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

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Monday, February 11, 2019 – 6:30 p.m.

**CALL TO ORDER:**

**ROLL CALL:** Elizabeth Flowers, Judy Gilmour, Matt Kellogg (Vice-Chairman), Matthew Prochaska (Chairman), and John Purcell

**APPROVAL OF AGENDA:**

**APPROVAL OF MINUTES:** Approval of Minutes from January 7, 2019 Meeting (Pages 3-14)

**PUBLIC COMMENT:**

**PETITIONS:**

1. **18 – 04 – Kendall County Regional Planning Commission (Pages 15-21)**  
Request: Proposed Amendments to Future Land Use Map for Properties Located Near Route 47 in Lisbon Township

Purpose: Proposed Changes to the Lisbon Township Future Land Use Map Include:

1. Changing the Agricultural Area West of Route 47 from Slightly South of Townhall Road to the Kendall/Grundy County Line to Mining
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon's Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan

Proposed Change to Kendall County Future Land Use Map:

1. Incorporate the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map

Proposed Text Changes:

1. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

2.       **19 – 04 –       Rodolfo and Georgina Nunez (Pages 22-101)**  
Request:       Special Use Permit for a Landscaping Business  
PINs:         02-24-300-017 and 02-24-300-018  
Location:      6725 Route 71, (Approximately 0.41 Miles West of Orchard/Minkler Roads  
                    on the Northwest Side of Route 71), Oswego Township  
Purpose:       Petitioners Would Like to Operate a Landscaping Business at the Property;  
                    Property is Zoned A-1
  
3.       **19 – 05 –       Specialty Oswego, LLC (Current Owners) and Stuart and Paula Weihler**  
                    **(Prospective Buyers) (Pages 102-227)**  
Request:       Special Use Permit for a Banquet Facility and Variance to Section 7.01.D.10.a  
                    of the Kendall County Zoning Ordinance to Allow a Banquet Facility on a  
                    Non-Arterial or Non-Major Collector Roadway  
PIN:            03-34-100-024 (South 10 Acres)  
Location:      5100 Hundred Block of Schlapp Road (Approximately 0.48 Miles South of  
                    the Intersection of Plainfield Road and Schlapp Road on the East Side of  
                    Schlapp Road), Oswego Township  
Purpose:       Petitioners Would Like to Operate a Banquet Facility at the Property; Property  
                    is Zoned A-1

**NEW BUSINESS:**

1.       Report from Regional Planning Commission

**OLD BUSINESS:**

1.       Discussion of Amended Petition 17-28 Pertaining to Text Amendments to Sections 7.01.D.32  
          (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District)  
          and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site  
          Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of  
          Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)
  
2.       Approval of Initiating a Text Amendment to Section 11.05A of the Kendall County Zoning  
          Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers  
          and Mobile Homes (Pages 228-230)
  
3.       Zoning Ordinance Project Update (Page 231)
  
4.       Update on Zoning Violation at 790 Eldamain Road

**CORRESPONDENCE:**

**PUBLIC COMMENT:**

**COMMENTS FROM THE PRESS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.



**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**

***Kendall County Office Building***

***Rooms 209 & 210***

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

**6:30 p.m.**

**Meeting Minutes of January 7, 2019 – Unofficial until approved**

**CALL TO ORDER**

The meeting was called to order by Chairman Prochaska at 6:52 p.m. Chairman Prochaska led the attendees in the Pledge of Allegiance.

**ROLL CALL**

Committee Members Present: Elizabeth Flowers, Judy Gilmour, Matt Kellogg (Vice-Chairman), John Purcell, and Matthew Prochaska (Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Ruth Ann Sikes (Part Time Administrative Assistant), Todd Vandermyde, David Lombardo, Zach Barnwell, Don Draper, Nate Howell, Richard Holman, Mark Perle, and Priscilla Gruber

**APPROVAL OF AGENDA**

Motion made by Member Gilmour, seconded by Member Kellogg, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried unanimously.

**APPROVAL OF MINUTES**

Motion by Member Gilmour, seconded by Member Flowers, to approve the minutes of the December 10, 2018, meeting with a correction to the spelling of Todd Vandermyde's last name. With a voice vote of five (5) ayes, the motion carried unanimously.

**EXPENDITURE REPORT**

The Committee reviewed the expenditure report.

**PUBLIC COMMENT**

Priscilla Gruber provided written comments regarding the proposed gun range zoning regulations. Her comments are attached to the minutes.

Mark Perle stated that he was surprised at the NRA responses. He went through the comments point by point and believed that common ground could be found on the issue. He stated that it was hard for the residents to comment until the committee provides direction on where the proposal is going.

**PETITIONS**

*Amended Petition 18-04 -Request from the Kendall County Regional Planning Commission*

Member Purcell made a motion, second by Member Flowers, to move to the next agenda item. With a voice vote of five (5) ayes, the motion carried unanimously.

## **NEW BUSINESS**

### **Approval of Annual Renewal of Mobile Home Permit-10825 B Corneils Road**

Mr. Asselmeier summarized the request and stated that all necessary paperwork was on file.

Member Kellogg made a motion, seconded by Member Purcell, to approve the renewal.

Yeas (5): Gilmour, Kellogg, Flowers, Purcell, and Prochaska  
Nays (0): None  
Abstain (0): None

The motion carried unanimously.

### **Approval of Annual Renewal of Mobile Home Permit-13443 Fennel Road**

Mr. Asselmeier summarized the request and stated that all necessary paperwork was on file.

Member Flowers made a motion, seconded by Member Gilmoour, to approve the renewal.

Yeas (5): Gilmour, Kellogg, Flowers, Purcell, and Prochaska  
Nays (0): None  
Abstain (0): None

The motion carried unanimously.

### **Inoperable Vehicle Ordinance Update**

Mr. Asselmeier presented the citation letter on the subject. Mr. Asselmeier said there would be a standard date at the courthouse. We are trying to cite the person who has the ability to move the car. Member Purcell requested that the term "violation" be replaced with the term "citation" at various spots in the letter. The suggestion was also made that the language requiring a letter from the Planning, Building and Zoning Department be sent to the vehicle owner prior to the closing of the citation be removed from the letter. The Planning, Building and Zoning Department has not implemented the new ordinance because the letter has not been finalized. The consensus of the Committee was to forward the revised letter to the Committee of the Whole for comment.

### **Yorkville Intergovernmental Agreement Update**

Mr. Asselmeier read Mr. Holdiman's memo on the subject. Chairman Prochaska said he would like to get the process started and get it renewed before it expires. There were no objections to this suggestion.

### **Review of 2019 Planning, Building and Zoning Department Application Deadlines and Meeting Dates**

The Committee reviewed the 2019 Planning, Building and Zoning Department Application Deadlines and Meeting Calendar.

