing to optic tray. **LENS:** Downlight lens is LED board integrated acrylic over-optics, each individually sealed for IP66 rating. **HARDWARE:** Tool-less release door latch is stainless steel/aluminum construction, painted to match housing and allows access to internal housing and electrical components.

Optics

Choice of twelve patented, high-efficiency AccuLED Optics™ distributions. Optics are precisely designed to shape the light output, maximizing efficiency and application spacing. AccuLED Optics technology creates consistent distributions with the scalability to meet customized application requirements. Offered Standard in 4000K (+/- 275K) CCT and minimum 70 CRI. Optional 3000K CCT, 5000K CCT and 5700K

CCT. For the ultimate level of spill light control, an optional house-side shield accessory can be field or factory installed. The house-side shield is designed to seamlessly integrate with the SL2, SL3 or SL4 optics.

Electrical

LED drivers mount to die-cast aluminum back housing for optimal heat sinking, operation efficacy, and prolonged life. Standard drivers feature electronic universal voltage (120-277V 50/60Hz), 347V 60Hz or 480V 60Hz operation. 480V is compatible for use with 480V Wye systems only. Greater than 0.9 power factor, less than 20% harmonic distortion, and is suitable for operation in -40°C to 40°C ambient environments. All fixtures are shipped standard with 10kV/10kA common – and differential – mode surge protection. LightBARs feature and IP66 enclosure rating and maintain greater than 95% lumen maintenance at 60,000 hours per IESNA TM-21. Occupancy sensor and dimming options available.

Mounting

**ARM:** One-piece extruded aluminum arm available in standard 5" lengths (AVS) and 6" and 10" (AVM). Internal bolts guides allow easy positioning of fixture during installation to pole or wall surface. **STRUCTURAL MOUNT:** Die-cast aluminum cleat

factory mounted to luminaire and finished in luminaire color. Stainless steel structural rod measures 1/2" in diameter and is provided in luminaire finish color or optional natural finish. Product works in conjunction with dedicated accessory arms (order separately). Poles are provided pre-drilled when structural mount option drill pattern is specified. Additional mounting accessories available.

Finish

Housing is finished in five-stage super premium TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. LightBAR cover plates are standard white and may be specified to match finish of luminaire housing. Standard colors include black, bronze, grey, white, dark platinum and graphite metallic. RAL and custom color matches available. Consult Outdoor Architectural Colors brochure for a complete selection.

Warranty

Five-year warranty.



AVS/AVM  
VISION SITE LED

1 - 6 LightBARs  
Solid State LED

AREA/SITE LUMINAIRE



CERTIFICATION DATA

UL/cUL Listed  
ISO 9001  
IP66 LightBARs  
LM79 / LM80 Compliant  
1.5 G Vibration Tested  
DesignLights Consortium™ Qualified\*

ENERGY DATA

**Electronic LED Driver**  
>0.9 Power Factor  
<20% Total Harmonic Distortion  
120-277V/50 & 60Hz, 347V/60Hz, 480V/60Hz  
-30°C Minimum Temperature  
40°C Ambient Temperature Rating

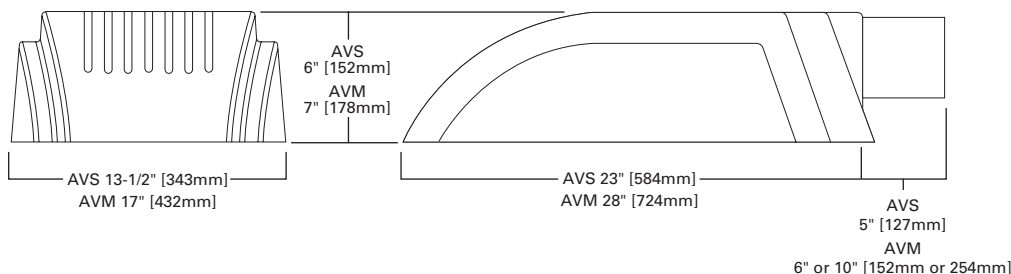
EPA

**Effective Projected Area:** (Sq. Ft.)  
**AVS Single:** 1.18 w/Arm  
**AVS Single Structural:** 1.27 w/Arm  
**AVM Single:** 1.89 w/Arm  
**AVM Single Structural:** 2.09 w/Arm

SHIPPING DATA

**Approximate Net Weight:**  
**AVS:** 35 lbs. (15.91 kgs.)  
**AVM:** 51 lbs. (23.18 kgs.)

DIMENSIONS



POWER AND LUMENS BY BAR COUNT (21 LED LIGHTBAR)

Number of LightBARs		E01	E02	E03	E04	E05	E06
Drive Current		350mA Drive Current					
Power (Watts)		25W	52W	75W	97W	127W	150W
Current @ 120V (A)		0.22	0.44	0.63	0.82	1.07	1.26
Current @ 277V (A)		0.10	0.20	0.28	0.36	0.48	0.56
Power (Watts)		31W	58W	82W	99W	132W	159W
Current @ 347V (A)		0.11	0.19	0.28	0.29	0.39	0.48
Current @ 480V (A)		0.09	0.15	0.20	0.21	0.30	0.36
T2	Lumens	3,064	6,128	9,192	12,255	15,319	18,383
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3
T3	Lumens	3,084	6,168	9,252	12,336	15,420	18,504
	BUG Rating	B1-U0-G1	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3
T4	Lumens	3,022	6,044	9,066	12,088	15,110	18,132
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3
5MQ	Lumens	3,224	6,448	9,672	12,896	16,120	19,344
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2
5WQ	Lumens	3,184	6,368	9,551	12,735	15,919	19,103
	BUG Rating	B2-U0-G1	B3-U0-G1	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3
5XQ	Lumens	3,181	6,361	9,542	12,722	15,903	19,083
	BUG Rating	B2-U0-G2	B3-U0-G2	B3-U0-G3	B4-U0-G3	B4-U0-G4	B4-U0-G4
SL2	Lumens	3,055	6,110	9,165	12,220	15,275	18,331
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3
SL3	Lumens	3,036	6,072	9,108	12,145	15,181	18,217
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3
SL4	Lumens	2,954	5,908	8,862	11,816	14,771	17,725
	BUG Rating	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3
RW	Lumens	3,124	6,248	9,372	12,496	15,620	18,744
	BUG Rating	B2-U0-G2	B3-U0-G3	B3-U0-G3	B4-U0-G4	B4-U0-G4	B4-U0-G4
SLL/SLR	Lumens	2,782	5,565	8,347	11,130	13,912	16,695
	BUG Rating	B1-U0-G1	B1-U0-G2	B1-U0-G3	B2-U0-G3	B2-U0-G3	B2-U0-G4

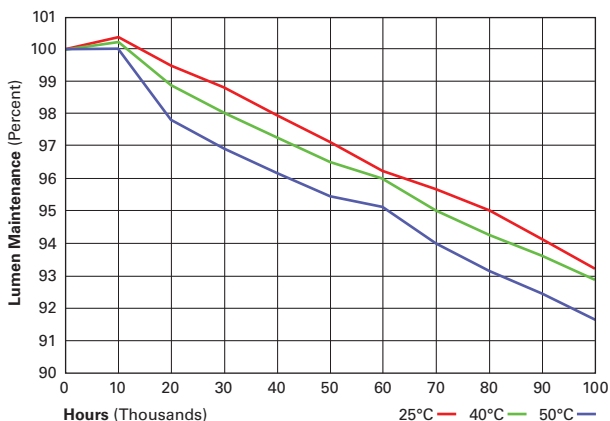
LUMEN MAINTENANCE

Ambient Temperature	25,000 Hours*	50,000 Hours*	60,000 Hours*	100,000 Hours	Theoretical L70 (Hours)
25°C	> 99%	> 97%	> 96%	> 93%	> 450,000
40°C	> 98%	> 97%	> 96%	> 92%	> 425,000
50°C	> 97%	> 96%	> 95%	> 91%	> 400,000

\* Per IESNA TM-21 data.

LUMEN MULTIPLIER

Ambient Temperature	Lumen Multiplier
10°C	1.02
15°C	1.01
25°C	1.00
40°C	0.99



POWER AND LUMENS BY BAR COUNT (7 LED LIGHTBAR)

Number of LightBARs		F01	F02	F03	F04	F05	F06
Drive Current		1A Drive Current					
Power (Watts)		26W	55W	78W	102W	133W	157W
Current @ 120V (A)		0.22	0.46	0.66	0.86	1.12	1.31
Current @ 277V (A)		0.10	0.21	0.29	0.37	0.50	0.58
Power (Watts)		32W	60W	85W	105W	137W	164W
Current @ 347V (A)		0.11	0.19	0.28	0.30	0.41	0.49
Current @ 480V (A)		0.09	0.15	0.21	0.22	0.31	0.37
T2	Lumens	2,529	5,059	7,588	10,117	12,646	15,176
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3
T3	Lumens	2,546	5,092	7,638	10,183	12,729	15,275
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3
T4	Lumens	2,495	4,990	7,484	9,979	12,474	14,969
	BUG Rating	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G3
5MQ	Lumens	2,662	5,323	7,985	10,646	13,308	15,969
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2
5WQ	Lumens	2,628	5,257	7,885	10,513	13,142	15,770
	BUG Rating	B2-U0-G1	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2
5XQ	Lumens	2,626	5,251	7,877	10,502	13,128	15,754
	BUG Rating	B2-U0-G1	B3-U0-G2	B3-U0-G3	B4-U0-G3	B4-U0-G3	B4-U0-G4
SL2	Lumens	2,522	5,044	7,566	10,088	12,610	15,132
	BUG Rating	B1-U0-G1	B1-U0-G1	B2-U0-G2	B2-U0-G2	B2-U0-G2	B3-U0-G3
SL3	Lumens	2,506	5,013	7,519	10,026	12,532	15,039
	BUG Rating	B1-U0-G1	B1-U0-G1	B1-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G3
SL4	Lumens	2,439	4,877	7,316	9,755	12,193	14,632
	BUG Rating	B1-U0-G1	B1-U0-G2	B1-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G3
RW	Lumens	2,579	5,158	7,737	10,316	12,894	15,473
	BUG Rating	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B4-U0-G4	B4-U0-G4
SLL/SLR	Lumens	2,297	4,594	6,891	9,188	11,485	13,782
	BUG Rating	B1-U0-G1	B1-U0-G2	B1-U0-G2	B1-U0-G3	B2-U0-G3	B2-U0-G3

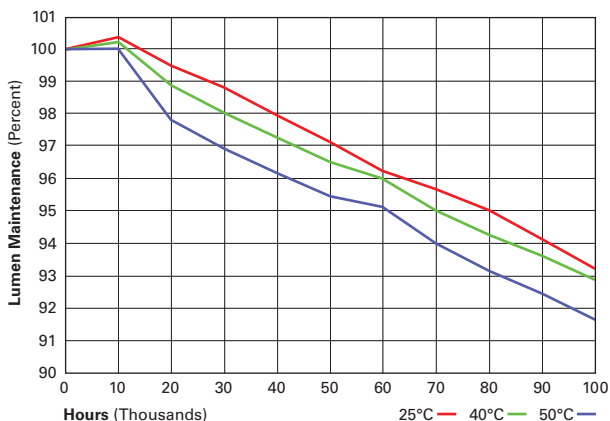
LUMEN MAINTENANCE

Ambient Temperature	25,000 Hours*	50,000 Hours*	60,000 Hours*	100,000 Hours	Theoretical L70 (Hours)
25°C	> 99%	> 97%	> 96%	> 93%	> 450,000
40°C	> 98%	> 97%	> 96%	> 92%	> 425,000
50°C	> 97%	> 96%	> 95%	> 91%	> 400,000

\* Per IESNA TM-21 data.

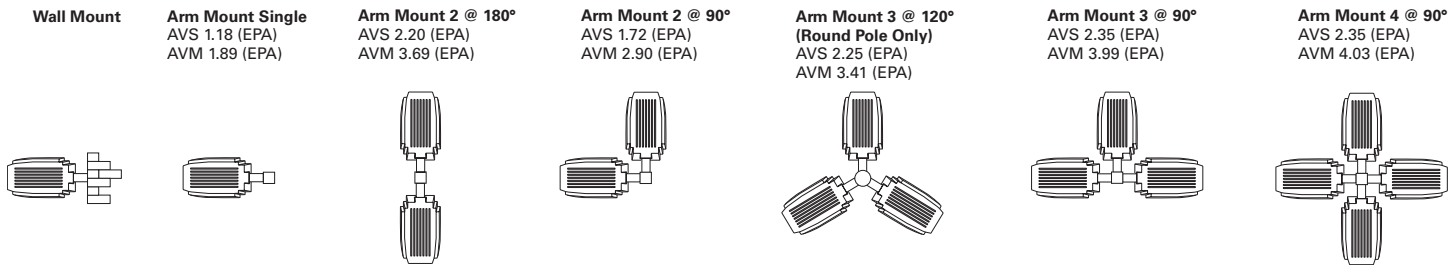
LUMEN MULTIPLIER

Ambient Temperature	Lumen Multiplier
10°C	1.02
15°C	1.01
25°C	1.00
40°C	0.99

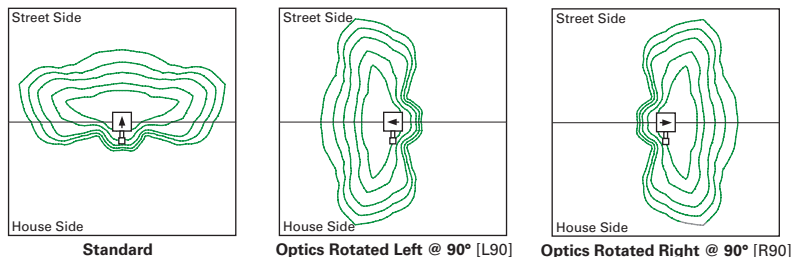




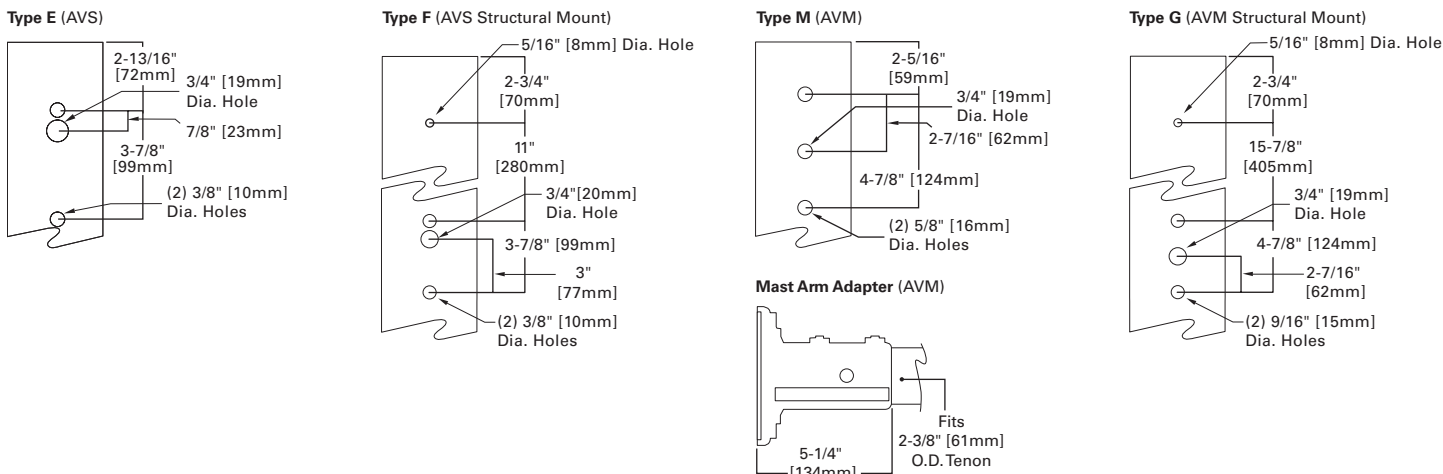
MOUNTING VARIATIONS AND EPAS



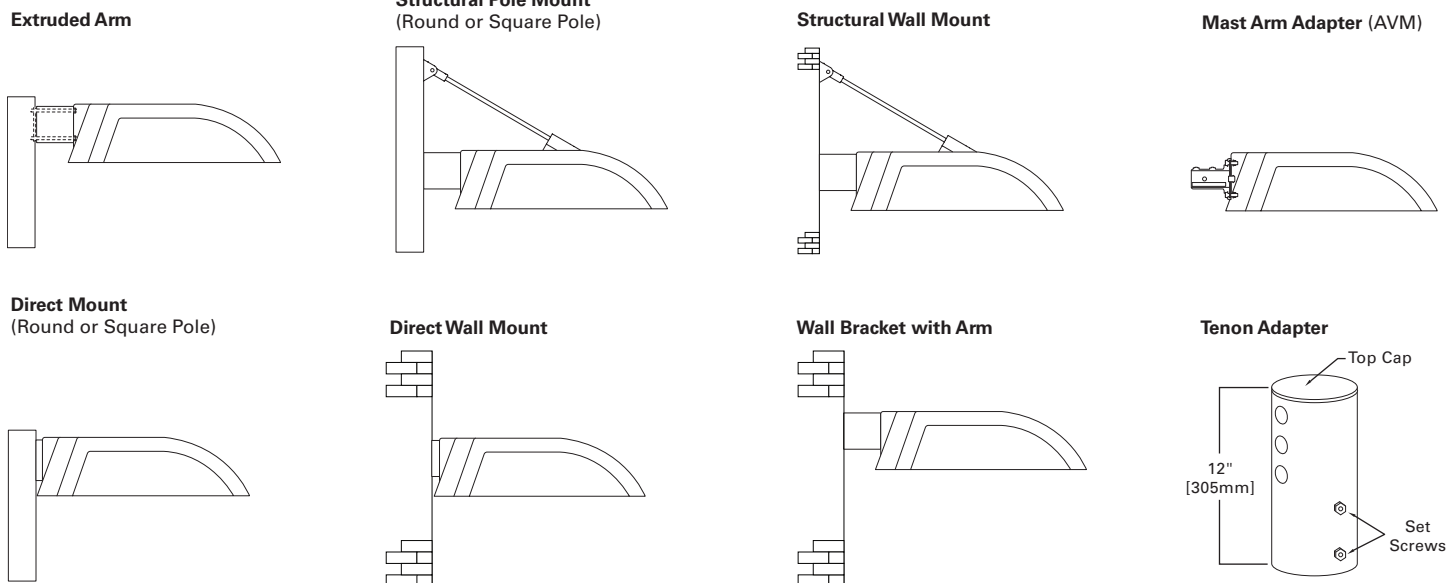
OPTIC ORIENTATION



POLE DRILLING PATTERNS AND MOUNTING OPTIONS



MOUNTING OPTIONS AND ACCESSORIES



ORDERING INFORMATON

Sample Number: AVS-E04-LED-E-U-T3-AP-CPS

Product Family <sup>1,2,3</sup>	Number of LightBARs <sup>4,5</sup>	Lamp Type	Ballast Type	Voltage	Distribution	Color <sup>8</sup>
AVS=Vision Site Small AVM=Vision Site Medium	E01=(1) 21 LED LightBAR E02=(2) 21 LED LightBARs E03=(3) 21 LED LightBARs E04=(4) 21 LED LightBARs E05=(5) 21 LED LightBARs <sup>6</sup> E06=(6) 21 LED LightBARs <sup>6</sup> F01=(1) 7 LED LightBAR F02=(2) 7 LED LightBARs F03=(3) 7 LED LightBARs F04=(4) 7 LED LightBARs F05=(5) 7 LED LightBARs <sup>6</sup> F06=(6) 7 LED LightBARs <sup>6</sup>	LED=Solid State Light Emitting Diode	E=Electronic	U=Universal (120-277V) 8=480V <sup>7</sup> 9=347V	T2=Type II T3=Type III T4=Type IV 5MQ=Type V Square Medium 5WQ=Type V Square Wide 5XQ=Type V Square Extra Wide RW=Rectangular Wide SL2=Type II with Spill Control SL3=Type III with Spill Control SL4=Type IV with Spill Control SLL=90° Spill Light Eliminator Left SLR=90° Spill Light Eliminator Right	AP=Grey BZ=Bronze BK=Black DP=Dark Platinum GM=Graphite Metallic WH=White
Structural Options <sup>3,9</sup>			Options (Add as Suffix)			
<b>Pole Mount</b> CPS=Strut Rod/Square Pole (Painted to match fixture. Does not include arm) <sup>10</sup> CSS=Strut Rod/Square Pole Stainless Steel (Clevis painted to match fixture. Does not include arm) <sup>10</sup> CPR=Strut Rod/Round Pole (Painted to match fixture. Does not include arm) <sup>11</sup> CSR=Strut Rod/Round Pole Stainless Steel (Clevis painted to match fixture. Does not include arm) <sup>11</sup>  <b>Wall Mount</b> CPW=Strut Rod/Wall Mount (Painted to match fixture. Does not include arm) <sup>12</sup> CSW=Strut Rod/Wall Mount Stainless Steel (Clevis painted to match fixture. Does not include arm) <sup>12</sup>			2L=Two Circuits <sup>13</sup> 7030=70 CRI / 3000K CCT 7050=70 CRI / 5000K CCT <sup>14</sup> 7060=70 CRI / 5700K CCT 8030=80 CRI / 3000K CCT L90=Optics Rotated Left 90° R90=Optics Rotated Right 90° 3=Three-Position Terminal Block 4=NEMA Photocontrol Receptacle U=UL Listed/CSA Certified ICB=Integral Cold Weather Battery Pack (Specify 120 or 277V) <sup>15</sup> DIM=0-10V Dimming Driver MS-LXX=Motion Sensor for ON/OFF Operation <sup>16</sup> MS/X-LXX=Motion Sensor for Bi-Level Switching <sup>17</sup> DIMRF-LW=LumaWatt Wireless Sensor, Wide Lens for 8' - 16' Mounting Height <sup>18</sup> DIMRF-LN=LumaWatt Wireless Sensor, Narrow Lens for 16' - 40' Mounting Height <sup>18</sup> HSS=Field Installed House Side Shield <sup>19</sup>			
Accessories (Order Separately) <sup>20</sup>						
OA/RA1016=NEMA Photocontrol - Multi-Tap OA/RA1027=NEMA Photocontrol - 480V OA/RA1201=NEMA Photocontrol - 347V OA1223=10kV Circuit Module Replacement LS/HSS=Factory Installed House Side Shield <sup>21</sup>  AVS SA1071-XX=5" Arm for Square Pole SA1073-XX=Direct Mount for Square Pole SA1074-XX=5" Arm for Round Pole SA1076-XX=Direct Mount for Round Pole SA1077-XX=Wall Bracket with 5" Arm <sup>22</sup> SA1200-XX=Direct Wall Mount Kit <sup>22</sup> SA1101-XX=Single Tenon Adapter for 2-3/8" O.D. Tenon SA1102-XX=2 @180° Tenon Adapter for 2-3/8" O.D. Tenon SA1103-XX=3 @120° Tenon Adapter for 2-3/8" O.D. Tenon SA1104-XX=4 @90° Tenon Adapter for 2-3/8" O.D. Tenon SA1105-XX=2 @90° Tenon Adapter for 2-3/8" O.D. Tenon SA1106-XX=3 @90° Tenon Adapter for 2-3/8" O.D. Tenon SA1107-XX=2 @120° Tenon Adapter for 2-3/8" O.D. Tenon		SA1108-XX=Single Tenon Adapter for 3-1/2" O.D. Tenon SA1109-XX=2 @180° Tenon Adapter for 3-1/2" O.D. Tenon SA1110-XX=3 @120° Tenon Adapter for 3-1/2" O.D. Tenon SA1111-XX=4 @90° Tenon Adapter for 3-1/2" O.D. Tenon SA1112-XX=2 @90° Tenon Adapter for 3-1/2" O.D. Tenon SA1113-XX=3 @90° Tenon Adapter for 3-1/2" O.D. Tenon SA1114-XX=2 @120° Tenon Adapter for 3-1/2" O.D. Tenon  AVM SA1050-XX=6" Arm for Square Pole SA1051-XX=10" Arm for Square Pole <sup>23</sup> SA1052-XX=6" Arm for Round Pole SA1053-XX=10" Arm for Round Pole <sup>23</sup> SA1054-XX=Wall Mount Kit with 6" Arm SA1056-XX=Direct Mount for Square Pole SA1057-XX=Direct Mount for Round Pole SA1058-XX=Wall Bracket with 6" Arm <sup>22</sup> SA1201-XX=Direct Wall Mount Kit <sup>22</sup> SA1207-XX=Mast Arm Adapter		SA1231-XX=Structural Mount Wall Mount Arm <sup>24</sup> SA1017-XX=Single Tenon Adapter for 2-3/8" O.D. Tenon SA1018-XX=2 @180° Tenon Adapter for 2-3/8" O.D. Tenon SA1019-XX=3 @120° Tenon Adapter for 2-3/8" O.D. Tenon SA1045-XX=4 @90° Tenon Adapter for 2-3/8" O.D. Tenon SA1048-XX=2 @90° Tenon Adapter for 2-3/8" O.D. Tenon SA1115-XX=3 @90° Tenon Adapter for 2-3/8" O.D. Tenon SA1116-XX=2 @120° Tenon Adapter for 2-3/8" O.D. Tenon SA1010-XX=Single Tenon Adapter for 3-1/2" O.D. Tenon SA1011-XX=2 @180° Tenon Adapter for 3-1/2" O.D. Tenon SA1012-XX=3 @120° Tenon Adapter for 3-1/2" O.D. Tenon SA1013-XX=4 @90° Tenon Adapter for 3-1/2" O.D. Tenon SA1014-XX=2 @90° Tenon Adapter for 3-1/2" O.D. Tenon SA1015-XX=2 @120° Tenon Adapter for 3-1/2" O.D. Tenon SA1016-XX=3 @90° Tenon Adapter for 3-1/2" O.D. Tenon		

- NOTES:**
- Customer is responsible for engineering analysis to confirm pole and fixture compatibility for all applications. Refer to our white paper WP513001EN for additional support information.
  - DesignLights Consortium™ Qualified. Refer to [www.designlights.org](http://www.designlights.org) Qualified Products List under Family Models for details.
  - Arm not included. Order separately.
  - Standard 4000K CCT and greater than 70 CRI.
  - 21 LED LightBAR powered at 350mA, 7 LED LightBAR powered at 1A.
  - Available on AVM only.
  - Only for use with 480V Wye systems. Per NEC, not for use with ungrounded systems, impedance grounded systems or corner grounded systems (commonly known as Three Phase Three Wire Delta, Three Phase High Leg Delta and Three Phase Corner Grounded Delta systems).
  - Custom and RAL color matching available upon request. Consult your customer service representative for more information.
  - Add as suffix in the order shown.
  - Compatible with 5" SA1071 (AVS) or 10" SA1051 (AVM) arm only.
  - Compatible with 5" SA1074 (AVS) or 10" SA1053 (AVM) arm only.
  - Wall mount structural options do not include arm assembly (See accessories). Compatible with 5" SA1071 (AVS) or SA1231 (AVM) arm only.
  - Low-level output varies by bar count. Consult factory. Requires two or more light bars.
  - Extended lead times apply. See website for IES files.
  - Available with E01-E02 and F01-F02 configurations only (AVS) or E01-E04 and F01-F04 configurations only (AVM). Specify 120V or 277V. LED cold weather integral battery pack is rated for minimum operating temperature -4°F (-20°C). Operates one light bar for 90-minutes. Not available in all configurations, consult factory. Rated for use in 25°C ambient.
  - Sensor mounted to the luminaire. Available in E01-E04 and F01-F04 configurations (AVS) or E01-E06 and F01-F06 configurations (AVM). Replace XX with mounting height in feet for proper lens selection (e.g., MS-L25). Consult factory for more information.
  - Sensor mounted to the luminaire. Available in E02-E04 and F02-F04 configurations (AVS) or E01-E06 and F01-F06 configurations (AVM). Replace X with number of light bars operating at low output mode and replace XX with mounting height in feet for proper lens selection (e.g., MS/3-L25). Maximum four light bars in low output mode. Consult factory for more information.
  - LumaWatt wireless sensors are factory installed only requiring network components RF-EM1, RF-GW1 and RF-ROUT1 in appropriate quantities. See [www.eaton.com/lighting](http://www.eaton.com/lighting) for LumaWatt application information.
  - Only for use with SL2, SL3 and SL4 distributions. Not available with L90 or R90 options.
  - Replace XX with color designation.
  - One required for each light bars. Not available with L90 or R90 options.
  - For use in downlighting applications only.
  - Use when mounting fixture heads at 90° increments.
  - Includes arm only. Must specify CPW or CSW in fixture ordering logic. Downlighting applications only.



## ASX ALUMINUM SQUARE STRAIGHT

Catalog #		Type
Project		
Comments		Date
Prepared by		

### FEATURES

- Straight square shaft 6005-T6 aluminum alloy polished
- 356-T6 cast aluminum alloy base with aluminum knock-in bolt covers
- 8'-35' mounting heights
- Drilled or tenon (specify)

### DESIGN CONSIDERATIONS

Wind induced vibrations resulting from steady, unidirectional winds and other aerodynamic forces, as well as vibration and coefficient of height factors for non-grounded mounted installations (e.g., installations on bridges or buildings) are not included in this document. The information contained herein is for general guidance only and is not a replacement for professional judgement. Consult with a professional, and local and federal standards, before ordering to ensure product is appropriate for the intended purpose and installation location. Also, please review Eaton's Light Pole White Paper for risk factors and design considerations. [Learn more.](#)

Specifications and dimensions subject to change without notice. Consult your lighting representative at Eaton or visit [www.eaton.com/lighting](http://www.eaton.com/lighting) for available options, accessories and ordering information.

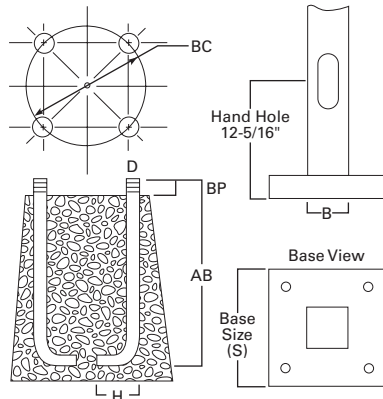
### ORDERING INFORMATION

SAMPLE NUMBER: ASX4T08WGMM1G

Product Family	Shaft Size (Inches) <sup>1</sup>	Wall Thickness (Inches)	Mounting Height (Feet)	Base Type	Finish	Mounting Type	Number and Location of Arms	Options (Add as Suffix)
ASX=Aluminum Square Straight	4=4" 5=5" 6=6" 9=9" Steel; 6-3/4" Aluminum	T=0.125" M=0.188" X=0.250"	8=8' 10=10' 12=12' 15=15' 18=18' 20=20' 25=25' 30=30' 35=35'	W=Aluminum	AP=Grey BA=Anodized Bronze BK=Black BZ=Bronze CA=Anodized Clear DA=Anodized Black DP=Dark Platinum GM=Graphite Metallic GN=Hartford Green WH=White	2=2-3/8" O.D. Tenon (4" Long) 3=3-1/2" O.D. Tenon (5" Long) 4=4" O.D. Tenon (6" Long) - Slide/Flite/Epic 5=3" O.D. Tenon (4" Long) - Mesa 6=2-3/8" O.D. Tenon (6" Long) 7=4" O.D. Tenon (10" Long) - SDM1/SDM2 A=Type A Drilling C=Type C Drilling E=Type E Drilling F=Type F Drilling G=Type G Drilling J=Type J Drilling K=Type K Drilling M=Type M Drilling N=Type N Drilling X=None	1=Single 2=2 at 180° 3=Triple <sup>2</sup> 4=4 at 90° 5=2 at 90° X=None	A=1/2" Tapped Hub <sup>3</sup> B=3/4" Tapped Hub <sup>3</sup> G=Ground Lug H=Additional Hand Hole <sup>4</sup> V=Vibration Damper C=Convenience Outlet <sup>5</sup> E=GFCI Convenience Outlet <sup>5</sup> F=Vibration Pad

**NOTES:** 1. All shaft sizes nominal. 2. Square poles are 3 at 90°, round poles are 3 at 120°. 3. Tapped Hub is located 5' below the pole top and on the same side of pole as hand hole, unless specified otherwise. 4. Additional hand hole is located 12" below pole top and 90° from standard hand hole location, unless otherwise specified. 5. Outlet is located 4' above base and on same side of pole as hand hole, unless specified otherwise. Receptacle not included, provision only.

### DIMENSIONS



See technical information.

## Attachment 3, Page 15

## Effective Projected Area (At Pole Top)

Mounting Height (Feet)	Catalog Number <sup>1,2</sup>	Wall Thickness (Inches)	Base Square <sup>3</sup> (Inches)	Bolt Circle Diameter (Inches)	Anchor Bolt Projection <sup>3</sup> (Inches)	Shaft Size <sup>3</sup> (Inches)	Anchor Bolt Diameter x Length x Hook (Inches)	Net Weight (Pounds)	Maximum Effective Projected Area (Square Feet) <sup>4</sup>				Max. Fixture Load - Includes Bracket (Pounds)
MH			S	BC	BP	B	D x AB x H		70 mph	80 mph	90 mph	100 mph	
8	ASX4T08W	0.125	10	9	3-1/8	4	3/4 x 17 x 3	23	26.6	19.9	15.2	11.9	350
12	ASX4T12W	0.125	10	9	3-1/8	4	3/4 x 17 x 3	32	16.0	11.5	8.5	6.3	260
15	ASX4T15W	0.125	10	9	3-1/8	4	3/4 x 17 x 3	39	9.1	6.2	4.2	2.8	200
15	ASX4M15W	0.188	10	9	3-1/8	4	3/4 x 17 x 3	55	14.8	10.6	7.7	5.6	200
15	ASX5T15W	0.125	11-9/16	11	3-1/4	5	3/4 x 17 x 3	52	16.0	11.3	8.1	5.8	260
18	ASX4T18W	0.125	10	9	3-1/8	4	3/4 x 17 x 3	46	6.4	4.0	2.3	1.1	100
18	ASX4M18W	0.188	10	9	3-1/8	4	3/4 x 17 x 3	66	11.0	7.4	5.0	3.3	150
18	ASX5T18W	0.125	11-9/16	11	3-1/4	5	3/4 x 17 x 3	61	11.8	7.8	5.1	3.2	150
18	ASX5M18W	0.188	11-9/16	11	3-1/4	5	3/4 x 17 x 3	85	19.2	13.5	9.6	6.8	260
20	ASX4M20W	0.188	10	9	3-1/8	4	3/4 x 17 x 3	72	8.8	5.6	3.5	1.9	150
20	ASX5T20W	0.125	11-9/16	11	3-1/4	5	3/4 x 17 x 3	66	9.5	5.9	3.5	1.7	100
20	ASX5M20W	0.188	11-9/16	11-1/8	3-1/4	5	3/4 x 17 x 3	94	16.4	11.2	7.6	5.0	150
25	ASX5M25W	0.188	11-1/2	11	3-1/4	5	3/4 x 17 x 3	115	10.2	6.0	3.2	1.1	100
25	ASX6M25W	0.188	12-3/4	12-1/2	4	6	1 x 36 x 4	140	16.6	10.6	6.5	3.5	260
30	ASX6X30W	0.250	12-3/4	12-1/2	4	6	1 x 36 x 4	215	14.8	9.0	5.0	2.1	260
30	ASX9X30W <sup>5</sup>	0.250	15-1/8	14-5/8	4-1/8	6-3/4	1 x 36 x 4	237	21.1	13.5	8.2	4.5	260
35	ASX9X35W <sup>5</sup>	0.250	15-1/8	14-5/8	4-1/8	6-3/4	1 x 36 x 4	274	14.1	7.6	3.1	--	150

## Effective Projected Area (18" Above Pole Top)

Mounting Height (Feet)	Catalog Number <sup>1,2</sup>	Wall Thickness (Inches)	Base Square <sup>3</sup> (Inches)	Bolt Circle Diameter (Inches)	Anchor Bolt Projection <sup>3</sup> (Inches)	Shaft Size <sup>3</sup> (Inches)	Anchor Bolt Diameter x Length x Hook (Inches)	Net Weight (Pounds)	Maximum Effective Projected Area (Square Feet) <sup>4</sup>				Max. Fixture Load - Includes Bracket (Pounds)
MH			S	BC	BP	B	D x AB x H		70 mph	80 mph	90 mph	100 mph	
8	ASX4T08W	0.125	10	9	3-1/8	4	3/4 x 17 x 3	23	22.2	16.6	12.7	10	350
12	ASX4T12W	0.125	10	9	3-1/8	4	3/4 x 17 x 3	32	14.1	10.1	7.4	5.5	260
15	ASX4T15W	0.125	10	9	3-1/8	4	3/4 x 17 x 3	39	8.2	5.6	3.8	2.5	200
15	ASX4M15W	0.188	10	9	3-1/8	4	3/4 x 17 x 3	55	13.4	9.6	6.9	5.1	200
15	ASX5T15W	0.125	11-9/16	11	3-1/4	5	3/4 x 17 x 3	52	14.4	10.2	7.3	5.2	260
18	ASX4T18W	0.125	10	9	3-1/8	4	3/4 x 17 x 3	46	5.9	3.6	2.1	0.9	100
18	ASX4M18W	0.188	10	9	3-1/8	4	3/4 x 17 x 3	66	10.0	6.8	4.6	3.0	150
18	ASX5T18W	0.125	11-9/16	11	3-1/4	5	3/4 x 17 x 3	61	10.8	7.2	4.7	2.9	150
18	ASX5M18W	0.188	11-9/16	11	3-1/4	5	3/4 x 17 x 3	85	17.6	12.4	8.8	6.2	260
20	ASX4M20W	0.188	10	9	3-1/8	4	3/4 x 17 x 3	72	8.1	5.2	3.2	1.7	150
20	ASX5T20W	0.125	11-9/16	11	3-1/4	5	3/4 x 17 x 3	66	8.8	5.5	3.2	1.5	100
20	ASX5M20W	0.188	11-9/16	11-1/8	3-1/4	5	3/4 x 17 x 3	94	15.2	10.3	7.0	4.7	150
25	ASX5M25W	0.188	11-1/2	11	3-1/4	5	3/4 x 17 x 3	115	9.5	5.6	3.0	1.0	100
25	ASX6M25W	0.188	12-3/4	12-1/2	4	6	1 x 36 x 4	140	15.6	9.9	6.1	3.3	260
30	ASX6X30W	0.250	12-3/4	12-1/2	4	6	1 x 36 x 4	215	14.0	8.5	4.7	2.0	260
30	ASX9X30W <sup>5</sup>	0.250	15-1/8	14-5/8	4-1/8	6-3/4	1 x 36 x 4	237	20.0	12.8	7.8	4.3	260
35	ASX9X35W <sup>5</sup>	0.250	15-1/8	14-5/8	4-1/8	6-3/4	1 x 36 x 4	274	13.5	7.2	2.9	--	150

## NOTES:

1. Catalog number includes pole with hardware kit. Anchor bolts not included. Before installing, make sure proper anchor bolts and templates are obtained.
2. Tenon size or machining for rectangular arms must be specified. Hand hole position relative to drill location.
3. Shaft size, base square, anchor bolts and projections may vary slightly. All dimensions nominal.
4. EPAs based on shaft properties with wind normal to flat. EPAs calculated using base wind velocity as indicated plus 30% gust factor.
5. Factory installed vibration damper.