## **OLD BUSINESS**

Discussion of Amended Petition 17.28 Pertaining to Test Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Material Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not including Private Shooting in Your Own Yard)

Chairman Prochaska invited Priscilla Gruber and Mark Perle to the podium to give additional comments on the proposal and to allow the Committee to ask questions of them. Mr. Perle stated that he provide written comments to the Committee.

Chairman Prochaska invited Todd Vandermyde to the podium to explain his position. Mr. Vandermyde stated that the County should avoid litigation, if possible.

Chairman Prochaska thanked Members Gilmour and Kellogg for updating new members on the proposal. Chairman Prochaska and Member Gilmour thanked the public for all their opinions and comments.

Member Kellogg left at this time (8:03 p.m.).

Chairman Prochaska stated that he would like the Committee to go through the proposal line-by-line at future meetings. If the Committee makes significant changes to the proposal, he would like to see the proposal be re-heard at the Zoning Board of Appeals. Hopefully, the proposed changes would cause Na-Au-Say Township to withdraw their formal objection and that a majority of the County Board would approve the proposal.

Discussion of Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers and Mobile Homes

Mr. Asselmeier read his memo on the subject and stated that the Department favors abolishing the seventy-two (72) hour rule because the regulation is difficult to enforce with current staffing levels and because the rule is unfair to new residents of the County and to residents that have neighborhood disputes.

Member Purcell asked about the number of registered trailers. Mr. Asselmeier would research this number (there are five (5) registered trailers).

Discussion occurred regarding initiating a text amendment to the Zoning Ordinance based on Staff's recommendation. Member Purcell suggested the matter be referred to the Committee of the Whole. The consensus of the Committee was to place the initiation of the text amendment on the February Planning, Building and Zoning Committee agenda. Member Purcell requested that Mr. Asselmeier forward the information on this topic to County Administrator Scott Koeppel for placement on an upcoming Finance Committee agenda.

Discussion of Having a Second Planning, Building and Zoning Committee Meeting Each Month

Chairman Prochaska said the second meeting for the month of February would be on February 26<sup>th</sup> at 8:00 a.m.

#### Zoning Ordinance Project Update

Mr. Asselmeier read Mike Hoffman's email. Mr. Hoffman hopes to have a draft to the County Staff by January 25<sup>th</sup>. Staff and the Committee would review the draft before initiating text amendments to the Zoning Ordinance.

#### **REVIEW VIOLATION REPORT**

The Committee reviewed the violation report.

#### Update on Zoning Violation at 790 Eldamain Road

Mr. Asselmeier provided updated information on this case. The required fence has not been completed. The consensus of the Committee was to forward this item to the Committee of the Whole for consideration of starting the judicial enforcement process. Mr. Asselmeier will contact the attorney for the property owner and notify them of the Committee of the Whole meeting.

#### **REVIEW NON-VIOLATION REPORT**

The Committee reviewed the non-violation report.

#### **UPDATE FOR HISTORIC PRESERVATION COMMISSION**

Mr. Asselmeier stated the Historic Preservation Commission was accepting nominations for historic preservation awards and the Commission would hold a meeting with other historic preservation groups on February 13<sup>th</sup> at LaSalle Manor.

#### **REVIEW PERMIT REPORT**

The Committee reviewed the permit report.

#### **REVIEW REVENUE REPORT**

The Committee reviewed the revenue report.

#### **CORRESPONDENCE**

None

#### **PUBLIC COMMENT**

Zach Barnwald suggested that the blue sky requirement be dropped for gun ranges.

Richard Holman was in attendance to listen. He was a long-time shooter and he discussed decibel readings.

#### **COMMENTS FROM THE PRESS**

None

#### **EXECUTIVE SESSION**

None

#### **ADJOURNMENT**

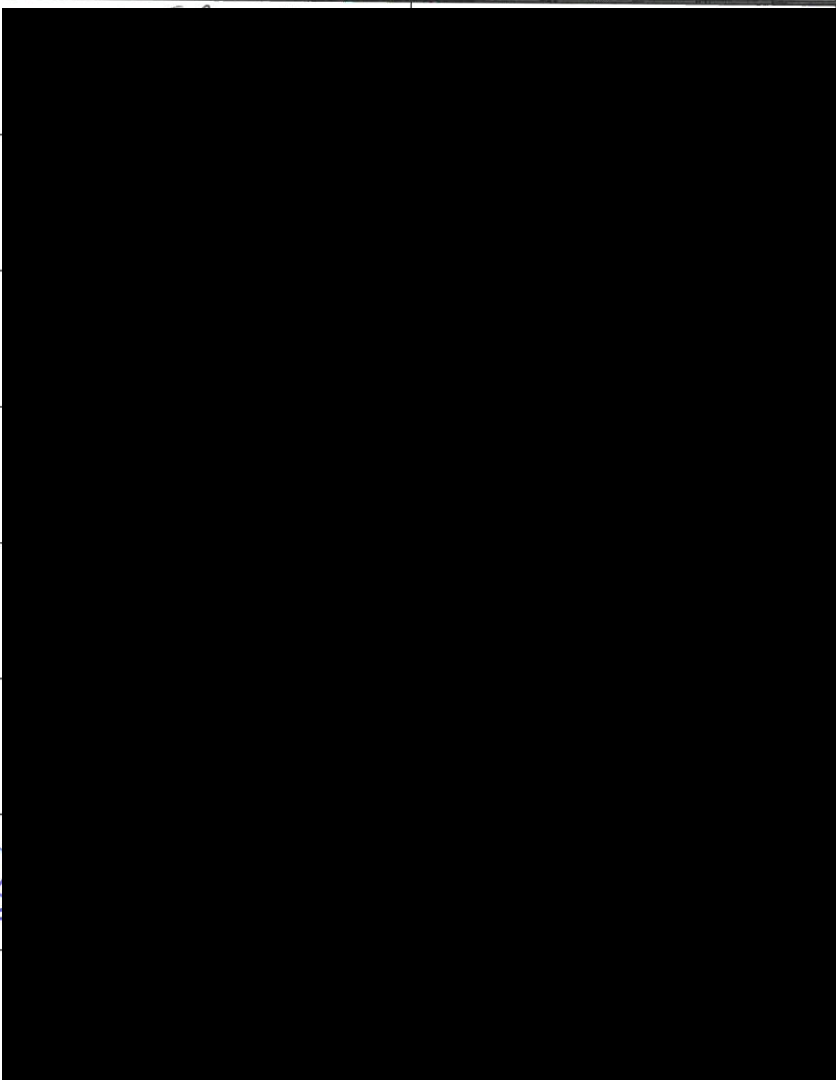
Motion by Member Flowers, seconded by Member Gilmour, to adjourn. With a voice vote of Four (4) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 8:55 p.m.