*Applicant:* Civil and Environmental Consultants, Inc  
*Contact:* Ian Jorgensen  
*Address:* 1230 E. Diehl Road  
 Suite 200  
 Naperville, IL 60563

*IDNR Project Number:* 2003061  
*Date:* 09/23/2019  
*Alternate Number:* 2000749

*Project:* 3601 Plainfield Road  
*Address:* 3601 Plainfield Road, Oswego

*Description:* The development of a property with a native drainage feature within the property constraints.

## 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, 28



### **IL Department of Natural Resources**

#### **Contact**

Brian Willard  
 217-785-5500  
 Division of Ecosystems & Environment

### **Government Jurisdiction**

IL Environmental Protection Agency  
 Permit Section  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794 -9276

### **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.

## **Terms of Use**

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

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

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

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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.

## Matt Asselmeier

---

**From:** Brian LeClercq <bleclercq@oswegotownship.com>  
**Sent:** Wednesday, October 9, 2019 9:24 AM  
**To:** Matt Asselmeier; Bob Rogerson; Captain Alec Keenum; Ken Holmstrom; Mike Veseling (mveseling@oswegofire.com); Rod Zinner (rzenner@oswegoil.org); ttouchette@oswegoil.org  
**Subject:** [External]Re: [External]Re: Kendall County Zoning Petition 19-35

The township will not be objecting to the petition. Their only concern was to make sure there would be decent foliage or fencing that would sound deaden a bit when Oswego plans a future project adjacent to that property.

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---

**From:** Matt Asselmeier <masselmeier@co.kendall.il.us>  
**Sent:** Tuesday, September 24, 2019 3:33:59 PM  
**To:** Brian LeClercq <bleclercq@oswegotownship.com>; Bob Rogerson <brogerson@oswegotownship.org>; Captain Alec Keenum <akeenum@oswegofire.com>; Ken Holmstrom <kholmstrom@oswegotownship.com>; Mike Veseling (mveseling@oswegofire.com) <mveseling@oswegofire.com>; Rod Zinner (rzenner@oswegoil.org) <rzenner@oswegoil.org>; ttouchette@oswegoil.org <ttouchette@oswegoil.org>  
**Subject:** RE: [External]Re: Kendall County Zoning Petition 19-35

Brian:

Yes, there is one property between the subject property and the Oswego Village Limits.

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:** Brian LeClercq [mailto:bleclercq@oswegotownship.com]  
**Sent:** Tuesday, September 24, 2019 3:28 PM  
**To:** Matt Asselmeier <masselmeier@co.kendall.il.us>; Bob Rogerson <brogerson@oswegotownship.org>; Captain Alec Keenum <akeenum@oswegofire.com>; Ken Holmstrom <kholmstrom@oswegotownship.com>; Mike Veseling (mveseling@oswegofire.com) <mveseling@oswegofire.com>; Rod Zinner (rzenner@oswegoil.org) <rzenner@oswegoil.org>; ttouchette@oswegoil.org  
**Subject:** [External]Re: Kendall County Zoning Petition 19-35

Is this within Oswego's one and a half mile jurisdiction?

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---

**From:** Matt Asselmeier <masselmeier@co.kendall.il.us>  
**Sent:** Monday, September 23, 2019 9:47:29 AM  
**To:** Bob Rogerson <brogerson@oswegotownship.org>; Brian LeClercq <bleclercq@oswegotownship.com>; Captain Alec Keenum <akeenum@oswegofire.com>; Ken Holmstrom <kholmstrom@oswegotownship.com>; Mike Veseling



**OSWEGO FIRE PREVENTION BUREAU – ADDITIONAL  
COMMENTS:**

**Fire Department Site Access:**

- ☐ Additional Access Road
- ☐ Cross Access
- ☐ Fire Apparatus Access Road (Fire Lane) to building during construction

**Fire Apparatus Access Road Required:**

Location: \_\_\_\_\_

**Fire Apparatus Access Roads (includes all streets/roads/lanes):**

- ☒ 20 ft. unobstructed minimum width
- ☐ Alternate: \_\_\_\_\_
- ☒ Dead-ends in excess of 150' shall be provided with an approved turn-around
- ☐ Shall be posted "No Parking Fire Lane" \_\_\_\_\_

**Vehicle Turning Radii:**

- ☐ Inside Turn: 20'
- ☐ Curb to Curb Turn: 36' 6"
- ☐ Wall to Wall Turn: 45'

**Streets:**

- ☐ Names to be Submitted
- ☐ Street Names Approved
- ☐ Street Configuration for Naming Purposes

**Fire Hydrants:**

- ☐ Within 100' of Fire Department Connection
- ☐ Maximum 300' separation between hydrants
- ☐ Required at every intersection
- ☐ Minimum of two (2) within 300' of any building
- ☐ Dead-end streets and parking lots to have hydrants placed along access route
- ☐ Within 300' from most remote portion of building along an approved route
- ☐ Dead-end hydrants not allowed – "looping" on minimum of 8" main

**Fire Department Connection (FDC):**

- ☐ Within 100' of fire hydrant
- ☒ 5" Storz
- ☐ Additional Auxiliary FDC required

**Building Characteristics:**

- ☐ Canopy Height: 13' 6" minimum clearance
- ☒ Sprinkler Requirements (NFPA 13/13R anything greater than 2 unit residential)
- ☒ Addressable Fire Alarm Required (NFPA 72)
- ☒ Knox Box(es) Required
- ☐ Radio Repeater Required (emergency radio traffic signals w/i building shall be as clear/reliable anywhere w/i building as outside of building)
- ☐ Elevator Accommodations for Ambulance Stretcher (96" full horizontal position & 2 ambulatory adults)

**Fire Protection/Fire Alarm/Other Systems:**

- ☒ Addressable Fire Alarm – NFPA 72 UL Listed Central Station/Kencom Monitoring  
*(Plans to be reviewed & approved by Oswego Fire prior to installation)*
- ☒ FAAP Required if Travel Through Occupancy Required to Reach FACP
- ☒ Exterior Red Strobe to Identify Location of FACP/FAAP
- ☐ Multi-tenant Space Buildings (Fire Alarm)
  - Exterior white/clear strobes outside all egress points
  - Exterior white/clear strobes activated upon alarm condition w/i tenant space
  - Exterior red strobe to identify location of FACP/FAAP
  - Exterior red strobe to activate upon any alarm condition w/i protection system
  - All exterior strobes, regardless of tenant space, to activate on water flow
  - Point-to-Point monitoring of alarm signals to Central Station/Kencom
- ☒ Sprinkler System – NFPA 13/13R  
*(Plans to be reviewed & approved by Oswego Fire prior to installation)*
- ☐ Standpipes as Per NFPA 14 within any buildings where most remote portion of building is more than 200' from a hose connection/egress point
- ☐ Commercial Cooking Suppression System (CCS) monitored by Fire Alarm
- ☒ Fire Extinguisher placement (75' travel distance to extinguisher)

**Fire Department Reviews/Inspections:**

- ☒ Fire Alarm Plan Approval (w/Fees)
- ☒ Fire Alarm Test
- ☒ Sprinkler Plan Approval (w/Fees)
- ☒ Sprinkler Hydrostatic Test
- ☒ Knox Box Installation with keys
- ☐ Commercial Cooking Suppression System Test (w/Fees)
- ☒ Final/Safety Inspection Prior to Occupancy

**Notes: 9/23/19**

- Building to be fire alarmed as noted above
- Building to be sprinklered as noted above (noted there is no municipal water source, so tanks would likely be needed – Professional Engineer's Technical Submittal for fire protection required)
- Length of access road (greater than 150') requires approved turn-around capabilities for fire apparatus with turning dimensions as per attached document
- Obstructions (door swings) to egress travel noted in hallways of floor plan

# Oswego Fire Protection District

Chief Michael Veseling



Fire Prevention Bureau



Fire Marshal Capt. Alec J Keenum

 Station #1 ♦ 3511 Woolley Road ♦  
 Oswego, IL 60543

 Phone: (630) 906-OFPD  
 Fax: (630) 383-0630

## Plan Review/Inspection Fees

Address and name of building or tenant space: \_\_\_\_\_

Associated building department

\_\_\_ Oswego \_\_\_ Montgomery \_\_\_ Kendall County \_\_\_ Will County \_\_\_ Yorkville

Permit #: \_\_\_\_\_

Name of Permit Holder: \_\_\_\_\_

### ***Sprinkler System***

Name of Illinois Licensed Sprinkler Contractor: \_\_\_\_\_

Fee received on \_\_\_/\_\_\_/\_\_\_ in the amount of \$\_\_\_\_\_. Submitted by \_\_\_\_\_

Sprinkler Plan Review = **\$150 + .50/head over 100 heads**. *This includes 1 inspection/hydrostatic test. 50% of original fee for every additional review required.*

Sprinkler Installation/Hydrostatic Test = 1 included  
 Additional tests required = 50% of original fee

### ***Fire Alarm System***

Name of Fire Alarm Contractor: \_\_\_\_\_

Fee received on \_\_\_/\_\_\_/\_\_\_ in the amount of \$\_\_\_\_\_. Submitted by \_\_\_\_\_

Fire Alarm Plan Review = **\$100**. *This includes 2 additional reviews and 2 acceptance tests. \$50 fee for every additional review required.*

Fire Alarm Acceptance Test = 2 included  
 Additional tests required = **\$70 + \$35/hr** after the first hour

### ***Knox Box***

Date ordered: \_\_\_/\_\_\_/\_\_\_ Date received: \_\_\_/\_\_\_/\_\_\_

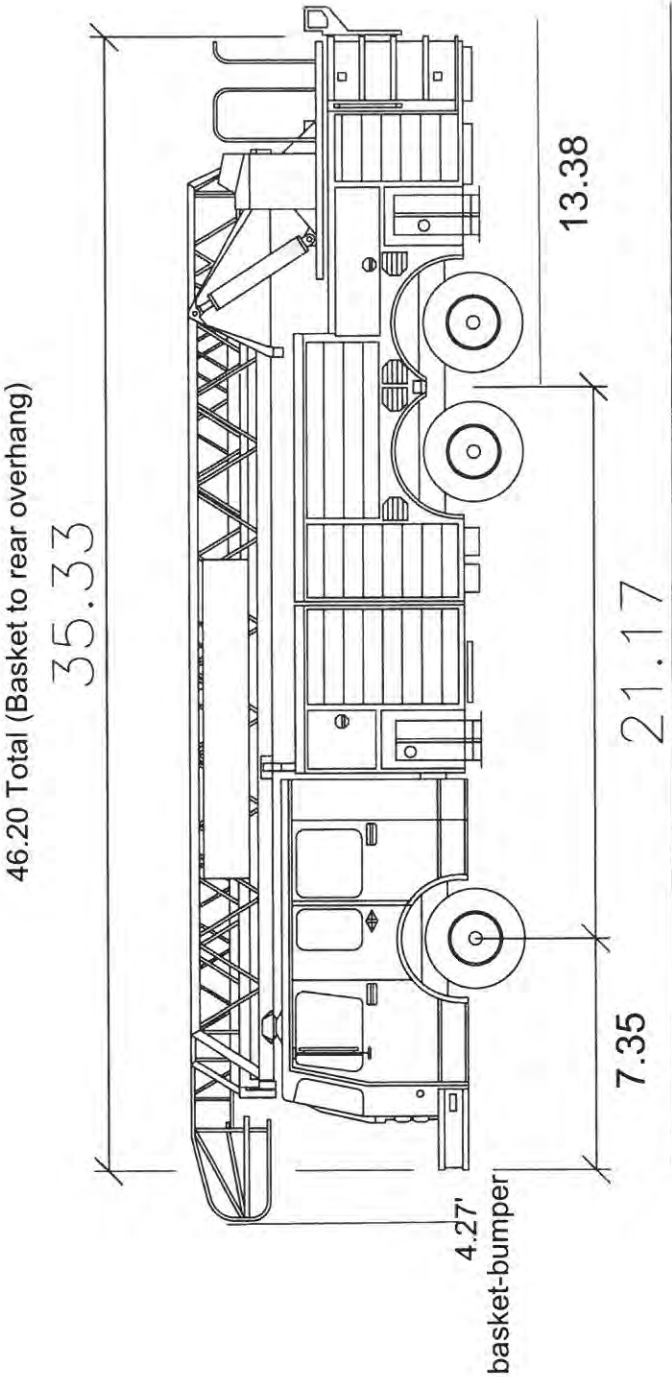
### ***Kitchen Cooking Suppression System***

Name of Suppression System Contractor: \_\_\_\_\_

Fee received on \_\_\_/\_\_\_/\_\_\_ in the amount of \$\_\_\_\_\_. Submitted by \_\_\_\_\_

KCSS Plan Review = **\$75**. *This includes 1 acceptance test. \$50 fee for every additional review required.*

KCSS Acceptance Test = 1 included  
 Additional tests required = **\$50**



front bumper to rear bumper 41.93

Oswego Fire Truck

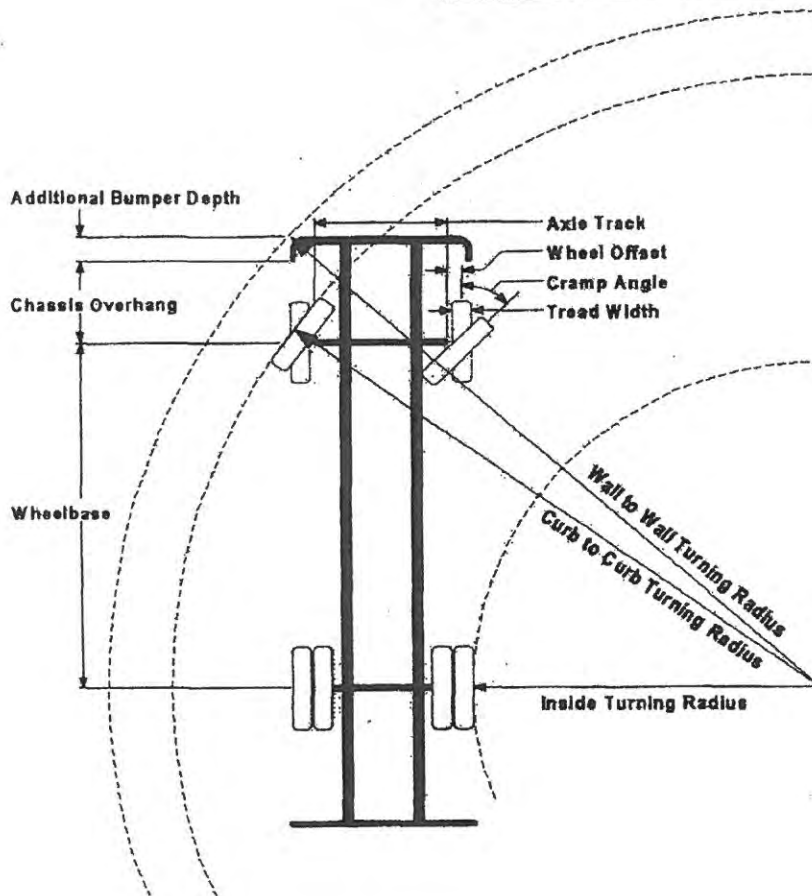
	feet
Width	: 8.73
Track	: 6.91
Lock to Lock Time	: 3.0
Steering Angle	: 35.1



## Turning Performance Analysis

1/30/2006

**Chassis:** Dash-2000, Chassis, PAP/SkyArm/Midmount  
**Body:** Aerial, Platform 100', Alum Body



### Parameters:

Inside Cramp Angle:	45°
Axle Track:	82.92 in.
Wheel Offset:	4.68 in.
Tread Width:	16.25 in.
Chassis Overhang:	65.99 in.
Additional Bumper Depth:	19.00 in.
Front Overhang:	149.60 in.
Wheelbase:	254.00 in.

### Calculated Turning Radii:

Inside Turn:	20 ft. 2 in.
Curb to Curb:	36 ft. 3 in.
Wall to Wall:	44 ft. 7 in.

### Comments:

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
October 1, 2019 – Unapproved Meeting Minutes**

PBZ Chairman Matthew Prochaska called the meeting to order at 9:00 a.m.

Present:

Megan Andrews – Soil and Water Conservation District  
Matt Asselmeier – PBZ Department  
David Guritz – Forest Preserve  
Fran Klaas – Highway Department  
Commander Jason Langston – Sheriff's Department  
Matthew Prochaska – PBZ Committee Chair  
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS  
Greg Chismark – WBK Engineering, LLC  
Brian Holdiman – PBZ Department

Audience:

John Sharkey, Ronald Smrz, Caitlin Paloian, and Laura Gay

**AGENDA**

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

**MINUTES**

Mr. Guritz made a motion, seconded by Ms. Andrews, to approve the September 30, 2019, meeting minutes. With a voice vote of all ayes, the motion carried unanimously.

**PETITIONS**

**Petition 19-32 John and Erin Sharkey and Theodore Parks**

Mr. Asselmeier summarized the request.

John and Erin Sharkey and Theodore Parks would like to vacate the ten foot (10') public utility and drainage easement that runs along and parallel the northern lot lines of Lots 1 and 4 in Highgrove Subdivision. The Petitioners own the property immediately north of the subdivision and would like to construct buildings inside the current easement.

After submitting the application to vacate the easement in question, the Petitioners agreed to relocate the easement to the northern boundary of PINs 09-07-200-034 and 09-07-200-033.

The property is located at 13315D and 13315A Grove Road in Seward Township.

The property is zoned R-2 One Family Residential. The current land use is one-family residential. The future land use is rural residential. There are no floodplains or wetlands on the property. The adjacent land uses are agricultural, single-family residential, farmstead, and park. The adjacent zonings are A-1, RPD-2, and R-2. The Land Resource Management Plan calls for the entire area to be rural residential.

Seward Township was emailed information on September 23, 2019, and did not submit any comments.

The Petitioners originally wanted to vacate the ten foot (10') public utility and drainage easement that runs along and parallel the northern lot lines of Lots 1 and 4 in Highgrove Subdivision. The Petitioners own the property immediately north of the subdivision and would like to construct buildings inside the current easement.

On September 6, 2019, Fran Klaas sent an email expressing no opposition to the proposal on the condition that no public utilities were located in the easement and that the easement be relocated to the north portion of the Petitioners' respective properties (09-07-200-034 and 09-07-200-033).

Also on September 6, 2019, Greg Chismark submitted comments concurring with Fran Klaas. Mr. Chismark also requested that the easement be extended north along the eastern property line of Lot 1 to the new easement location.

The emails from Fran Klaas and Greg Chismark were provided.

The Petitioners contacted JULIE to determine no utilities would be impacted by vacating the easement. The JULIE information was provided.

As of September 9, 2019, the Petitioners agreed to the requests of the County and had their engineer prepare an updated plat showing the relocated and extended easements.

Mr. Guritz asked about drainage facilities in the current easement. Mr. Asselmeier said that no existing drainage facilities are located in the existing easement.

Mr. Rybski asked about the plans for the lots to the north of the subject property. Mr. Asselmeier said that the lots are planned to be used residentially as part of the Petitioners' yards.

Mr. Guritz made a motion, seconded by Mr. Klaas, to recommend approval of the requested easement vacation and relocation.

Ayes (7): Andrews, Asselmeier, Guritz, Klaas, Langston, Prochaska, and Rybski  
Nays (0): None  
Present (0): None  
Absent (3): Briganti, Chismark, and Holdiman

The motion passed. This proposal will go to the Kendall County Planning, Building and Zoning Committee on October 7, 2019, at 6:30 p.m.

**Petition 19-34 Ronald Smrz on Behalf of the Ronald Smrz Trust**

Mr. Asselmeier summarized the request.

Ron Smrz, on behalf of the Ronald Smrz Trust, would like to establish a storage business for boats and RVs at the subject property.

The property is located at 7821 Route 71. The property is approximately seventeen (17) acres in size and the original proposed area for the special use permit was approximately two (2) acres in size.

The current land use is agricultural. The future land use is rural residential. Route 71 is a State maintained highway and is considered a Scenic Route at the subject property. Yorkville has a trail planned along Route 71. There is a farmable wetland on the property consisting of approximately a tenth (0.1) of an acre. The adjacent land uses are agricultural, single-family residential, and farmstead. The adjacent zonings are A-1, A-1 SU, R-1, R-3, and R-3 PUD. The Land Resource Management Plan calls for the area to be rural residential. The nearby zonings are A-1, A-1 SU, A-1 BP, R-3, RPD-2, and R-3 PUD.

The subject property has a special use permit for a landscaping business.

The special use permit to the north is for a campground. The special use permit to the east is for a landscaping business.

Lyon Farm is located south of the subject property.

The Richard Young and Lyon Forest Preserves are in the vicinity.

The aerial of the property and other pictures of the property were provided.

EcoCat submitted on June 6, 2019, as part the Wetland Delineation Report and found the Fox River INAI Site and Yorkville Seep INAI Site in the area. The entire Wetland Delineation Report was provided.

NRI application submitted on August 2, 2019.

Oswego Township was emailed information on September 24, 2019.

The Bristol-Kendall Fire Protection District was emailed information on September 24, 2019.

The United City of Yorkville was emailed information on September 24, 2019.

According to the information provided to the County, the Petitioner originally planned to offer rental space for two hundred (200) rental units. The Petitioner would offer year-round storage access twenty-four (24) hours a day, seven (7) days a week. The Petitioner reduced the size of the operation to avoid having to provide onsite stormwater detention.

Prospective renters would meet with the Petitioner at the property at a pre-arranged time to view the property, sign a contract, and receive their access code. The Petitioner plans to use the existing storage building shown in Attachment 6 as the office for the business.

The Petitioner and his wife would be the only employees of the business.

No new structures are planned for the property. A new occupancy permit might be required for the existing storage building.

The location of the well was shown on the proposed site plan south of the existing house. No bathrooms or potable water sources would be available to patrons of the storage business.

The Petitioner indicated that the storage area would have a gravel base.

The property fronts Route 71 and an existing access point off of Route 71 exists.

The Illinois Department of Transportation provided comments regarding this proposal. A new access permit will be required.

Parking will occur in the gravel areas east of the existing building shown. The Petitioner originally proposed having fifteen (15) parking spaces. Per the Americans with Disabilities Act, at least one (1) of these spaces must be handicapped accessible. The Petitioner may change the parking layout.

The Petitioner plans to install lighting on the exterior of the shed.

The Petitioner plans to install a sign along Route 71. The sign must meet all of requirements of the Kendall County Zoning Ordinance and must not be illuminated.

The Petitioner plans to remove the three (3) existing Norway Spruce trees. The Petitioner originally planned to plant forty (40) evergreens that will be between approximately four feet and six feet (4'-6') in height at the time of planting. The evergreens were to be placed to the north and east of the storage area. The Petitioner may change the number of evergreen depending on the revised site plan. The evergreens would be planted by the end of May 2020.

The Petitioner indicated that the storage area will have a chain-link fence around the storage area. The fence is planned to be six feet (6') in height.

There will be a twenty foot (20') wide automatic gate on the east side of the storage area to control access to the area. The gate will be adjacent to the shed.

A security monitoring system will also be installed with cameras on the shed.

No information was provided regarding noise control.

No new odors are foreseen.

While very little trash or litter is expected to be generated by the proposed, no plans for litter control were provided.

If approved, this would be the fifth active special use permit for this type of storage in unincorporated Kendall County.

The Petitioner currently resides in the house on the property.

The Petitioner agreed that all items stored on the property would remain licensed and in good working order. The Petitioner agreed to follow the Kendall County Inoperable Vehicle Ordinance and the Junk and Debris Ordinance. The Petitioner also agreed that none of the vehicles stored as part of the special use permit would be for agricultural purposes.



A revised site plan was submitted with a smaller project footprint in order to not have to install onsite storage of stormwater.

Mr. Guritz asked about the threshold for stormwater. Mr. Asselmeier read the threshold from the Stormwater Management Ordinance.

Commander Langston asked about size limitations for vehicles stored on the property. Mr. Smrz responded that the maximum would be approximately thirty-nine feet (39'). Commander Langston expressed concerns regarding larger vehicles accessing the property. Mr. Smrz noted that the State has plans to widen Route 71. Mr. Smrz will ask the State to see if a larger entrance is necessary.

Ms. Andrews noted that the Kendall County Soil and Water Conservation District reviewed the proposal last month and will forward her report.

Mr. Rybski noted the locations of the existing well and septic and expressed no concerns related to the Health Department.

Mr. Asselmeier asked about a plan to address leaks such as motor oil leaks. Mr. Smrz said that he would check the site daily for leaks and will have spill pad clean-up kits available. Contaminated gravel will be disposed of properly.

Discussion occurred regarding the stormwater requirements. The Petitioner expressed concerns about the retention area across Route 71. Mr. Klaas suggested that a variance could be pursued.

The Petitioner stated that he wanted to examine his site plan to see what type of stormwater variance would be necessary and to see the costs associated with the project.

Mr. Rybski made a motion, seconded by Mr. Klaas, to postpone the Petition until the Petitioner supplies an updated site plan or makes a decision regarding the Stormwater Management Ordinance requirements. With a voice vote of all ayes, the motion carried unanimously.

#### **Petition 19-35 John and Laura Gay**

Mr. Asselmeier summarized the request.

John and Laura Gay would like to establish a kennel, The Pets Home Pet Resort and Spa, at the subject property which they own at 3601 Plainfield Road. They are also requesting a variance to allow the kennel to be approximately thirty feet, six and one half inches (30'-6 1/2") from property zoned other than residential at the kennel's closest point with neighboring property.

The property is approximately five (5) acres in size and the special use area is approximately four point seven (4.7) acres in size.

The existing land use is agricultural and single-family residential. The future land use is suburban residential. There are no trails planned in the area. There are no floodplains or wetlands on the property, but Morgan Creek runs along the northern boundary of the property.

The adjacent land uses are agricultural, farmstead, and single-family residential. The adjacent zoning is A-1. The Land Resource Management Plan calls for the area to be suburban residential with commercial to the south of the property. The adjacent zonings are A-1 and R-1 in the County and R-2 inside the Village of Oswego.

The Ashcroft Place subdivision is located within one half mile (1/2) to the north.

The Deerpath Trails and Morgan Crossing subdivisions are located within one half (1/2) mile to the west.

EcoCat submitted on July 22, 2019, and found no protection species or sites in the vicinity.

NRI application submitted on September 12, 2019.

Oswego Township was emailed information on September 23, 2019.

Oswego Fire Protection District was emailed information on September 23, 2019. They requested the building to be fire alarmed. They requested the building to be sprinkled. They also requested turn-around capabilities for fire apparatus on the subject property.

The Village of Oswego was emailed information on September 23, 2019.

The Petitioners currently reside in the one-story frame house on the property.

Because of the shape of the property, a variance is required to the distance from the kennel to non-residentially zoned property.

According to the information provided to the County, the Petitioners plan to offer pet daycare, boarding, and grooming services. The proposed hours of operation are Monday through Friday from 6:00 a.m. until 6:00 p.m. The Petitioners plan to hire five (5) employees. The maximum number of dogs planned for the site is one hundred (100). Per the Kendall County Zoning Ordinance, all animals will be indoors by sunset. The Petitioners believe the area is lacking this type of service.

As noted in the site plan, the Petitioners plan to construct an approximately four thousand, one hundred fifty (4,150) square foot building southeast of the existing home on the property. The building shall consist of fourteen (14) rooms including a lobby, manager's office, restroom, bathroom, break room, laundry, dog bathing room, three (3) pet suites, and pet areas for small, medium, and large dogs. A six foot (6') tall wood fence would be located approximately fifteen feet (15') from the building to the southeast and northeast. The fenced area would be approximately six hundred twenty (620) square feet in size and serve as a play area for the dogs.

Building and Occupancy Permits will be required for the new building.

The Petitioner indicated that they are working with the Health Department regarding well and septic facilities.

The property fronts Plainfield Road and curb cut already exists for the proposed driveway for the kennel. The Petitioners are going to remove an existing driveway connection on the property. If this removal occurs, there would be one (1) dedicated entrance for the residence and one (1) dedicated entrance for the kennel.

The Petitioners believe most of the traffic generated by the proposed business will occur in the morning and early evening when patrons drop-off and pick-up their pets.

The Petitioners propose to install an eleven (11) spot parking lot. One (1) of the spaces would be handicapped accessible. The parking lot would access Plainfield Road through a twenty-two foot (22') wide asphalt driveway.

The Petitioners plan to installed three (3) lights along the driveway and in the parking lot. These lights are twelve feet (12') in height. Two (2) wall pack will be installed along the east side of the building. Four (4) wall lights will be installed on the building; three (3) will be on the north side of the building and one (1) will be on the east side of the building. The description of the types of lighting that might be installed were provided. The exact light fixtures are not known.

The Petitioners plan to have one (1) sign along Plainfield Road.

The Petitioners plan to install eight (8) canopy trees, six (6) deciduous shrubs, twenty-eight (28) evergreen shrubs, and six (6) groundcovers, grass, and perennials. The specific location of the plants can be found on the site plan.

The Petitioners believe the distance of their facility to existing houses combined with having the dogs indoors by sunset will prevent any noise issues.

The Petitioners plan to install an eight foot by ten foot (8' X 10') refuse enclosure at the northeastern end of the parking lot. The enclosure is proposed to be six feet (6') tall surrounded by brick with a steel gate for access. Refuse will be picked up weekly.

If approved, this would be the fifth active special use permit for a kennel in unincorporated Kendall County.

Chairman Prochaska asked if the Petitioners were agreeable to the requests of the Oswego Fire Protection District. Ms. Paloian responded that her clients are going through a cost estimate related to the sprinkling and alarming requirements. Ms. Paloian asked about the requirements regarding the turn-around. Mr. Asselmeier said that the Oswego Fire

Protection District would have to be contacted regarding their specifications. The property is on well and septic and a new well and septic will be installed for the special use permit.

Mr. Rybski noted that the wash water from the dogs is also domestic waste. He encouraged the Petitioners to meet with the Health Department before any well and septic permits are issued. Refuse needs to be picked up as frequently to prevent overflow.

Commander Langston asked about peak capacity and the impacts on traffic on Plainfield Road. The Petitioners anticipate most traffic occurring in the mornings and evenings when customers pick-up and drop-off their dogs. The Petitioners do not foresee a large amount of traffic.

Mr. Asselmeier asked about weekend hours of operation. Ms. Paloian responded that the Petitioners will be onsite to handle dogs boarded over the weekend, but there will not be any drop-offs or pick-ups over the weekend. The dogs will not be outside for play during the weekend. The Petitioners will apply for a sign permit after a special use is issued.

Ms. Andrews stated that she is working on the NRI Report.

Mr. Klaas asked if the special use permit goes with the property. Mr. Asselmeier responded that this special use permit would go with the property.

Mr. Klaas asked about estimate traffic generation per day. The exact number was unknown, but was not planned to exceed one hundred (100) new trips per day. Ms. Gay noted that they pick-up some dogs as part of the kennel business.

Mr. Klaas requested a fifteen foot (15') right-of-way dedication for Plainfield Road.

Ms. Andrews made a motion, seconded by Mr. Klaas, to recommended approval of the Petition.

Ayes (7): Andrews, Asselmeier, Guritz, Klaas, Langston, Prochaska, and Rybski  
Nays (0): None  
Present (0): None  
Absent (3): Briganti, Chismark, and Holdiman

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on October 23, 2019, at 7:00 p.m.

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

None

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

##### **Approval of Fiscal Year 2019-2020 Meeting Calendar**

Mr. Asselmeier made a motion, seconded by Ms. Andrews, to approve the meeting calendar. With a voice vote of all ayes, the motion carried unanimously.

#### **CORRESPONDENCE**

None

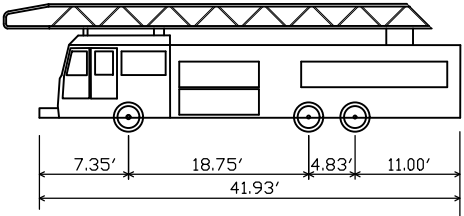
#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

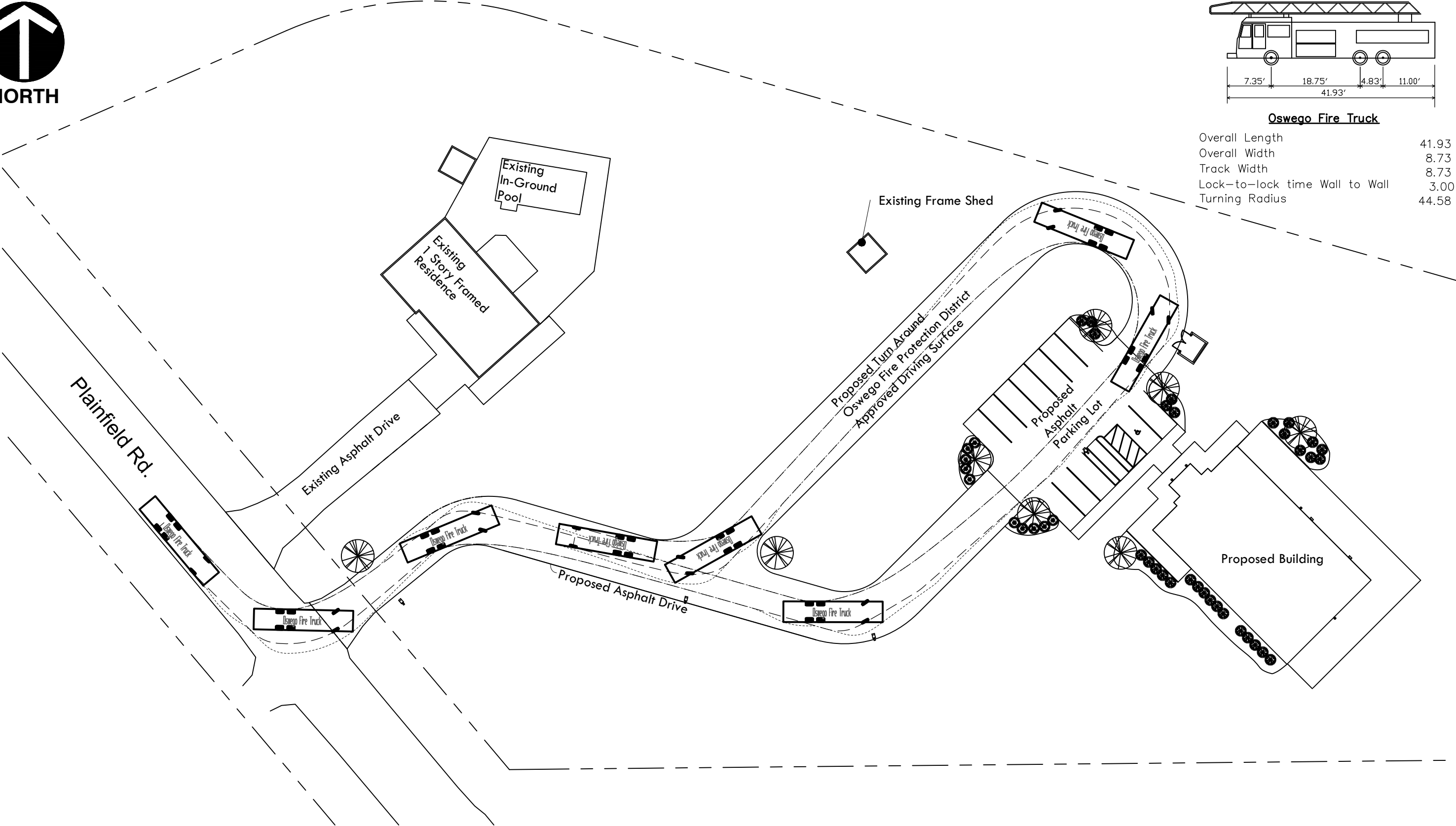
Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:47 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner



**Oswego Fire Truck**

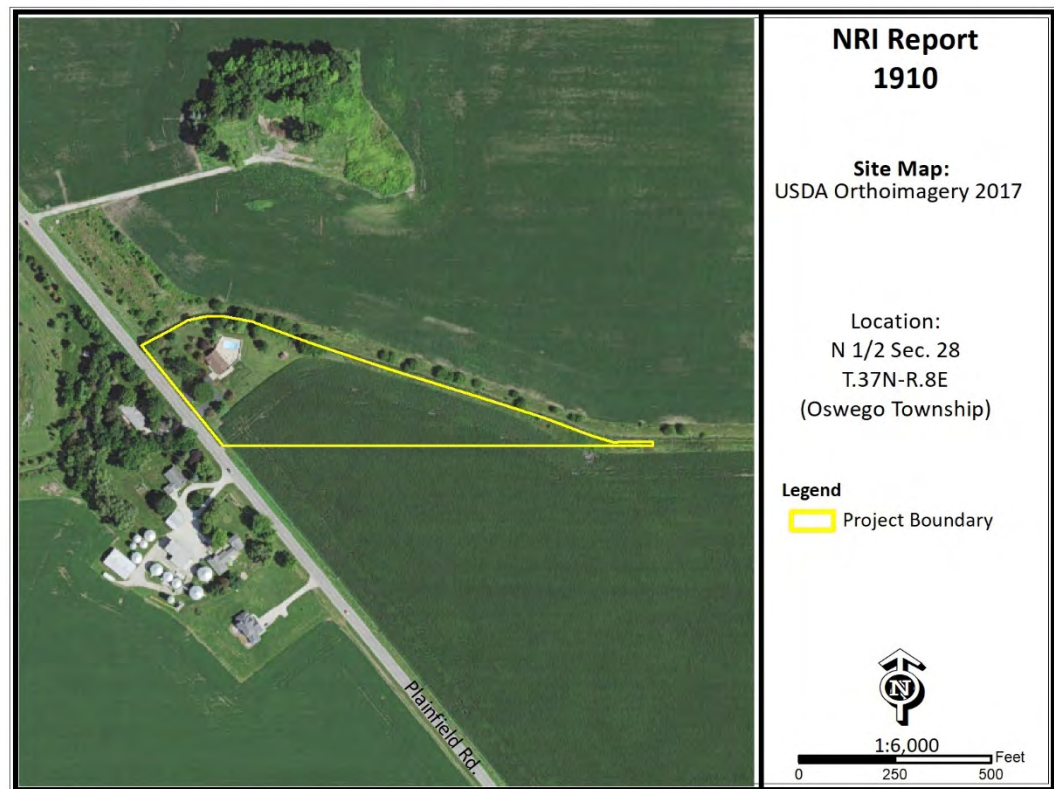
Overall Length	41.93 ft
Overall Width	8.73 ft
Track Width	8.73 ft
Lock-to-lock time Wall to Wall	3.00 s
Turning Radius	44.58 ft