Minutes prepared by Ruth Ann Sikes, Part Time Administrative Assistant (Zoning)

Encs.

**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
JANUARY 7, 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)
<i>Vandermyde</i> <i>1051 Vandyke</i>		
DAVID LOMBARDI		
ZACH BARNWELL		
DON DRAPER		
NATE HOWELL		
Richard Holman		
<i>Mauro Paul</i>		
<i>Priscilla Gubler</i>		

Notes re PBZ 1/07/19

I have read the objections to our proposal posted in your packet. I hope they are not the official position of the Committee or its Chair. I understand county staff did not write them. The author is unidentified.

The objections to our suggestions all boil down to one idea: An assumption that we and the county are trying to make gun ranges impossible here.

You know you are not doing that and neither are we. The posted objections allow no consideration for safety of the citizens of this county or property rights of neighboring property owners.

Our county's job is to look out for the welfare of all county residents, not to promote commercial gun ranges or make them profitable. Especially not at the expense of other property owners home and land values and the safety and quality of life of our families.

The court case quoted was about Chicago indoor gun range regulations which is very different from what is proposed here, a very different situation so the ruling mostly does not apply. The main point of the decision was that the city may not effectively prevent any gun ranges in the city. This is clearly not what we are trying to do with our ordinance for outdoor gun\_range regulations. Again a different case.

Rifle bullets shot out in the open as happens in outdoor ranges can travel over two miles. Our county's job is to protect our people from the danger of stray or ricochet bullets for that whole area and from the war zone level noise and other detrimental effects on their neighborhoods. Would you buy a house you knew was next to a gun range like we are talking about? If one locates next door to your current home who would buy it from you? What price would you get? How much would it go down? That would be a taking of the value of

your home from you. That can affect every homeowner in this county if protections we are discussing are not clear now and reliably for future planning.

We need a balance of the rights of the neighbors to safety from being shot and losing value in their homes and quality of life and the rights of gun range promoters to make a profit and shooters to do target practice outdoors here. This county already has 5 or more outdoor gun ranges that are grandfathered in so not affected by this ordinance. This county also has several indoor gun ranges and allows for many more under minimal current regulations in business zones. Chicago had no gun ranges when their case was decided. Again very different here.

Our county population per our website is under 125,000 people. The City of Chicago's is 2,700,000 that is, 21 times more. They have no gun ranges in Chicago; we have at least seven here. Considering our population we are very welcoming to gun ranges, even if no more are established, indoors or out. Again, we are not the Chicago case and should not be intimidated by it.

If our county is going to make policy by responding to a threat of a lawsuit that somebody might bring someday based on a case of a very different situation, then the citizens of this county are being sacrificed to that somebody.

I ask this committee to consider the merits of our suggestions with regard to protecting the citizens of this county from the obvious dangers and detriments to quality of life posed by deadly weapons being fired frequently outdoors near our homes. The written responses to our suggestions in your packet do not reflect any such consideration. I certainly hope these responses are not the Committee or its Chair's position.



- 1) Pkt pg 4, 3<sup>rd</sup> para from bottom: Inaccurate statement! There is NOTHING concerning commercial gun ranges we have asked you for that isn't already in the current county or state laws....
- 2) Pkt pg 83,10.03.B.4: It IS specifically meant to cover commercial establishments inviting the public on their property for retail commercial business. For instance, a feed store selling agri-vitamins and collecting use tax on a product delivered on site at time of purchase would be subject to commercial range restrictions. A heavy equipment operator accepting a payment at his office for work performed at another location would not.
- 3) Pkt pg 83/84: Who is "THE AUTHOR"? Please attribute quotes in the future, and understand this is one person's OPINION, not documented fact. The Federal Government and DOE are certainly recognized authorities on firearms and ranges, with safety the overriding concern. Our use of SDZ's in our proposal specifically shows what a range operator needs to do to reduce his SDZ's to fit his specific location before bringing it to the county for review.
- 4) Pkt pg 84/85: Actually, virtually any retail establishment is required to supply the majority of this information specifically tailored to their proposed business. It's called BOCA codes, OSHA and EPA; on county, state and federal levels and every retail business in Kendall County has to deal with them to some extent at some point. Most retail businesses don't encourage the use of a potentially harmful product on their properties.
- 5) Pkt pg 85, 2<sup>nd</sup> "blue" objection: Far from an "onerous" requirement, DOE criteria is easily accessible to the public for

reference, and is a benefit to a potential range operator in determining feasibility. Again, an unattributed author's opinion is sighted as fact, when in reality it is only an opinion.

- 6) Pkt pg 85, 3<sup>rd</sup> "blue" objection: The argument is at best inaccurate. Again, SDZ's show the potential danger, and what CAN BE DONE to minimize it. Additionally, the "too expensive argument is simply trying to obfuscate the issue, and cost to an operator is far from the only issue. By Googling "What's it cost to build a No Blue Sky gun range, we found examples of ranges being built for as little as \$250,000.00. While not insignificant, in today's retail environment, that is a relatively easy number to reach with proper pre-planning for a reasonably structured for-profit business. FINANCIAL VIABILITY IS NOT THIS BOARD'S RESPONSIBILITY.
- 7) Pkt pg 86, 1<sup>st</sup> "blue" statement: Again, simply the writer's opinion with no factual financial data to back the claim. We are not insensitive to costs, but safety remains the #1 priority.
- 8) Pkt pg 86, 2<sup>nd</sup> "blue" response: 20 acres required simply brings the guidelines in line with the requirement of 20 acres for paint ball ranges. How do paint ball ranges with a 20 acre deterrent operate profitably within this requirement yet a commercial gun range cannot?
- 9) Pkt pg 86, 3<sup>rd</sup> "blue" response: We would find this suggestion acceptable, conditional on the county approving the procedures and "d" (as printed in black and red) remains unchanged.

10) Pkt pg 86, 4<sup>th</sup> “blue” comment: We would agree that this paragraph can be simplified, but it must include a minimum insurance company rating and a better definition of “standard and customary”, which is very vague.

11) Pkt pg 86, 5<sup>th</sup> “blue” comment: For an unlighted range, these hours make sense. For a lighted range, this can be addressed in the SUP. Again, this is not meant to make operation economically infeasible, but to protect residents from noise.

12) Pkt pg 87, “blue” fencing comment: No, berms are not fences. We expect the county to approve nothing less than a 10’ chain fence. It’s not cost, it’s responsible safety.

13) Pkt pg 87/88, “blue” paragraph on siting: The 3000ft simply represents bringing the sighting requirements in line with current IL laws to protect the range operator from noise lawsuits and represents a defined benefit to the operator. To date, the NRA has not brought a suit against the state for this law, tho obviously it doesn’t mean they would not. They can work in Springfield to have the law changed and county law can be adjusted if necessary. And yes, a farmer building a for-fee gun range behind his barn would be subject to all commercial range rules.