 <b>Civil &amp; Environmental Consultants, Inc.</b> 1230 East Diehl Road, Suite 200 - Naperville, IL 60563 630-963-6026 • 877-963-6026 www.cecinc.com		JOHN AND LAURA GAY THE PETS HOME - PET RESORT AND SPA 3601 PLAINFIELD ROAD OSWEGO, ILLINOIS					
		<b>OSWEGO FIRE TRUCK - VEHICLE TRACKING</b>					
DRAWN BY:	FWB	CHECKED BY:	LHW	APPROVED BY:	LHW	FIGURE NO.:	<b>1</b>
DATE:	10/15/2019	DWG SCALE:	1"=40'	PROJECT NO:	194-473		



# NATURAL RESOURCE INFORMATION (NRI) REPORT: 1910



September  
2019

Petitioner: John Gay & Laura Gay  
Contact: Caitlin Paloian, Attorney

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](http://www.kendallswcd.org)

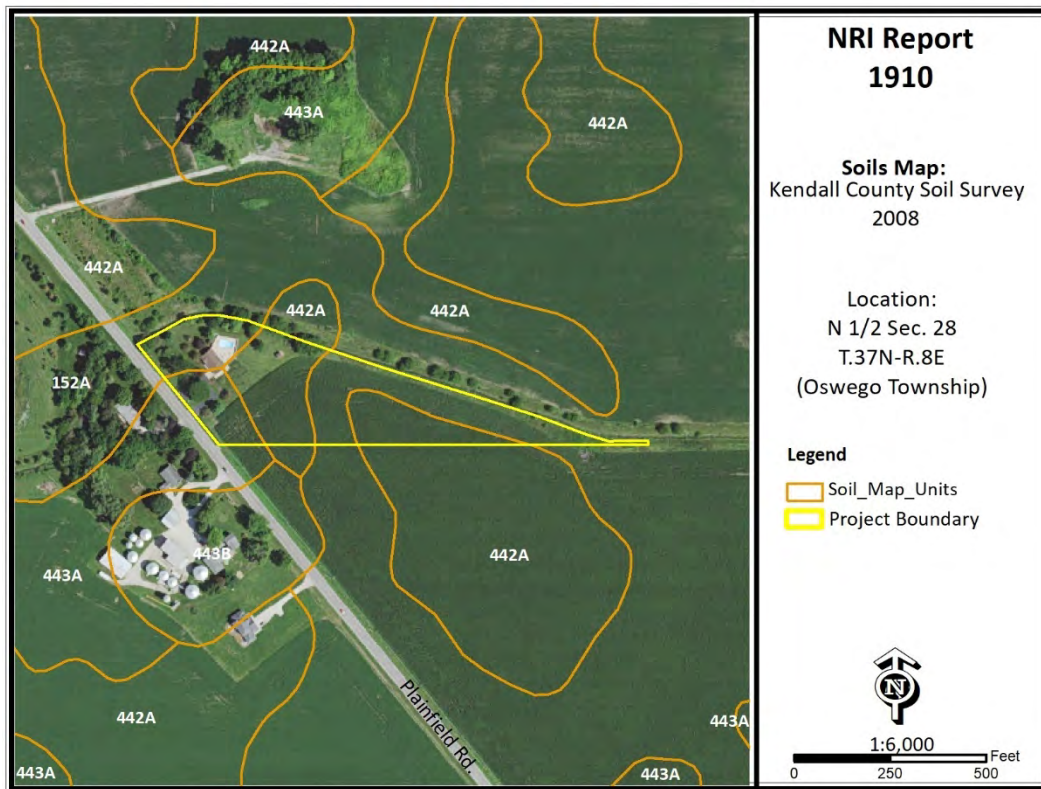
1910

## Executive Summary

September 2019

**Petitioner:** John Gay & Laura Gay**Contact Person:** Caitlin Paloian, Attorney**County or Municipality the petition is filed with:** Kendall County**Location of Parcel:** N½ Section 28, T.37N.-R.8E. (Oswego Township) of the 3<sup>rd</sup> Principal Meridian**Project or Subdivision Name:** The Pet's Home Pet Resort & Spa**Existing Zoning & Land Use:** A-1; Cropland, Residential Home**Proposed Zoning & Land Use:** Special Use Permit, Variance; Pet Kennel**Proposed Water Source:** Well**Proposed Type of Sewage Disposal System:** Septic**Proposed Type of Storm Water Management:** Not Available**Size of Site:** 4.8 acres**Land Evaluation Site Assessment Score:** 170 (Land Evaluation: 97; Site Assessment: 73)

## Natural Resource Findings

**Soil Map:****SOIL INFORMATION:**

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

Table 1:

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
152A	Drummer silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland (if drained)
442A	Mundelein silt loam, 0-2% slopes	Somewhat Poorly Drained	B/D	Non-hydric Hydric Inclusions Likely	Prime Farmland
443A	Barrington silt loam, 0-2% slopes	Moderately Well Drained	C	Non-hydric	Prime Farmland

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

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

**Hydric Soils:** A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as being a hydric soil, 152A Drummer silty clay loam. Another soil type, 442A Mundelein silt loam, is designated as likely to have 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.

**Soil Limitations:** Limitations for dwellings without basements, dwellings with basements, small commercial building, shallow excavations, lawns/landscaping and conventional septic systems.

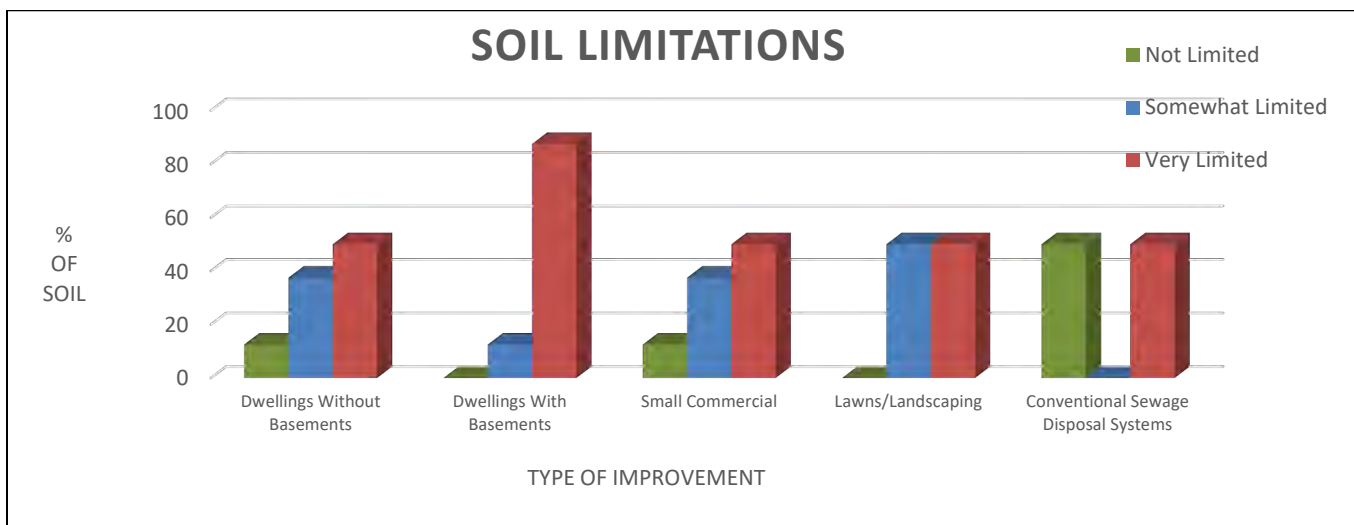
Table 2a:

Soil Type	Dwellings Without Basements	Dwellings With Basements	Small Commercial Building
152A	Very Limited	Very Limited	Very Limited
442A	Somewhat Limited	Very Limited	Somewhat Limited
443A	Not Limited	Somewhat Limited	Not Limited

Table 2b:

Soil Type	Shallow Excavations	Lawns/Landscaping	Conventional Septic Systems
152A	Very Limited	Very Limited	Unsuitable
442A	Very Limited	Somewhat Limited	Suitable
443A	Somewhat Limited	Somewhat Limited	Suitable

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



#### **Kendall County Land Evaluation and Site Assessment (LESA):**

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

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
  - ✓ The Land Evaluation score for this site is 97, indicating that this site is **currently well suited** for agricultural uses.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.
  - ✓ The Site Assessment score for this site is 73.

The **LESA Score for this site is 170 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(s) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

**Floodplain:** The 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 FINDINGS:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner John Gay & Laura Gay for the proposed The Pet's Home Pet Resort and Spa project (A-1 Special Use Permit and variance request) within Kendall County located in Section 28 of Seward Township (T.37N-R.8E) of the 3<sup>rd</sup> 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 presents the following information.

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 an 97 out of a possible 100 points indicating the soils are well suited for agricultural uses. The total LESA Score for this site is 170 which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. Additionally, of the soils found onsite, 100% are classified as prime farmland.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for local roads/streets, 87.5% are very limited for dwellings with basements and shallow excavations, 50% are very limited for dwellings without basements, small commercial buildings and lawns/landscaping, and 50% are unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. Since the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within both the Fox River Watershed and Morgan Creek subwatershed.

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

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

The information that is included in this Natural Resources Information Report is to assure 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).

  
Chair

9/23/2019

Date

<b>KENDALL CO SOIL AND WATER CONSERVATION DISTRICT NATURAL RESOURCE INFORMATION REPORT (NRI)</b>
--

NRI Report Number	1910
Date District Board Reviews Application	September 2019
Applicant's Name	John Gay & Laura Gay
Size of Parcel	4.773 acres
Current Zoning & Use	A-1; Agricultural/Single Family Residence
Proposed Zoning & Use	Special Use Permit, Variance; Pet Kennel
Parcel Index Number(s)	03-28-100-004
Contact Person	Caitlin Paloian, Attorney

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

Report Prepared By: *Megan Andrews* Position: *Resource Conservationist*

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## PURPOSE AND INTENT

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

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

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this

report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

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

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

**Kendall County Soil and Water Conservation  
District**

**7775A Route 47, Yorkville, IL 60560**

**Phone: (630) 553-5821 ext. 3**

**FAX: (630) 553-7442**

**E-mail: [Megan.Andrews@il.nacdnet.net](mailto:Megan.Andrews@il.nacdnet.net)**

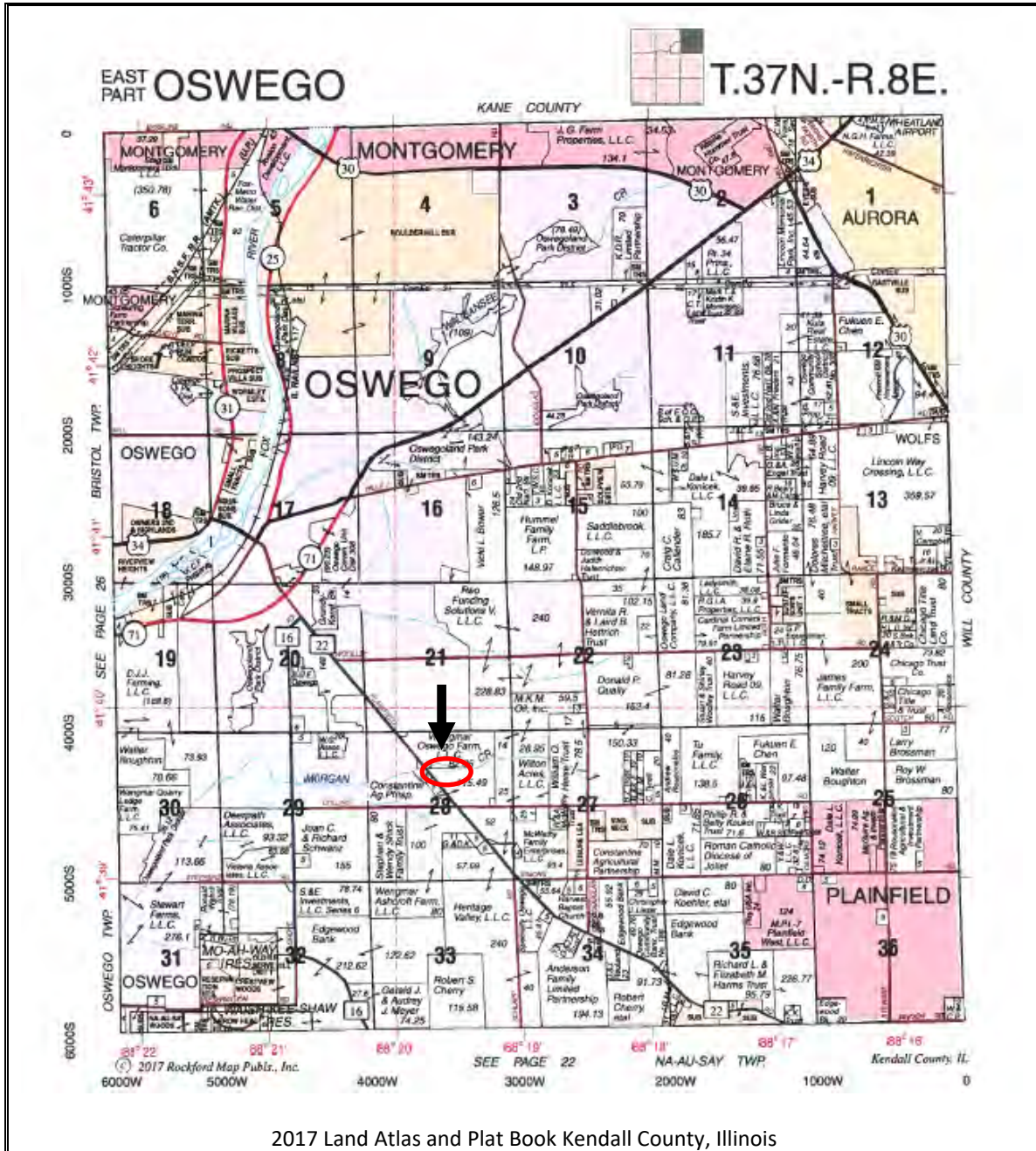


## PARCEL LOCATION

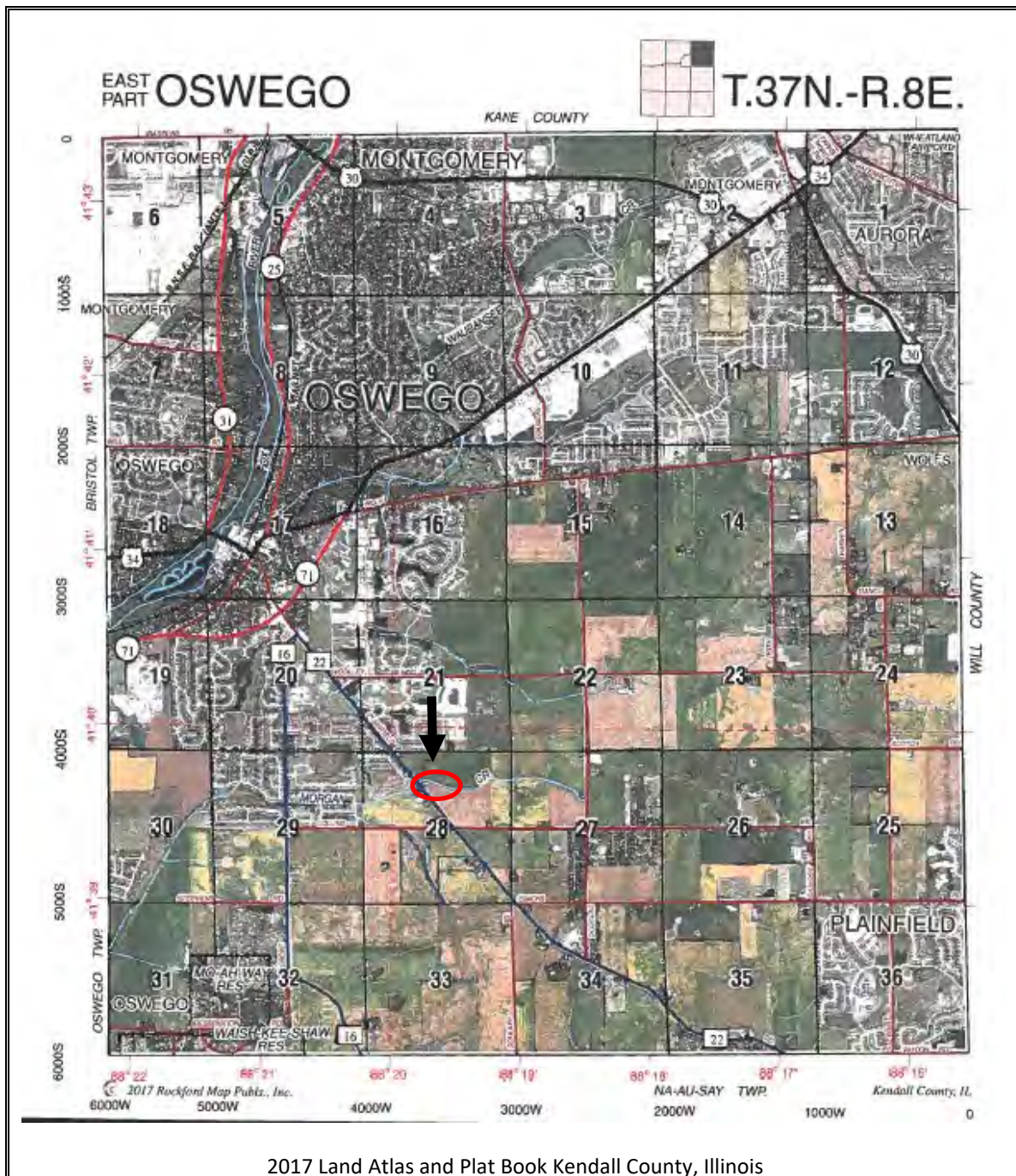
### Location Map for Natural Resources Information Report # 1910

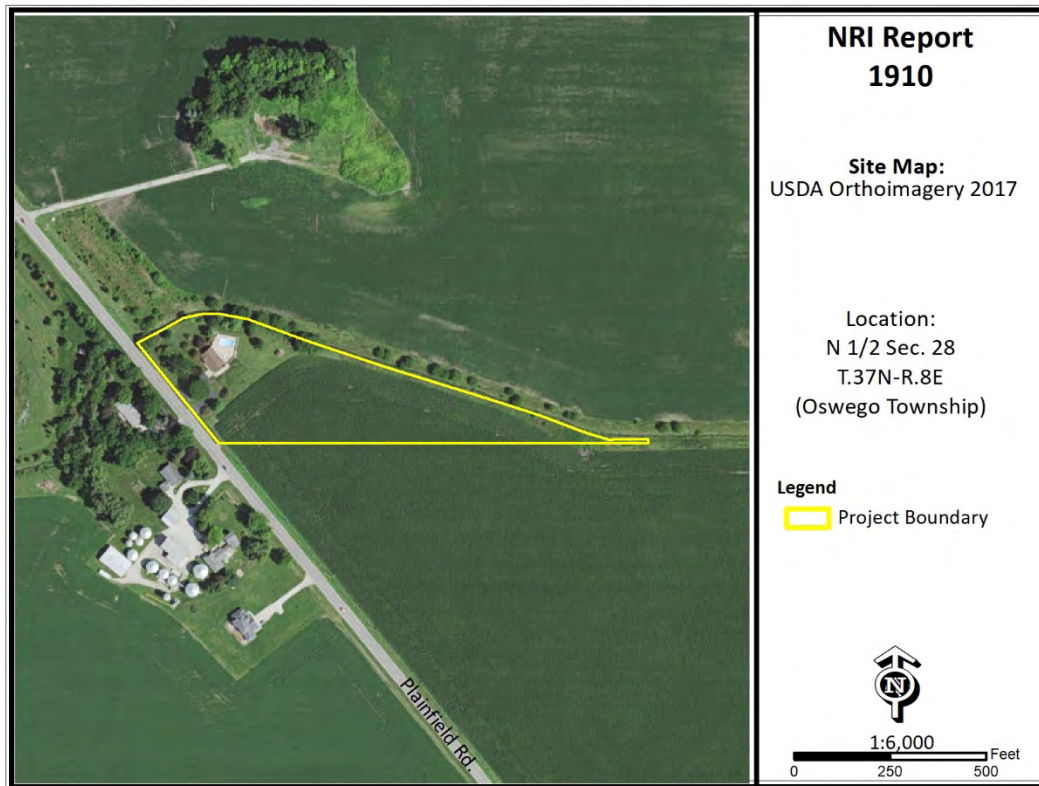
N½ Section 28 of Township 37 North, Range 8 East (Oswego Township) on 4.8 acres. This parcel is located on the east side of Plainfield Road and northeast of the intersection of Plainfield Road and Collins Road. The parcel is located in unincorporated Kendall County.

Figure 1: 2017 Plat Map and 2017 Aerial Map with NRI Site Boundary









## ARCHAEOLOGIC/CUTURAL RESOURCES

Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions. The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface, and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property.

However, the State of Illinois owns all of the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

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

***The Illinois Historic Preservation Agency has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact the IHPA according to current Illinois law.***

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## ECOLOGICALLY SENSITIVE AREAS

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### ***What is Biological Diversity and Why Should it be Conserved?***<sup>1</sup>

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

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

The reasons for protecting biological diversity are complex, but they fall into four major categories.

First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was

only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s. (Roush 1982)

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

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

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds. (Hoose 1981)

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and

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



grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and well being, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

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

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

### **Biological Resources Concerning the Subject Parcel**

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

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

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## **SOILS INFORMATION**

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### **Importance of Soils Information**

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

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

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

The limitation categories (slight, moderate or severe) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation

does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with in order to complete the proposed activity successfully. A severe limitation indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a moderate or slight rating.

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

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

Figure 2: Soil Map

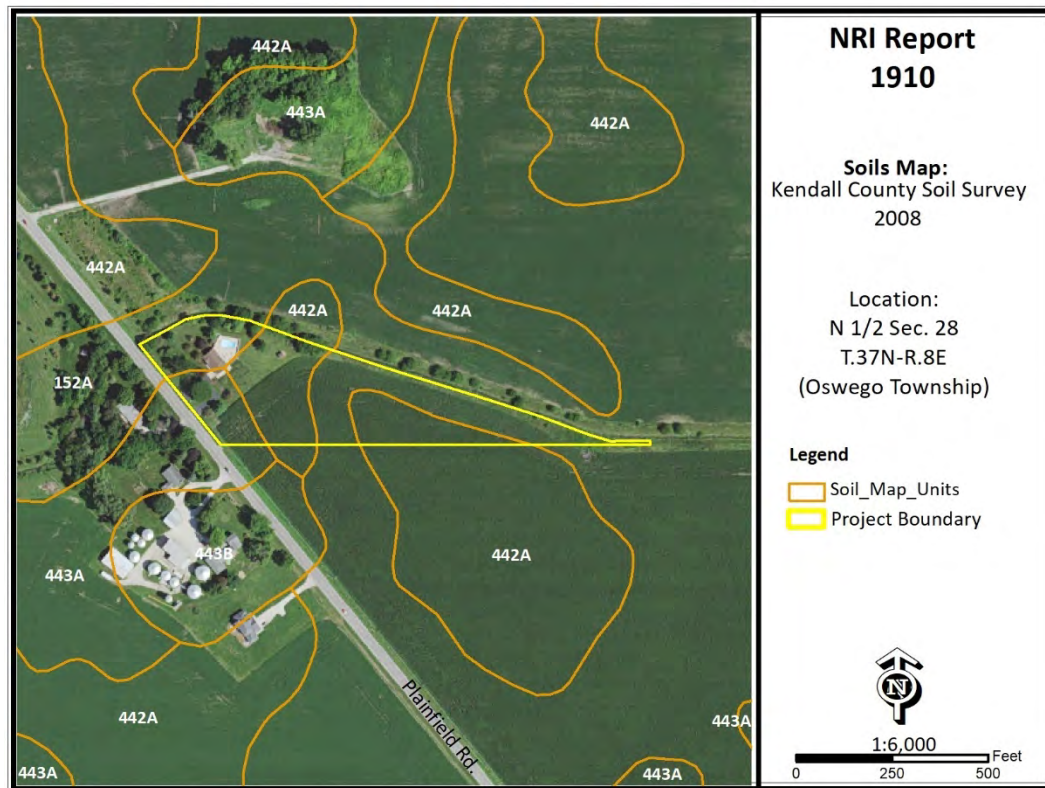


Table 1: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
152A	Drummer silty clay loam, 0-2% slopes	2.4	50.0%
442A	Mundelein silt loam, 0-2% slopes	1.8	37.5%
443A	Barrington silt loam, 0-2% slopes	0.6	12.5%

\*SOURCE: National Cooperative Soil Survey – USDA-NRCS

## SOIL INTERPRETATIONS EXPLANATION

### Nonagricultural

#### General

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

Other features may need treatment to overcome soil limitations for a specific purpose.

Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site,

the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of slight, moderate, and severe are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is: septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered to be unsuitable for all types of construction.

#### **Limitations Ratings**

1. **Not Limited** - This soil has favorable properties for the use. The degree of

limitation is minor. The people involved can expect good performance and low maintenance.

2. **Somewhat Limited** - This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
3. **Very Limited** - This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

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## **BUILDING LIMITATIONS**

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#### **Building on Poorly Suited or Unsuitable Soils:**

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

**Dwellings without Basements** - Ratings are for undisturbed soil for a houses of three stories or less of less than 3 stories without a basement. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

**Dwellings with Basements** - Ratings are for undisturbed soil for a building structure of less

than 3 stories with a basement. The foundation is assumed to be spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

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

**Shallow Excavations** - Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches or other purposes. Ratings are

based on soil properties that influence the ease of digging and the resistance to sloughing.

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

Onsite Sewage Disposal – The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal

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

**Table 2a: Building Limitations**

Soil Type	Dwellings Without Basements	Dwellings With Basements	Small Commercial Building	Acres	%
<b>152A</b>	<b>Very Limited:</b> Ponding; Depth to saturated zone; Shrink-swell	<b>Very Limited:</b> Ponding; Depth to saturated zone; Shrink-swell	<b>Very Limited:</b> Ponding; Depth to saturated zone; Shrink-swell	2.4	50.0%
<b>442A</b>	<b>Somewhat Limited:</b> Depth to saturated zone	<b>Very Limited:</b> Depth to saturated zone	<b>Somewhat Limited:</b> Depth to saturated zone	1.8	37.5%
<b>443A</b>	<b>Not Limited</b>	<b>Somewhat Limited:</b> Depth to saturated zone	<b>Not Limited:</b>	0.6	12.5%
<b>% Very Limited</b>	<b>24.3%</b>	<b>24.3%</b>	<b>24.3%</b>		

**Table 2b: Building Limitations**

Soil Type	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Systems	Acres	%
<b>152A</b>	<b>Very Limited:</b> Ponding; Depth to saturated zone; Dusty; Unstable Excavation Walls	<b>Very Limited:</b> Ponding; Depth to saturated zone; Dusty	<b>Unsuitable: Wet</b>	1.3	35.1%
<b>442A</b>	<b>Very Limited:</b> Depth to saturated zone; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty	<b>Suitable</b>	0.9	24.3%
<b>443A</b>	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Dusty	<b>Suitable</b>	1.5	40.6%
<b>% Very Limited</b>	<b>87.5%</b>	<b>50%</b>	<b>50%</b>		



Figure 3a: Map of Building Limitations – Small Commercial Building

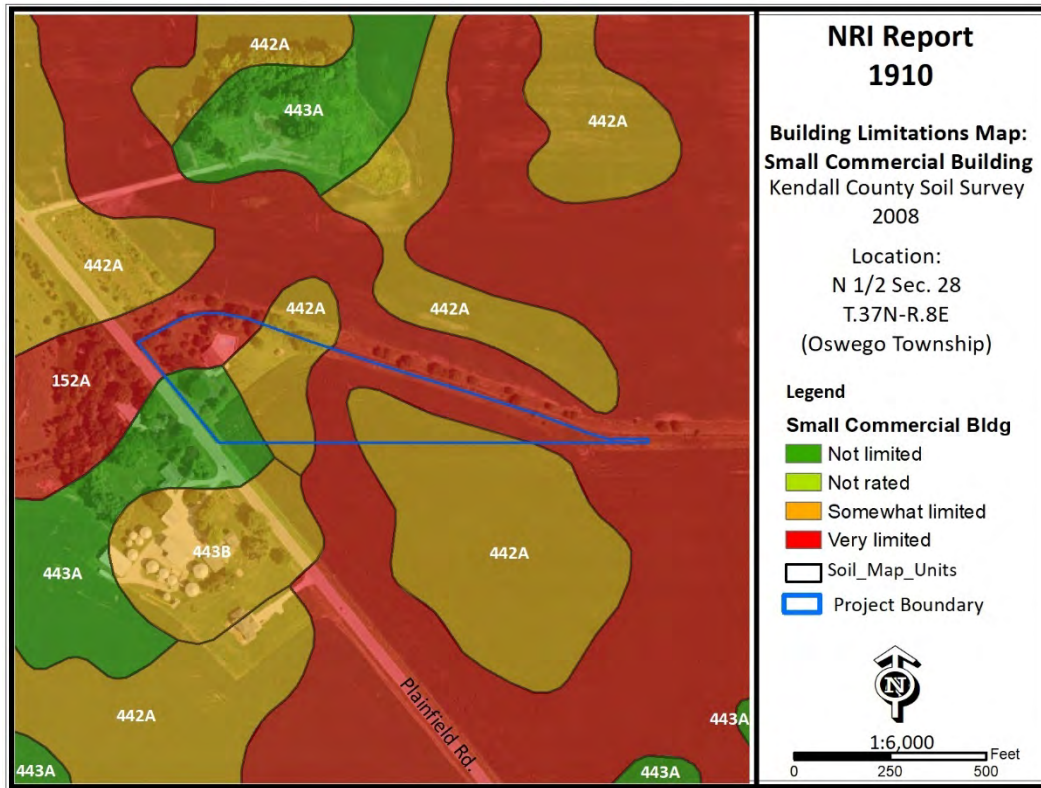


Figure 3b: Map of Building Limitations – Shallow Excavations

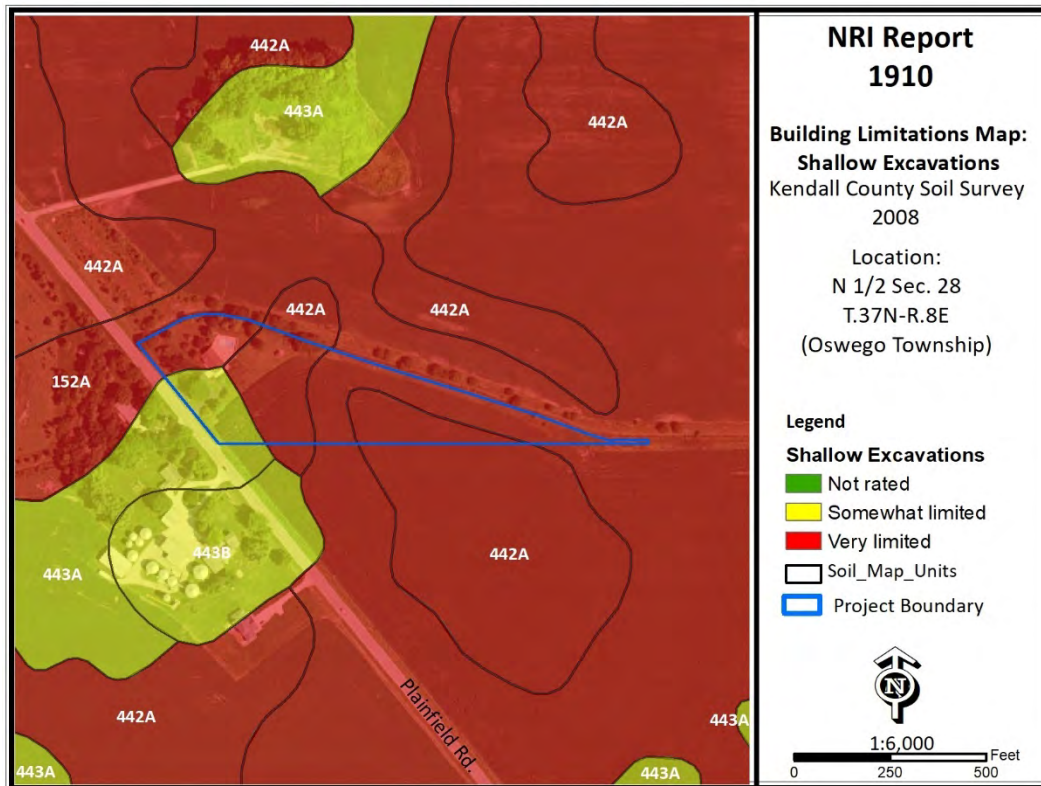


Figure 3c: Map of Building Limitations – Lawns/Landscaping

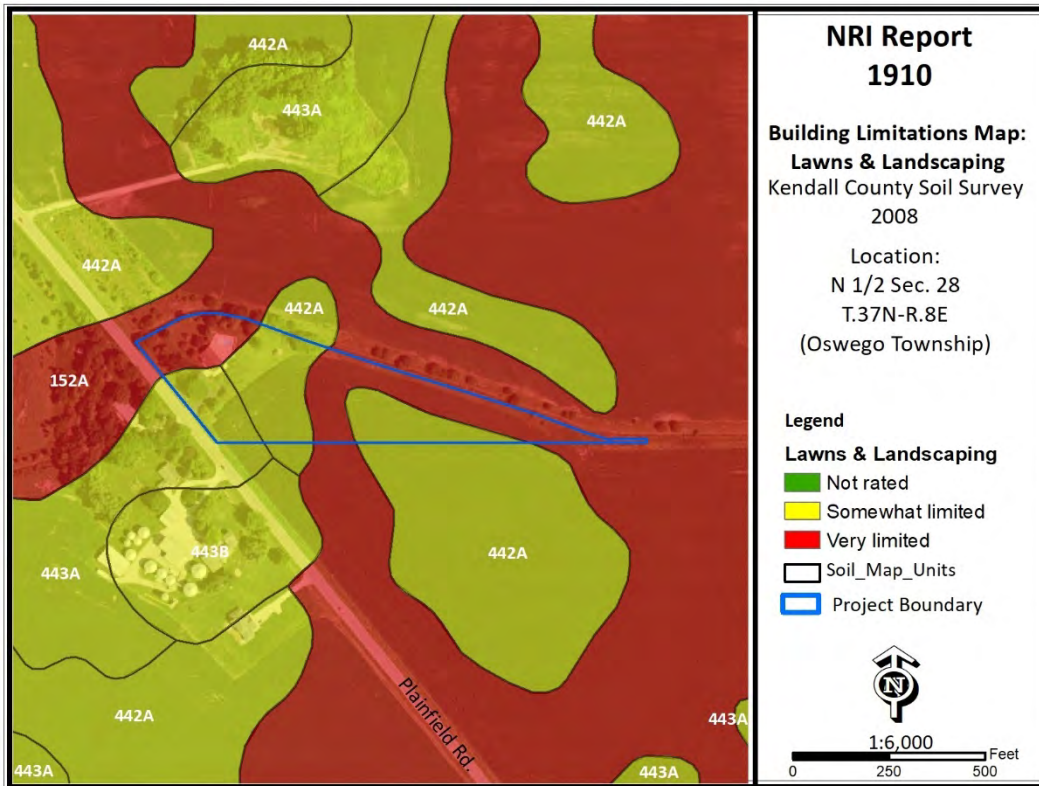
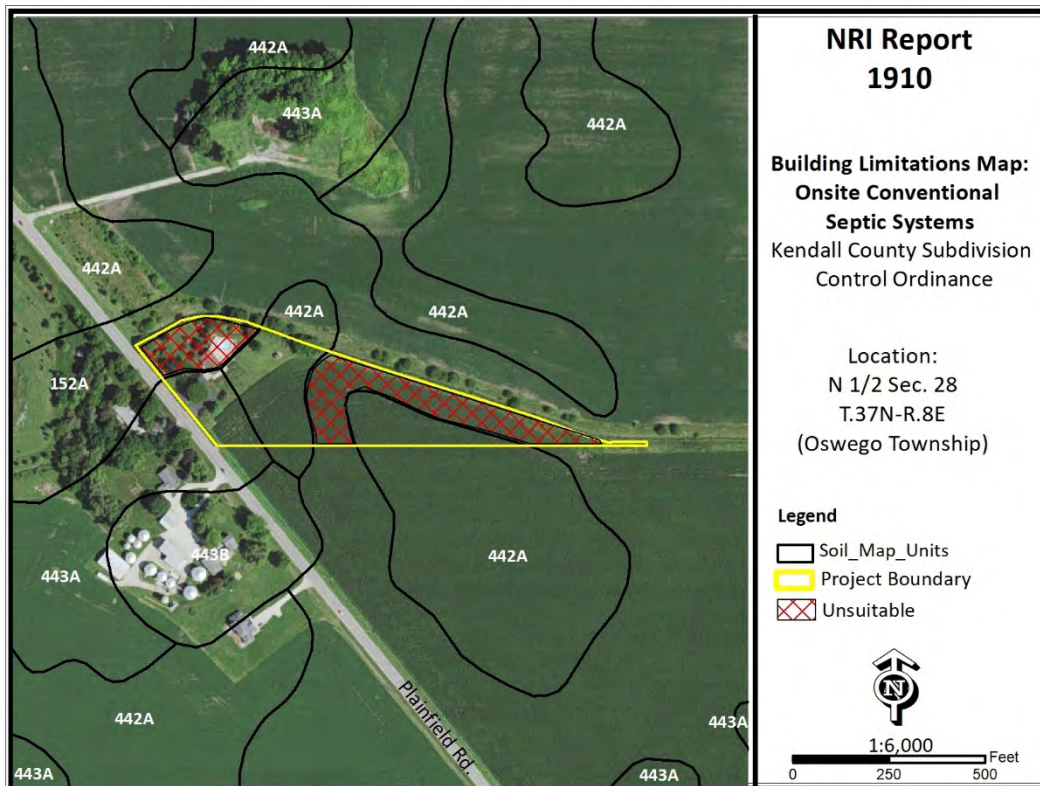


Figure 3d: Map of Building Limitations – Onsite Conventional Sewage System



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## SOIL WATER FEATURES

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This table gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

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

**Group A:** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

**Group B:** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

**Group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

**Group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

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

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

**Months:** Indicates the portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

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

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

**Duration:** Expressed as *very brief* if less than 2 days, *brief* is 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.