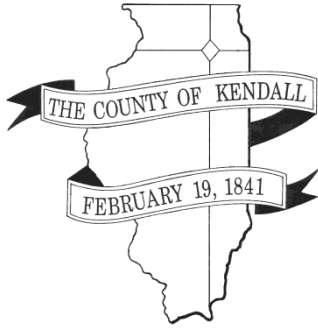
14) Pkt pg 88, 2<sup>nd</sup> “blue” comment: The presumption in the comment is the range operator lives on the commercial establishment, which is not a given. Since the SUP is designating a specific piece of land, a “private” residence is not part of the commercial operation.

15) Pkt pg 88, last “blue” question: A maximum coverage requirement seems reasonable. On any given 1 acre (44,000 sq ft) parcel, this is over 26,000 sq ft. The county does impose maximum square footage allowed

for building on other commercial properties depending on intended use.

16) Pkt pg89, 1<sup>st</sup> “blue” comment: This aligns range requirements with county noise regulations . Keep in mind the bark of a gun(s) is far more intrusive and potentially damaging to hearing than an irresponsible neighbor’s mower droning on at 7am on a Sunday.

17) Pkt pg 89, 2<sup>nd</sup> “blue” comment: Low level training can be accomplished indoors as well as out. Law enforcement has a designated low light range already. Demonstrated needed variances could be dealt with in the SUP.



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**MEMORANDUM**

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To: Kendall County Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: December 5, 2018

Re: Proposed Future Land Use Map Change Along Route 47 in Lisbon Township

After the November 27<sup>th</sup> Kendall County Board meeting, the Village of Lisbon, as required by State law, recorded a notice of adoption of a Comprehensive Plan. This was the Comprehensive Plan that the Village adopted in January 2009.

The Village of Lisbon Future Land Use Map that was recorded with their Comprehensive Plan does not match the map previously reviewed by the County.

Attached to this memo are the proposed Future Land Use Map incorporating the old Village of Lisbon Future Land Use Map's mining area, the old Village of Lisbon's Future Land Use Map, the new Village of Lisbon's Future Land Use Map, a map incorporating the Mining Area on the new Village of Lisbon's Future Land Use Map, a map showing sections 32 and 33 as mixed use business, and the existing Future Land Use Map for Lisbon Township.

If you have any questions, please let me know.

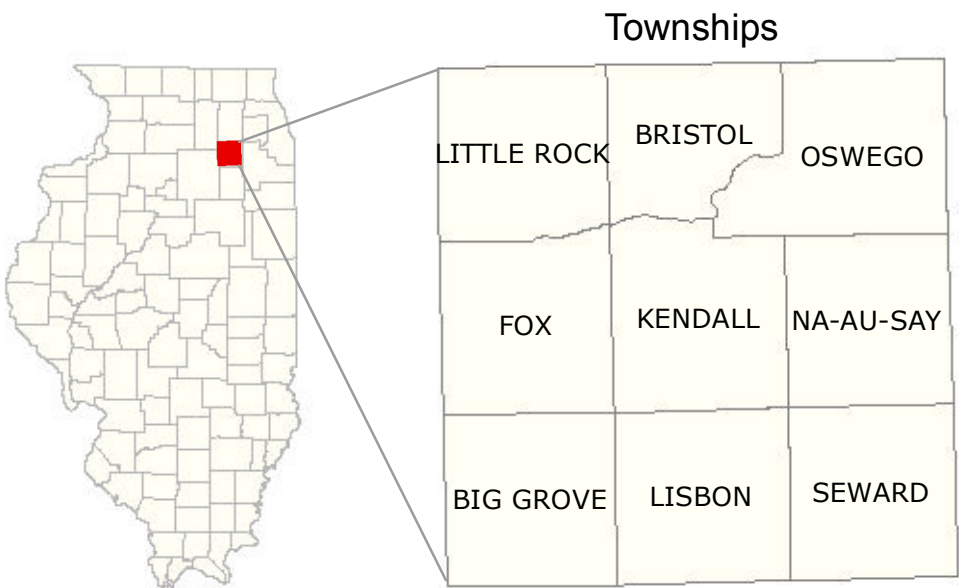
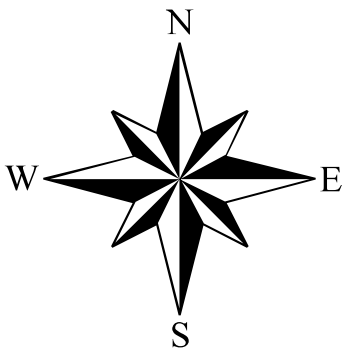
MHA

ENC: Proposed Future Land Use Map (Old Lisbon Map)  
Proposed Future Land Use Map (New Lisbon Map)  
Mixed Use Business Map  
Old Lisbon Future Land Use Map  
New Lisbon Future Land Use Map  
Current Future Land Use Map for Lisbon Township

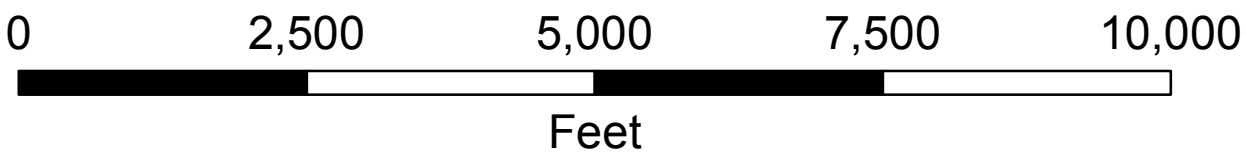


Lisbon Future LRMP  
Helmar Rd to Sherrill Rd  
KENDALL COUNTY  
- 2018 -

<http://www.co.kendall.il.us>

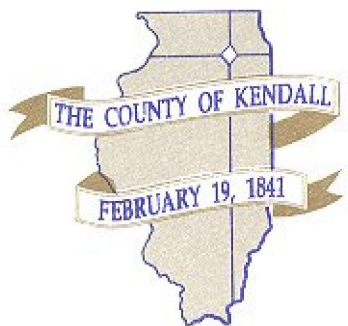


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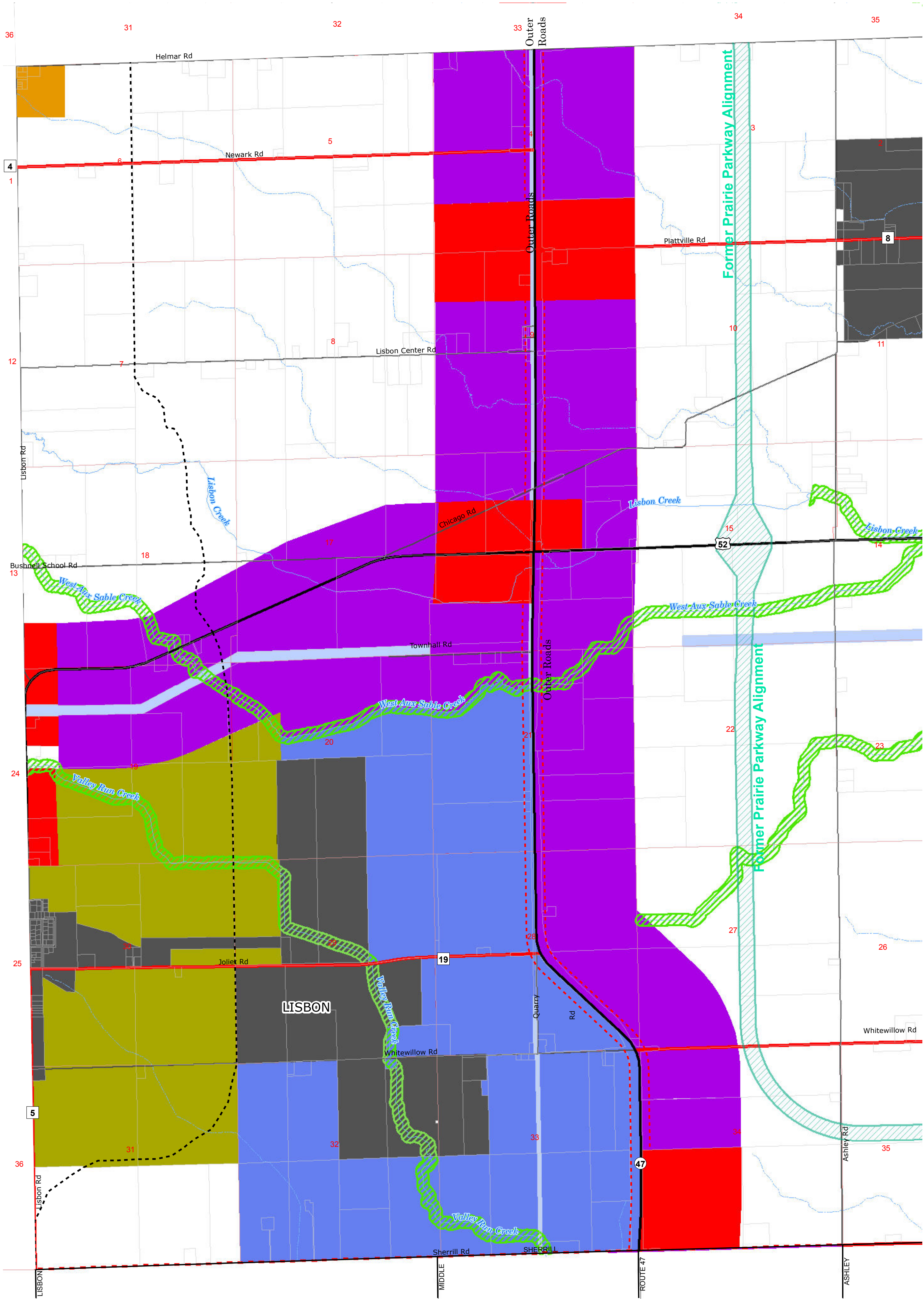


Legend

- Outer Roads
- Proposed Roadways
- Future LRMP**
- Abbreviation**
- Natural Resource Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



Kendall County GIS  
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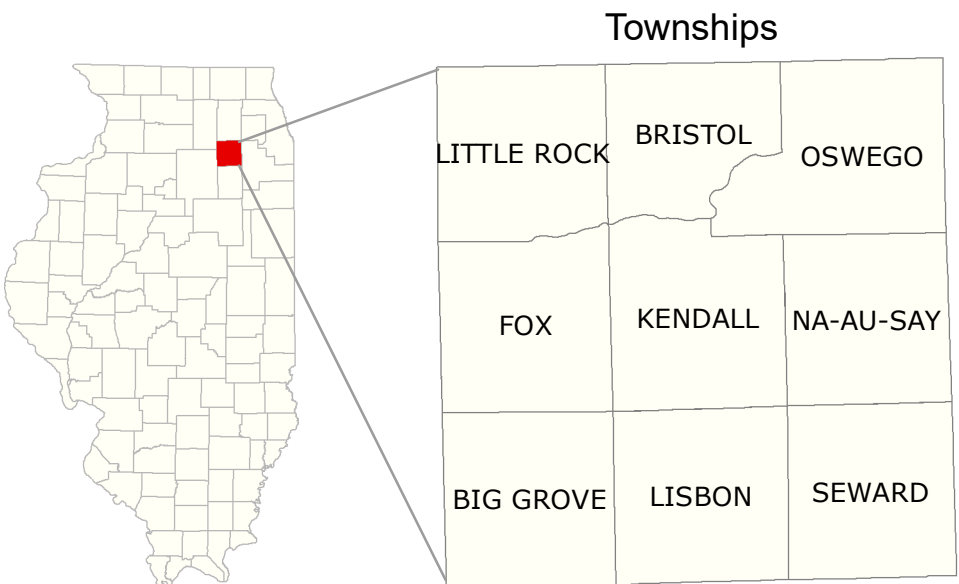
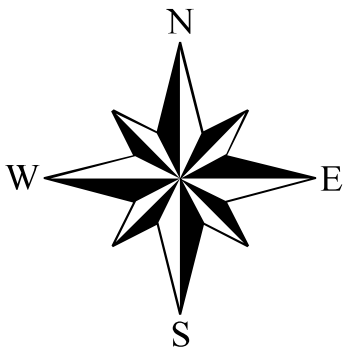




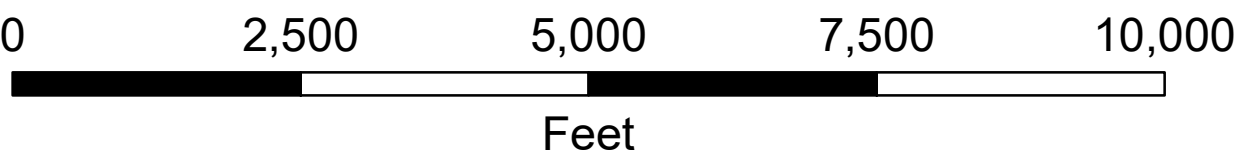
Lisbon Future LRMP  
Helmar Rd to Sherrill Rd  
KENDALL COUNTY