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

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

**Duration:** Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.

**Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of

flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

**Note:** The information is based on evidence in the soil profile. In addition, consideration is

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

**Table 3: Water Features**

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
152A	B/D	Negligible	January – May Upper Limit: 0.0'-1.0' Lower Limit: >6.0'	January - May Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent	January - May Duration: -- Frequency: None
442A	B/D	Negligible	January – May Upper Limit: 1.0'-2.0' Lower Limit: >6.0'	January - May Surface Water Depth & Duration: - Frequency: None	January - May Duration: -- Frequency: None
443A	C	Low	February - April Upper Limit: 2.0'-3.5' Lower Limit: >6.0'	February - April Surface Water Depth & Duration: - Frequency: None	February - April Duration: -- Frequency: None

## SOIL EROSION & SEDIMENT CONTROL

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

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

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase

water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches and storm sewers, and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- reducing or diverting flow from exposed areas, storing flows or limiting runoff from exposed areas,
- staging construction in order to keep disturbed areas to a minimum,
- establishing or maintaining or temporary or permanent groundcover,
- retaining sediment on site and
- properly installing, inspecting and maintaining control measures.

Erosion control practices are useful controls only if they are properly located, installed, inspected and maintained.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby.



**Table 4: Soil Erosion Potential**

Soil Type	Slope	Rating	Acreage	Percent of Parcel
152A	0-2%	Slight	2.4	50.0%
442A	0-2%	Slight	1.8	37.5%
443A	0-2%	Slight	0.6	12.5%

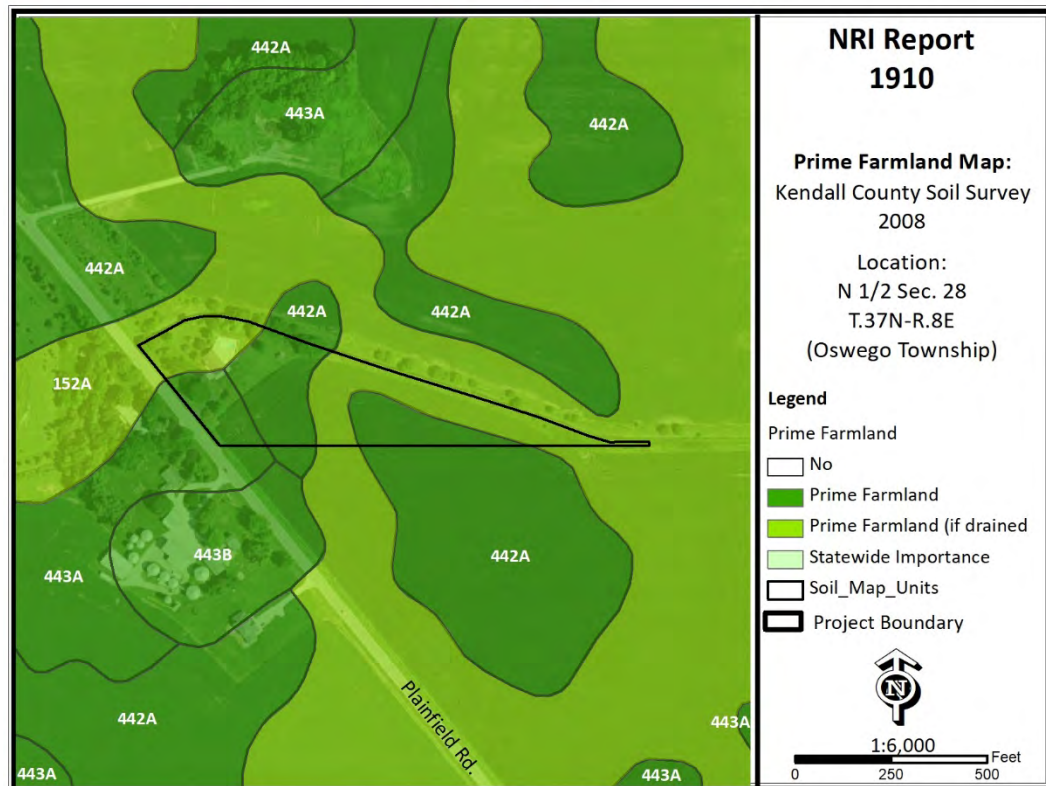
## PRIME FARMLAND SOILS

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

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soils map units on the parcel reflect the determination that urban or built up land on prime farmland soils is not prime farmland.

**Table 5: Prime Farmland Soils**

Soil Types	Prime Designation	Acreage	Percent
152A	Prime Farmland (if drained)	2.4	50.0%
442A	Prime Farmland	1.8	37.5%
443A	Prime Farmland	0.6	12.5%
% Prime Farmland	100%		

**Figure 4: Map of Prime Farmland Soils**

## LAND EVALUATION & 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.

The value group is a predetermined value based upon prime farmland designation. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site.

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

**Table 6a: Land Evaluation Computation**

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
152A	1	100	2.4	240
442A	2	94	1.8	169.2
443A	2	94	0.6	56.4
<b>Totals</b>			<b>4.8</b>	<b>465.6</b>
<b>LE Score</b>		<b>LE= 465.6/4.8</b>		<b>LE=97</b>

The Land Evaluation score for this site is 97, indicating that this site is currently designated as prime farmland that is well suited for agricultural uses.

**Table 6b: 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)	10
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	10
	4. Size of site. (30-15-10-0)	0
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	0
	2. Availability of public water system. (10-8-6-0)	0
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	<b>Site Assessment Score:</b>	<b>73</b>

**Land Evaluation Value: 97 + Site Assessment Value: 73 = LESA Score: 170**

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 170 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.

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## LAND USE PLANS

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Many counties, municipalities, villages and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given

community. Please contact the Kendall County Planning, Building & Zoning for information regarding the County's comprehensive land use plan and map.

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## DRAINAGE, RUNOFF AND FLOOD INFORMATION

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

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

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

### What is a watershed?

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

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

When construction occurs, the Q value naturally increases because of the increase in

impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

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

For this reason, the Kendall County SWCD recommends that the developer for intense uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

### Importance of Flood Information

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

hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

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

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency. These maps define flood elevation adjacent to tributaries and major bodies of water, and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and flood plain location.) The FIRM map has three (3) zones. A is the zone of 100 year flood, zone B is the 100 to 500 year flood, and zone C is outside the flood plain.

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated, or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps, show the areas of flood for various years. Both of these maps stress that the recurrence of flooding is merely statistical. That is to say a 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic

record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDOT-DWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county and local regulations will need to be reflected in the site plans.

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. If the site does include these hydric soils and development occurs, thus raising the concerns of the loss of water storage in these soils and the potential for increased flooding in the area.

This parcel is located on topography (**slopes 0 to 2%**) involving high and low areas (**elevation is approximately 670' above sea level**). The parcel lies within both the **Fox River Watershed and Morgan Creek subwatershed**. The topographic map indicates that the parcel drains predominately west toward Roods Creek.



Figure 5: FEMA Floodplain Map

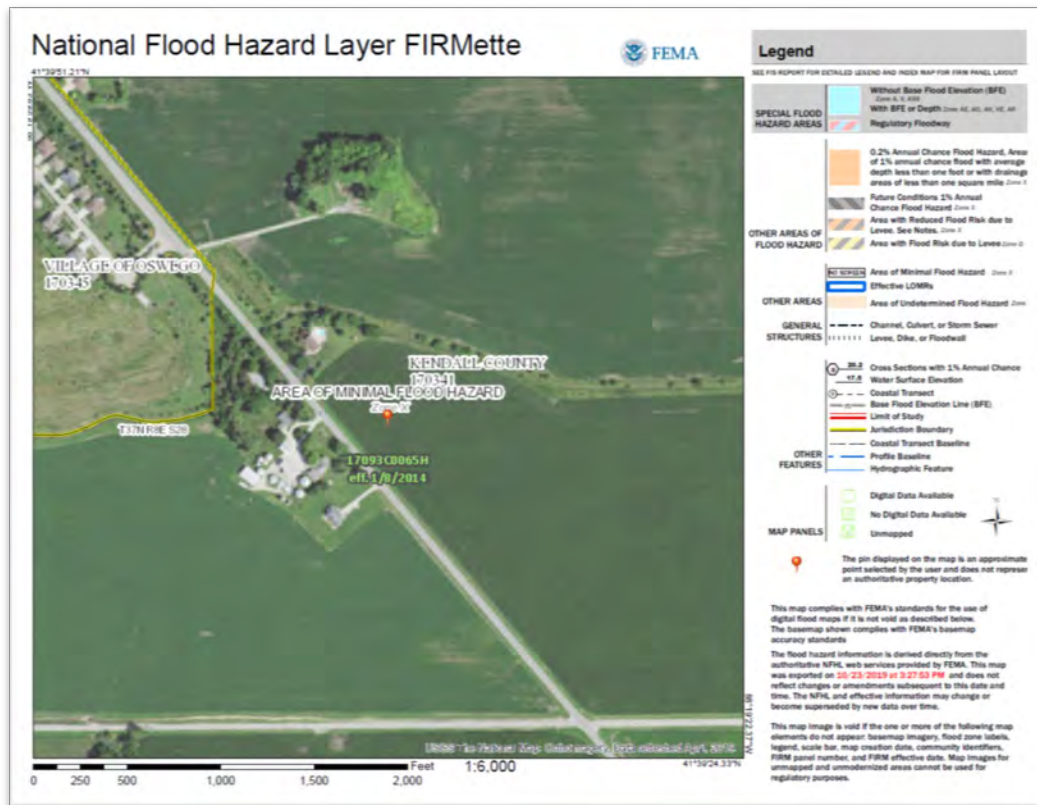
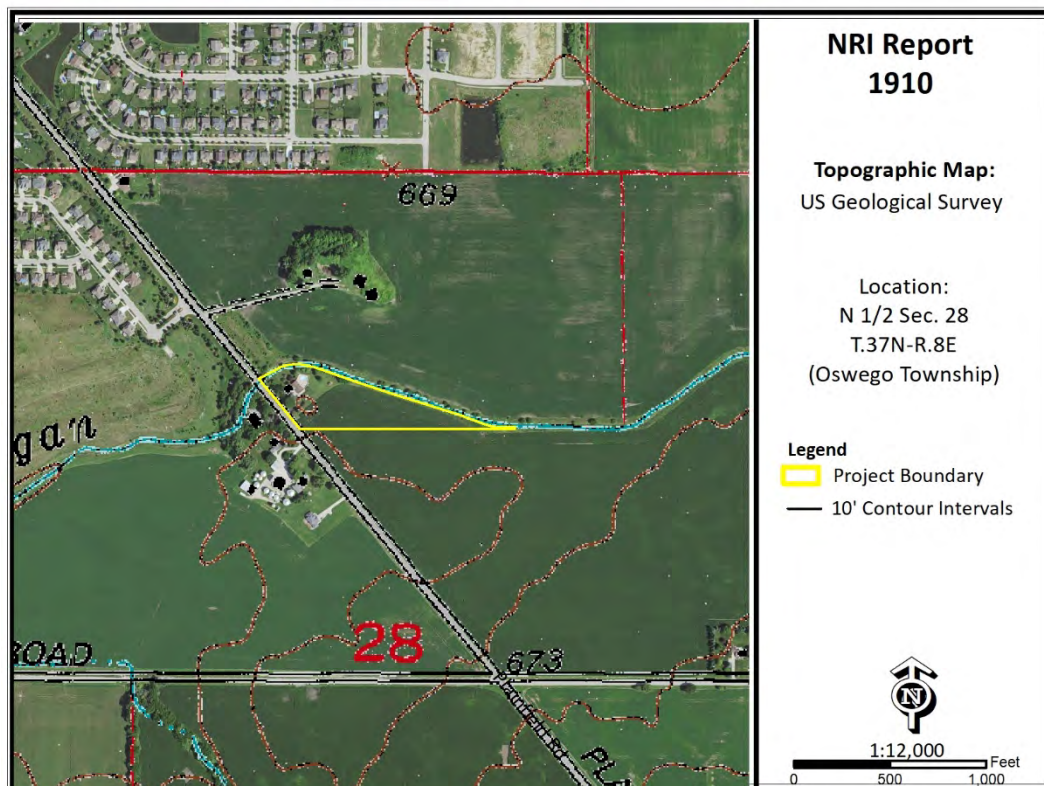


Figure 6: USGS Topographic Map



## WATERSHED PLANS

### Watershed and Subwatershed Information

A watershed is the area of land that drains into a specific point including a stream, lake or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries any pollutants it comes in contact with such as oils, pesticides, and soil. Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and implications of their activities, implementing practices recommended in watershed plans and educating others about their watershed.

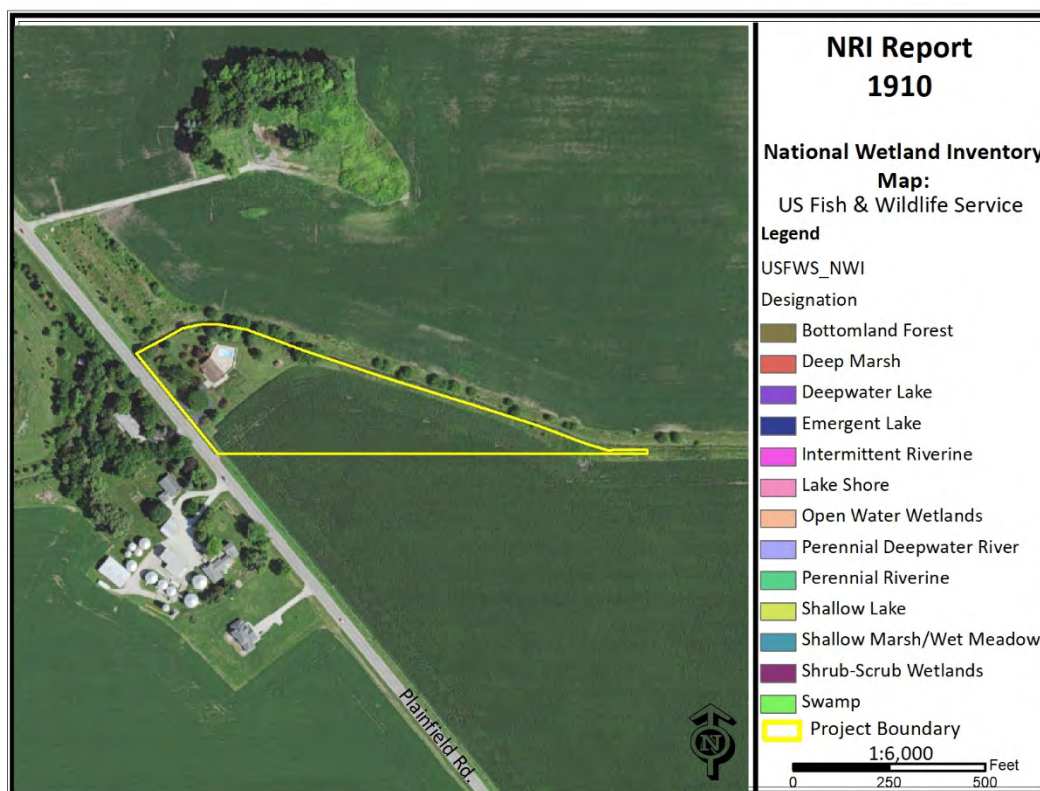
This parcel is located within the **Fox River Watershed and Morgan Creek Subwatershed**.

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

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

## WETLAND INFORMATION

Figure 7: Wetland Map – USFWS National Wetland Inventory



Office maps indicate that wetlands **are not** present on the parcel in question (PIQ).

### Importance of Wetland Information

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

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

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

water a year. These are reasons why our wetlands are high quality and important.

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

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

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### Hydric Soils

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

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

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

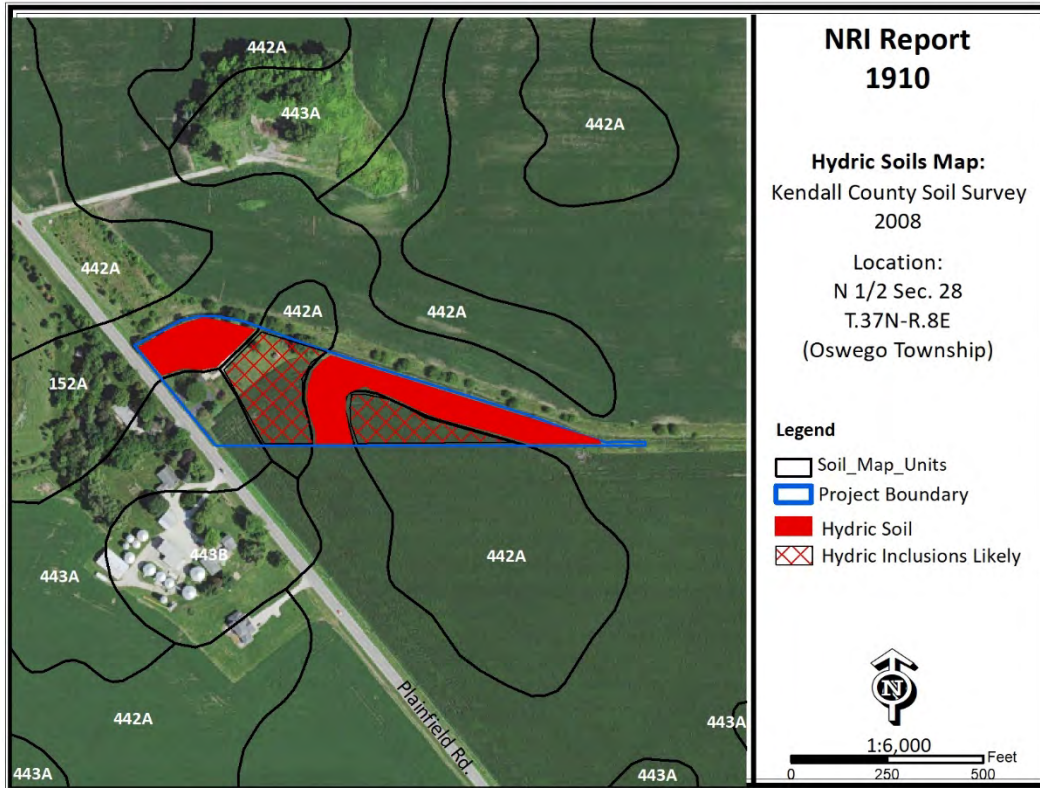
For an intense land use, such as a subdivision, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions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



Table 7: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
152A	Poorly Drained	Hydric	No	2.4	50.0%
442A	Somewhat Poorly Drained	Non-hydric	Yes	1.8	37.5%
443A	Moderately Well Drained	Non-hydric	No	0.6	12.5%

Figure 8: Hydric Soils Map





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## WETLAND AND FLOODPLAIN REGULATIONS

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

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

### WHO MUST APPLY

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

### REGULATORY AGENCIES:

- ◆ **Wetlands or U.S. Waters:** U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building, Rock Island, IL
- ◆ **Flood plains:** Illinois Department of Natural Resources \ Office of Water Resources, Natural Resources Way, Springfield, IL 62702-1270.
- ◆ **Water Quality \ Erosion Control:** Illinois Environmental Protection Agency, Springfield, IL

### COORDINATION

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

**CAUTION: Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a water of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River And Harbor Act of 1899 or Section 404 of the Federal Water Pollution Control Act are subject to fines ranging up to \$27,500 per day of violation and imprisonment for up to one year or both.**

## GLOSSARY

### **AGRICULTURAL PROTECTION AREAS (AG AREAS)** -

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

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

**B.G.** - Below Grade. Under the surface of the Earth.

**BEDROCK** - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

**FLOODING** - Indicates frequency, duration, and period during year when floods are likely to occur.

**HIGH LEVEL MANAGEMENT** - The application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses -- within limits imposed by weather.