- 2018 -

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Legend

- Outer Roads
- Proposed Roadways

Future LRMP

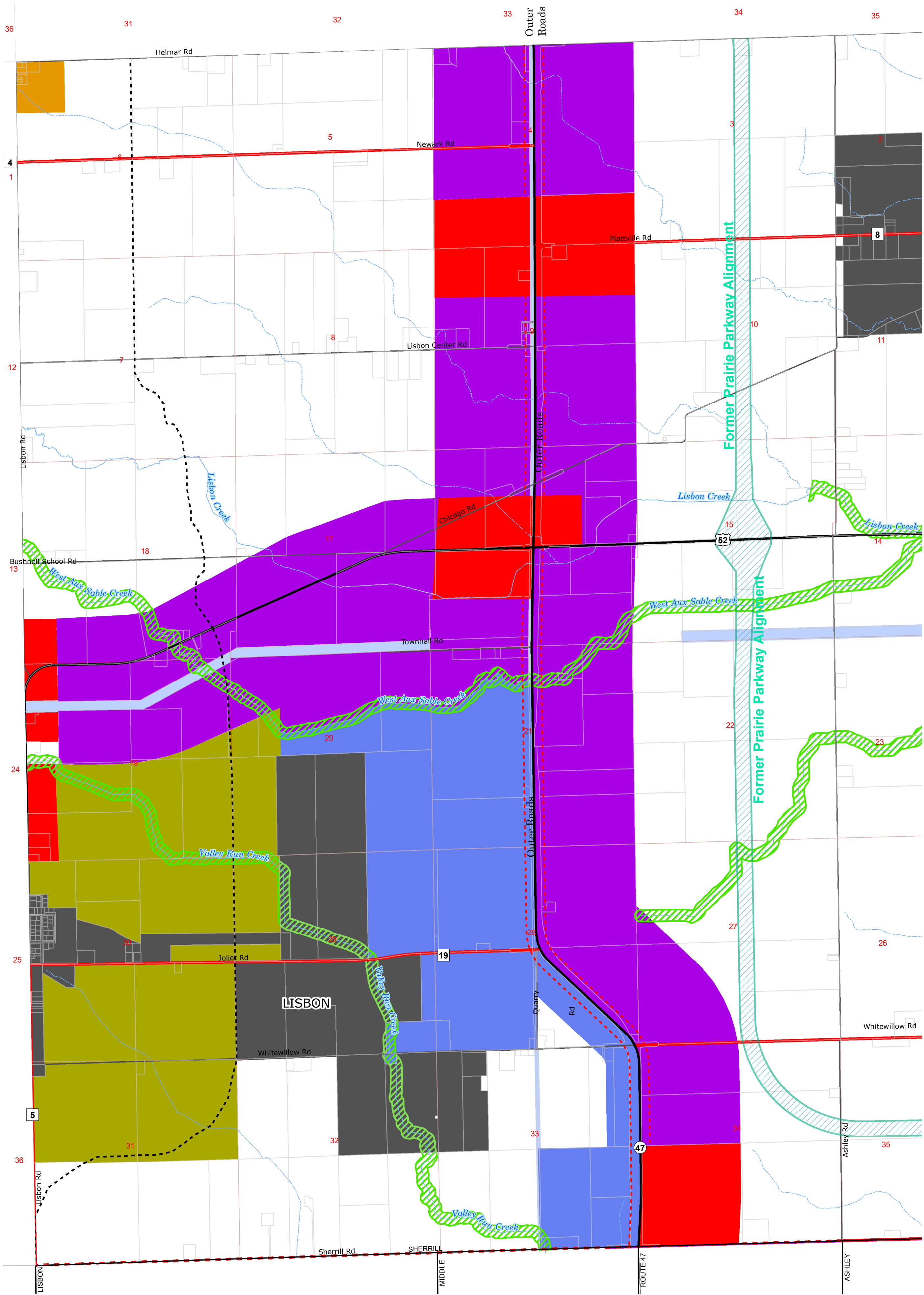
Abbreviation

- Urbanized Areas
- Mixed Use Business
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



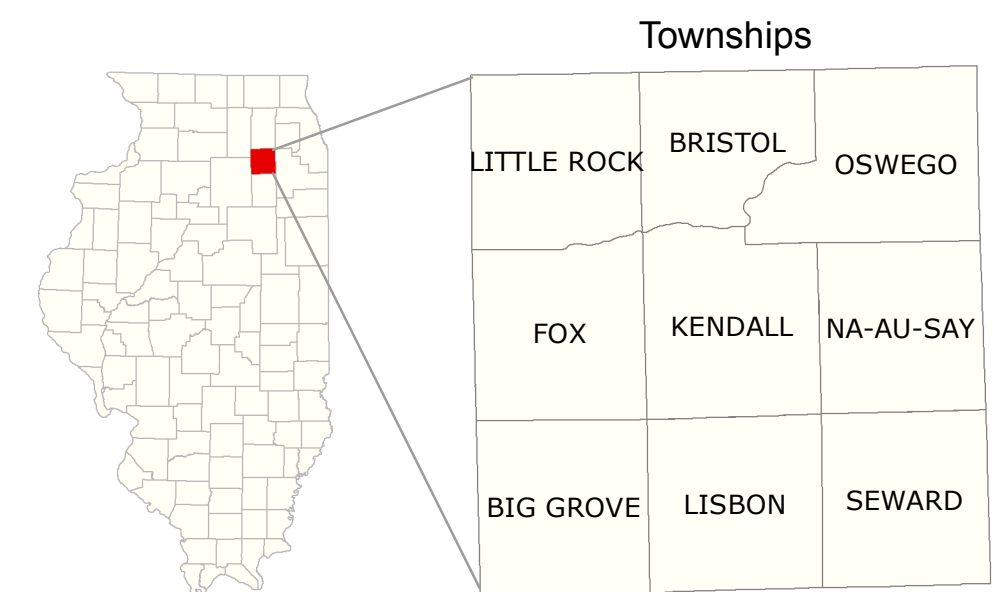
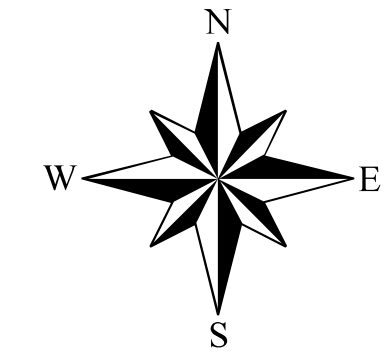
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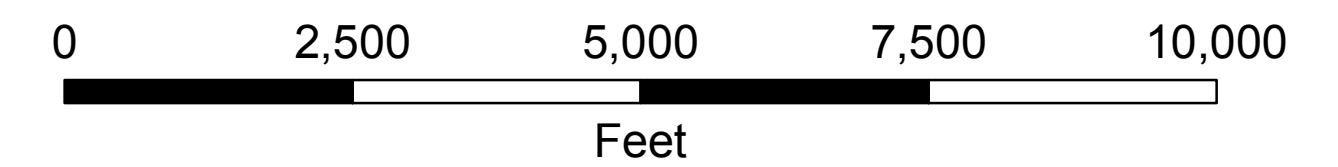


# Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY - 2018 -

<http://www.co.kendall.il.us>



Scale: 1 in = 1,667 feet



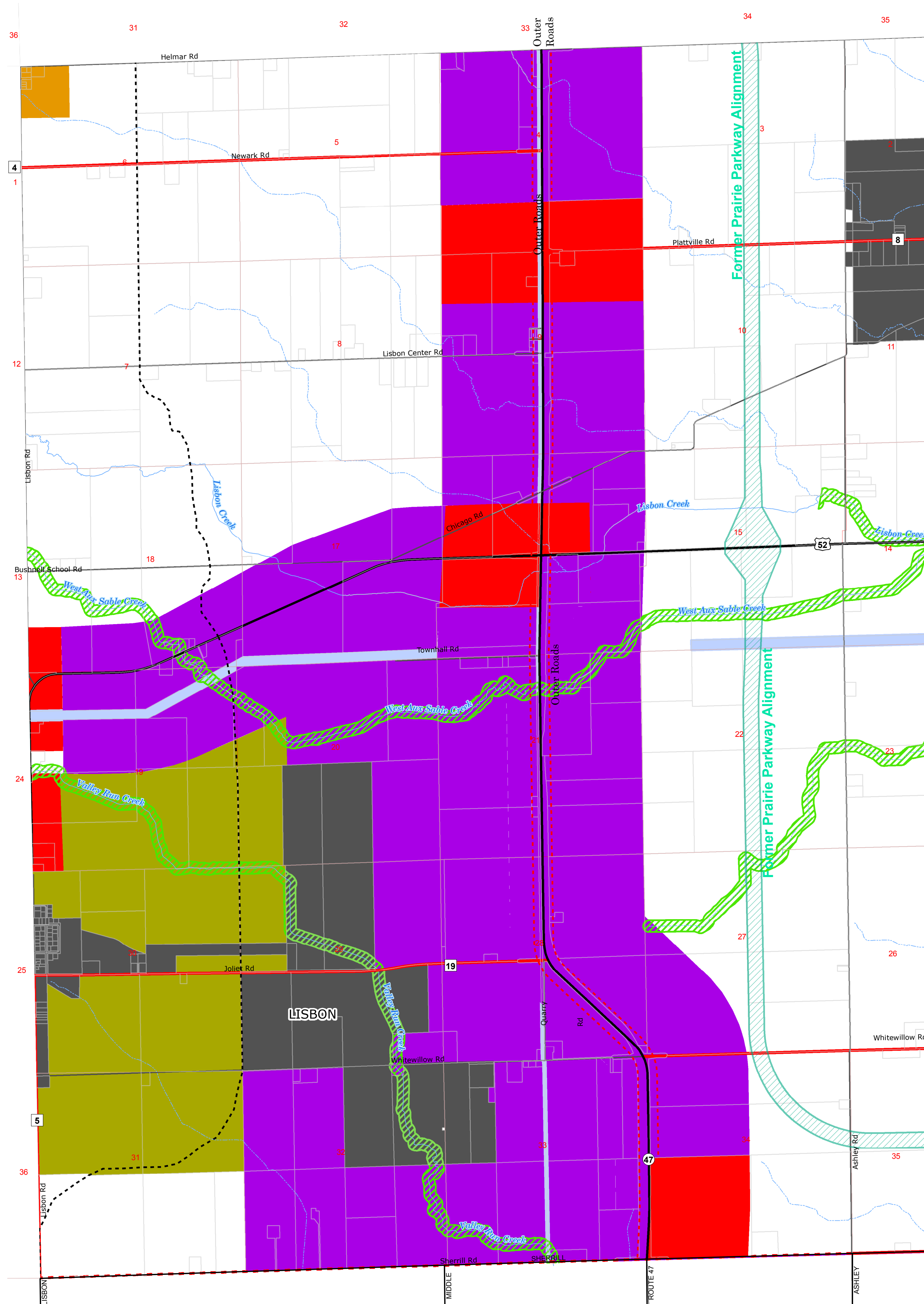
## Legend

- Outer Roads
- Proposed Roadways

### Future LRMP

#### Abbreviation

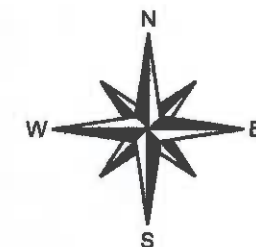
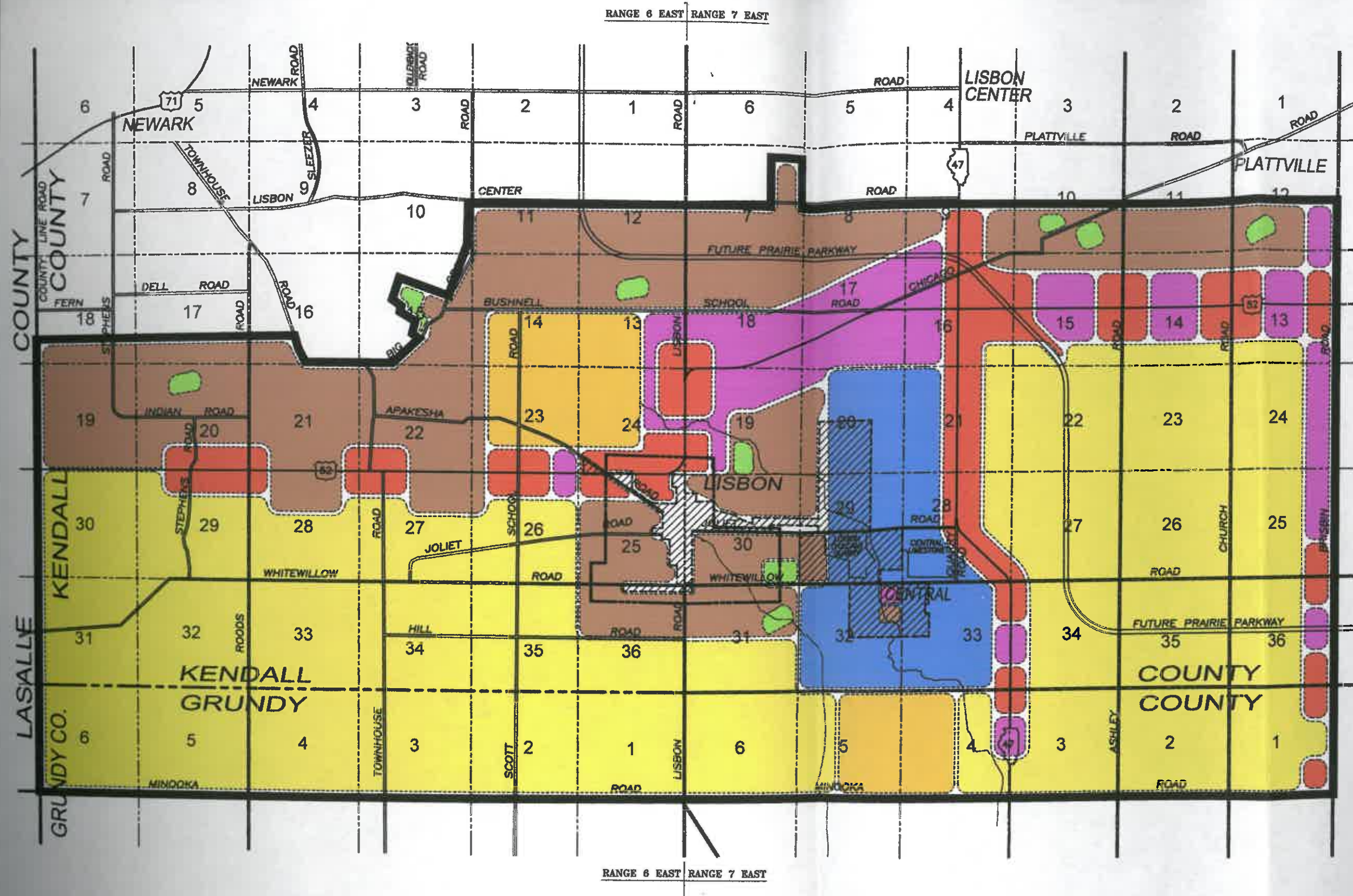
- Natural Resource Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