**HIGH WATER TABLE** - A seasonal high water table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

**Water Table, Apparent** - A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.

**Water Table, Artesian** - A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.

**Water Table, Perched** - A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

**DELINEATION** - For Wetlands: A series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

**DETERMINATION** - A polygon drawn on a map using map information that gives an outline of a wetland.

**HYDRIC SOIL** - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987)

**INTENSIVE SOIL MAPPING** - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

### **LAND EVALUATION AND SITE ASSESSMENT**

**(L.E.S.A.)** - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

**MODERN SOIL SURVEY** - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different used and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

**PALUSTRINE** - Name given to inland fresh water wetlands.

**PERMEABILITY** - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated, but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on

permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

**PIQ** - Parcel in question

**POTENTIAL FROST ACTION** - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

**PRIME FARMLAND** - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources, and farming the land results in the least damage to the environment.

Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent. (Source USDA Natural Resources Conservation Service)

**PRODUCTIVITY INDEXES** - Productivity indexes for grain crops express the estimated yields of the major grain crops grown in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state. This group of soils is composed of the Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn and Joy soils. Each of the 425 soils found in Illinois are found in Circular 1156 from the Illinois Cooperative Extension Service.

**SEASONAL** - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

**SHRINK-SWELL POTENTIAL** - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

**SOIL MAPPING UNIT** - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

**SOIL SERIES** - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

**SUBSIDENCE** - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

**TERRAIN** - The area or surface over which a particular rock or group of rocks is prevalent.

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

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

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

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## REFERENCES

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Hydric Soils of the United States. USDA Natural Resources Conservation Service, 2007.

FIRM – Flood Insurance Rate Maps for Kendall County. Prepared by FEMA – Federal Emergency Management Agency.

Hydrologic Unit Map for Kendall County. Natural Resources Conservation Service, United States Department of Agriculture.

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Soil Survey of Kendall County. United States Department of Agriculture 2008, Natural Resources Conservation Service.

Illinois Urban Manuel. Association of Illinois Soil & Water Conservation Districts, 2016

Kendall County Land Atlas and Plat Book. 19<sup>th</sup> Edition, 2014.

Potential For Contamination of Shallow Aquifers from Land Burial of Municipal Wastes. Illinois State Geological Survey.

Natural Resources Conservation Service Wetland Inventory Map. United States Department of Agriculture.

Geologic Road Map of Illinois. Department of Natural Resources, Illinois State Geological Survey, Natural Resources Building, 615 East Peabody, Champaign IL 61820-6964.

Wetlands - The Corps of Engineers' Administration of the Section 404 Program (GAO/RCED-88-110)

Soil Erosion by Water - United States Department of Agriculture Natural Resources Conservation Service. Agriculture Information Bulletin 513.

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



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

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

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

Chairman Ashton called the meeting to order at 7:01 p.m.

**ROLL CALL**

**Members Present:** Bill Ashton, Roger Bledsoe, Bill Davis, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, and Claire Wilson

**Members Absent:** Tom Casey and Ruben Rodriguez

**Staff Present:** Matthew H. Asselmeier, Senior Planner

**Others Present:** Carl Buck, Thomas Zurliene, Tyler Zurliene, Caitlin Paloian, Scott Shalvis, John Gay, John Constantine, and Matthew Prochaska

**APPROVAL OF AGENDA**

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the agenda. With a voice vote of seven (7) ayes, the motion carried unanimously.

**APPROVAL OF MINUTES**

Member Wilson made a motion, seconded by Member Bledsoe, to approve the minutes of the September 25, 2019 meeting. With a voice vote of seven (7) ayes, the motion carried unanimously.

**PETITIONS**

**19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)**

Mr. Asselmeier noted the changes in the proposal.

The area subject to the special use permit is approximately ten (10) acres in size, but the business will be operating only a small portion of the property.

The Petitioners submitted revised site plans on September 18<sup>th</sup> and October 15<sup>th</sup>. According to these site plans, the Petitioners will demolish the crib on the east side of the property and construct a new sixty foot by one hundred twenty foot (60'X120') building at approximately the same location as the crib. The new building will be approximately thirty-one feet (31') feet off of the eastern property line. Restrooms will be placed inside the building; portable restrooms will be used until completion of the new building. No date was provided regarding the demolition of the crib. The construction of the new building will occur within three (3) years of the landscaping business acquiring ownership of the property.

The site plans also provided for storage area for sand, rock, gravel, soil, and mulch. The concrete storage area will be ninety feet by fifteen feet by six feet (90'X15'X6') and will be installed by March 2020. Two (2) shipping containers will be onsite. The containers will each be eight feet by forty feet (8'X40'). A brick area will be thirty feet by thirty feet (30'X30'). A thirty foot by sixty foot (30'X60') debris area is also planned to store concrete waste, brick waste, grass clippings, and branches. This debris eventually will be hauled offsite. The debris area will use the same type of encasements as the gravel, soil, and mulch area. A new gas area measuring ten feet by fifteen feet (10'X15') will be installed.

Any new buildings constructed onsite will require building permits. If the existing buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

The site plan shows parking east of the existing house. This parking area will need to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. The parking area will be forty-five feet by sixty feet (45'X60'). No customers will come to the property.

Currently, one (1) pole light and one (1) exterior barn light are located on the property. The Petitioners plan to install security lights with the new building. No specifics about the lights was provided.

The Petitioners plan to install one (1) five foot by six foot (5'X6') sign north of the berm. No information was provided regarding the height of the sign.

According to the site plans, the Petitioners plan to install one hundred twenty-four (124) Techny Arborvite along the western, eastern, and southern portions of the site. The Arborvitae will be three feet (3') in height at the time of planting. They will be planted approximately ten feet (10') apart and will be fifteen to twenty feet (15'-20') from off the property line. They will grow approximately fifteen feet (15') in height. Planting will occur by October 2020.

None of the existing trees along Route 52 will be removed.

A berm three feet (3') in height and six feet (6') in width will be installed for a length of fifty feet (50') east of the driveway. The berm will be made of dirt and seed. The berm will be installed by October 2020.

The property drains to the south of the proposed business operations. The Petitioners did not provide any additional information regarding contours, drainage, or dimensions of impervious surface. A stormwater management permit will be required.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that landscaping materials are properly stored, that appropriate screening is installed, that the well and septic systems are operational and sized to handle the proposed use, and that applicable building and stormwater permits are secured, 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 subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, 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. Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location and size septic field are unknown. The Petitioners may have to upgrade the septic system because of the new use of the property.

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

Staff recommended approval subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan submitted on October 15, 2019.
2. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
3. One (1) business related five foot by six foot (5'X6') sign shall be allowed on the subject property as shown on the attached site plan. The sign will not be illuminated.
4. The parking area shown on the site plan shall be located to comply with the Kendall County Zoning Ordinance, shall be gravel, and shall be approximately forty-five feet by sixty feet (45'X60') in size.
5. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected east of the driveway as shown on the site plan. The berm shall be six feet (6') wide at the base, shall extend approximately fifty feet (50'), and shall be made of dirt and seed. The berm shall be installed by October 2020.
6. One hundred twenty-four (124) Techny Arborvitaes shall be planted in substantially the locations shown on the attached site plan. The arborvitae shall be three feet (3') tall at the time of planting and shall grow to approximately fifteen feet (15'). The arborvitaes shall be installed by October 2020. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
7. Any materials associated with the landscaping business stored outdoors, including the debris area and brick area, must be stored on concrete pads with blocks on three sides of the materials in substantially the same locations as shown on the site plan. The concrete pads must be installed by March 2020.
8. Equipment and vehicles related to the business may be stored outdoors.
9. Within sixty (60) days of the approval of this special use permit, the Petitioners 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 Petitioners and the Kendall County Health Department.
10. No landscape waste generated off the property can be burned on this site.
11. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials

on the property.

12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
14. 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.
15. 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.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Carl Buck, Attorney for the Petitioners, stated that the Petitioners concur with the proposed Findings of Fact and the proposed conditions. He noted that the buildings shall not be built until the Petitioners acquire ownership of the property. The Petitioners shall supply necessary information for building permits at that time.

Clarification regarding the sizes and locations of the storage containers was provided.

Chairman Ashton asked about the Village of Shorewood's concerns. Mr. Buck responded that the Petitioners followed-up with the Village of Shorewood and the Village of Shorewood did not object to their proposal.

The Petitioners are requesting one (1) two-sided sign.

Member Nelson made a motion, seconded by Member Bledsoe, to recommend approval of Petition 19-26 with the conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Davis, Hamman, McCarthy-Lange, Nelson, and Wilson

Nays (0): None

Absent (2): Casey and Rodriguez

The motion carried. The proposal goes to the Zoning Board of Appeals on October 28, 2019.

### **19-31 John and Laura Gay**

Mr. Asselmeier summarized the request.

John and Laura Gay would like to establish a kennel, The Pets Home Pet Resort and Spa, at the subject property which they own at 3601 Plainfield Road. They are also requesting a variance to allow the kennel to be approximately thirty feet, six and one half inches (30'-6 1/2") from property zoned other than residential at the kennel's closest point with neighboring property.



The property is approximately five (5) acres in size and the special use area is approximately four point seven (4.7) acres in size.

The existing land use is agricultural and single-family residential. The future land use is suburban residential. There are no trails planned in the area. There are no floodplains or wetlands on the property, but Morgan Creek runs along the northern boundary of the property.

The adjacent land uses are agricultural, farmstead, and single-family residential. The adjacent zoning is A-1. The Land Resource Management Plan calls for the area to be suburban residential with commercial to the south of the property. The adjacent zonings are A-1 and R-1 in the County and R-2 inside the Village of Oswego.

The Ashcroft Place subdivision is located within one half mile (1/2) to the north.

The Deerpath Trails and Morgan Crossing subdivisions are located within one half (1/2) mile to the west.

EcoCat submitted on July 22, 2019, and found no protected species or sites in the vicinity.

NRI application submitted on September 12, 2019. The LESA Score was 170 indicating a low level of protection.

Oswego Township was emailed information on September 23, 2019. On October 9, 2019, Oswego Township submitted comments regarding this proposal. They do not object to the proposal, but would like adequate screening around the property.

Oswego Fire Protection District was emailed information on September 23, 2019. They requested the building to be fire alarmed. They requested the building to be sprinkled. They also requested turn-around capabilities for fire apparatus on the subject property. The Petitioners agreed to amend their site plan to have a turn-around area and submitted a revised site plan to that effect.

The Village of Oswego was emailed information on September 23, 2019.

ZPAC met on this proposal on October 1, 2019. Discussion occurred regarding the Oswego Fire Protection District's requests. The Petitioners stated they would examine the Oswego Fire Protection District's requests. The Highway Department requested a fifteen foot (15') right-of-way dedication along the entire existing frontage of Plainfield Road to be used as Plainfield Road right-of-way. Discussion occurred regarding the number of vehicle trips at the property. The Health Department requested to work with the Petitioners regarding their well and septic systems. ZPAC recommended approval by a vote of seven (7) in favor, zero (0) in opposition, and three (3) members absent. The ZPAC minutes were provided.

The Petitioners currently reside in the one-story frame house on the property.

Because of the shape of the property, a variance is required to the distance from the kennel to non-residentially zoned property.

According to the information provided to the County, the Petitioners plan to offer pet daycare, boarding, and grooming services. The proposed hours of operation are Monday through Sunday from 6:00 a.m. until 6:00 p.m. However, the Petitioners would like to have the option to be closed on weekends and to allow boarders to drop-off and pick-up pets on the weekends on a pre-scheduled basis. The Petitioners plan to hire five (5) employees. The maximum number of pets planned for the site is one hundred (100). Per the Kendall County

Zoning Ordinance, all animals will be indoors by sunset. The Petitioners believe the area is lacking this type of service.

As noted in the site plan, the Petitioners plan to construct an approximately four thousand, one hundred fifty (4,150) square foot building southeast of the existing home on the property. The building shall consist of fourteen (14) rooms including a lobby, manager's office, restroom, bathroom, break room, laundry, pet bathing room, three (3) pet suites, and pet areas for small, medium, and large pets. A six foot (6') tall wood fence would be located approximately fifteen feet (15') from the building to the southeast and northeast. The fenced area would be approximately six hundred twenty (620) square feet in size and serve as a play area for the pets.

Building and Occupancy Permits will be required for the new building.

The Petitioner indicated that they are working with the Health Department regarding well and septic facilities.

The property fronts Plainfield Road and curb cut already exists for the proposed driveway for the kennel. The Petitioners are going to remove an existing driveway connection on the property. If this removal occurs, there would be one (1) dedicated entrance for the residence and one (1) dedicated entrance for the kennel.

The Petitioners believe most of the traffic generated by the proposed business will occur in the morning and early evening when patrons drop-off and pick-up their pets.

The Petitioners propose to install an eleven (11) spot parking lot. One (1) of the spaces would be handicapped accessible. The parking lot would access Plainfield Road through a twenty-two foot (22') wide asphalt driveway.

The Petitioners plan to installed three (3) lights along the driveway and in the parking lot. These lights are twelve feet (12') in height. Two (2) wall pack will be installed along the east side of the building. Four (4) wall lights will be installed on the building; three (3) will be on the north side of the building and one (1) will be on the east side of the building. The description of the types of lighting that might be installed were provided. The exact light fixtures are not known.

The Petitioners plan to have one (1) sign along Plainfield Road.

The Petitioners plan to install eight (8) canopy trees, six (6) deciduous shrubs, twenty-eight (28) evergreen shrubs, and six (6) groundcovers, grass, and perennials. The specific location of the plants can be found on the site plan.

The Petitioners believe the distance of their facility to existing houses combined with having the pets indoors by sunset will prevent any noise issues.

The Petitioners plan to install an eight foot by ten foot (8' X 10') refuse enclosure at the northeastern end of the parking lot. The enclosure is proposed to be six feet (6') tall surrounded by brick with a steel gate for access. Refuse will be picked up weekly.

If approved, this would be the fifth active special use permit for a kennel in unincorporated Kendall County.

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

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

detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1. There are no existing structures on adjacent properties within one hundred feet (100') of the property line. Taking into account the residential properties to the west and southwest of the property, the proposed kennel location will be situated on the east end of the property, thereby well-exceeding the two hundred fifty foot (250') setback requirement from any residential district set forth in the Zoning Ordinance. In addition, the Petitioners have a waste management plan and have considered the impact of noise on surrounding properties. A six foot (6') tall fencing is planned around the outdoor play area. The Petitioners intend to follow the Kendall County Zoning Ordinance as it relates to having all pets inside by dusk.

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. As noted in the previous finding, the proposed special use will be setback further than the required setback for residentially zoned properties. The Petitioners plan to install a fence and security lighting. The Petitioners agreed to have animals indoors by sunset. The proposed hours of operation will also prevent injury to neighboring land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. An existing curb cut is already located off of Plainfield Road at the subject property. The Petitioners will have to secure applicable permits related to stormwater, drainage, well, and septic systems.

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 non-residentially zoned or use properties, 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 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement ". . . of locally owned businesses."

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

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject property is triangular in shape and combined with its size of approximately five (5) acres makes it difficult for any use to be greater than one hundred fifty feet (150') from any non-residentially zoned property.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The configuration of this property is unique among A-1 zoned properties. Most A-1 zoned properties are larger and more rectangular in shaping than the subject property giving them more space for uses to be away from non-residentially zoned property.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioners did not create the configuration of 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. Provided the site is developed as proposed, the granting of the variation will not be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood.

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. Provided all applicable permits are secured, no threats to public safety should arise. The proposed use will not cause an impairment of light or air to adjacent property. Increased traffic congestion is not anticipated. If developed as proposed, property values should not be impaired.

Staff recommended approval with the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan, security plan, landscaping plan, and lighting plan (original site plan). The site plan shall be adjusted to accommodate a turn-around area for emergency vehicles (site plan submitted on October 16, 2019). The previously listed plans may be slightly altered to meet the right-of-way dedication mentioned in condition 2.
2. Within one hundred eighty (180) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire Plainfield Road portion of the property to Kendall County to be used as Plainfield Road right-of-way. This dedication shall have a depth of fifteen feet (15') as measured from the right-of-way line that existed on the date of adoption of this special use permit ordinance.
3. A variance is granted to Section 7.01.D.27 of the Kendall County Zoning Ordinance allowing the kennel operation granted by this special use permit to be placed thirty feet, six inches (30' 6") at its closest point to lot lines of properties zoned other than residential or shown on the Land Resource Management Plan (LRMP) map as non-residential.
4. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map.
5. One (1) non-illuminated sign may be installed on the subject property in substantially the location shown on the site plan (original site plan). The specific location of the sign may be adjusted slightly to reflect the right-of-way dedication in condition 2.
6. A maximum of one hundred (100) pets may be on the subject property at any time.
7. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
8. The hours of operation for the business allowed by this special use permit shall be Monday through Sunday from 6:00 a.m. until 6:00 p.m. The operator(s) of the business allowed by this special use

permit may reduce these hours of operation. Pets experiencing medical emergencies may be tended to outside the hours of operation.

9. The maximum number of employees for the business allowed by this special use permit shall be seven (7), including the business owners.
10. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
11. Any construction on the property related to the use allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
12. The operator(s) of the kennel allowed by this special use permit may sell ancillary items related to their kennel operations.
13. The operator(s) of the kennel acknowledge and agree to follow Kendall County's Right to Farm Clause.
14. The operator(s) of the kennel allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
15. 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.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Discussion occurred regarding the screening requested by Oswego Township. Caitlin Paloian, Attorney for the Petitioner, stated that Oswego Township was satisfied by the fencing proposed at the site.

Member Wilson asked about the proposed future land uses to the south of the property. Mr. Asselmeier responded that, in the County, the proposed future land use is commercial.

Member Wilson asked about pets being indoors between sunset and sunrise. John Gay responded that the Petitioners will abide by their hours of operation. Pets will not be outdoors playing after sunset. Dogs will not be caged.

Member Wilson asked about individual runs for pets. Ms. Paloian responded that individual runs are not planned.

The variance is necessary because of the shape of the property. Discussion occurred about the location of the play areas in relation to the southern property line.

One member of the staff will be onsite overnight. During the day, there will be shifts of three (3) employees for each shift.

The special use will include pets beyond just dogs. The Petitioners plan to have just dogs at this point in time.

Chairman Ashton asked if the Oswego Fire Protection District approved of the turn-around area. Ms. Paloian responded that the Oswego Fire Protection District found the turn-around area acceptable.

John Constantine had no objections and asked the Commission to approve the request.



Member Bledsoe made a motion, seconded by Member Hamman, to recommend approval of Petition 19-35 with the conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Davis, Hamman, McCarthy-Lange, Nelson, and Wilson

Nays (0): None

Absent (2): Casey and Rodriguez

The motion carried. The proposal goes to the Zoning Board of Appeals on October 28, 2019.

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

None

#### **NEW BUSINESS**

None

#### **OLD BUSINESS**

##### **Update on Zoning Ordinance Project**

Mr. Asselmeier reported that Comprehensive Land Plan and Ordinance Committee has reviewed Sections 1-10 and Section 12.

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

None

#### **OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported there is a request to amend the Future Land Use Map in the Land Resource Management Plan on County Line Road north of Route 52 by changing the area from Public/Institutional to Commercial and rezone the property for an athletic facility and an outdoor/indoor storage area.

Mr. Asselmeier reported that the Village of Millbrook voted to opt-out of cannabis uses and the Village of Plattville is still deciding their stance on the matter.

Member Nelson announced that the State is funding various road projects throughout the County. He suggested examining the transportation plans in the western townships of the County for the February Annual Meeting.

#### **ADJOURNMENT**

Member McCarthy-Lange made a motion, seconded by Member Nelson, to adjourn. With a voice vote of seven (7) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 7:43 p.m.

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

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# KENDALL COUNTY REGIONAL PLANNING COMMISSION OCTOBER 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)
John Constantine		
CARL BUCK		cbuck@ecklamf.milwaukee
Caitlin Palnan		Caitlin@no-attorneys.com
Scott Shalvus		Scott.S@ArchStudio.com