### Kendall County GIS

111 West Fox Street - Room 308  
Yorkville, Illinois 60560-1498  
630.553.4030





# LEGEND

- LISBON COMPREHENSIVE BOUNDARY
- EXISTING LISBON VILLAGE LIMITS
- ORIGINAL LISBON VILLAGE LIMITS
- COMMERCIAL
- MIXED USE BUSINESS
- MINING
- OPEN SPACE
- 1 ACRE CITY LOTS
- INDUSTRIAL
- AGRICULTURAL

TOWNSHIP 34 NORTH  
TOWNSHIP 33 NORTH

DRAWN BY: MAR	SCALE: 1" = 1700'
CHECKED BY: GRC	DATE: 8/14/07

**CHAMLIN**  
ASSOCIATES

PERU MORRIS  
ILLINOIS

## COMPREHENSIVE PLANNING MAP VILLAGE OF LISBON, KENDALL COUNTY, ILLINOIS

PLANNING AREAS

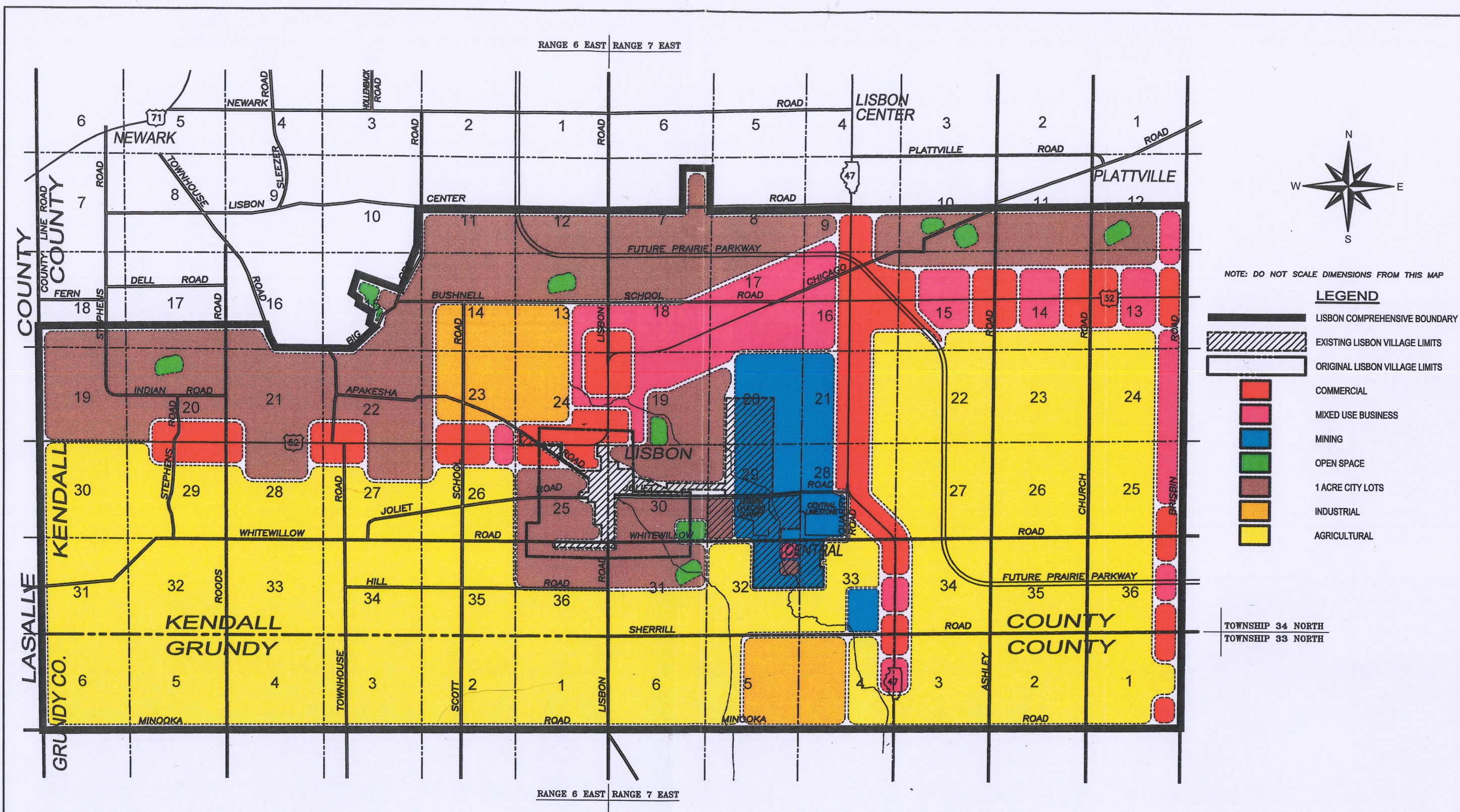
SCALE: 1" = 1700'

FILE NO.:

SHEET

OF

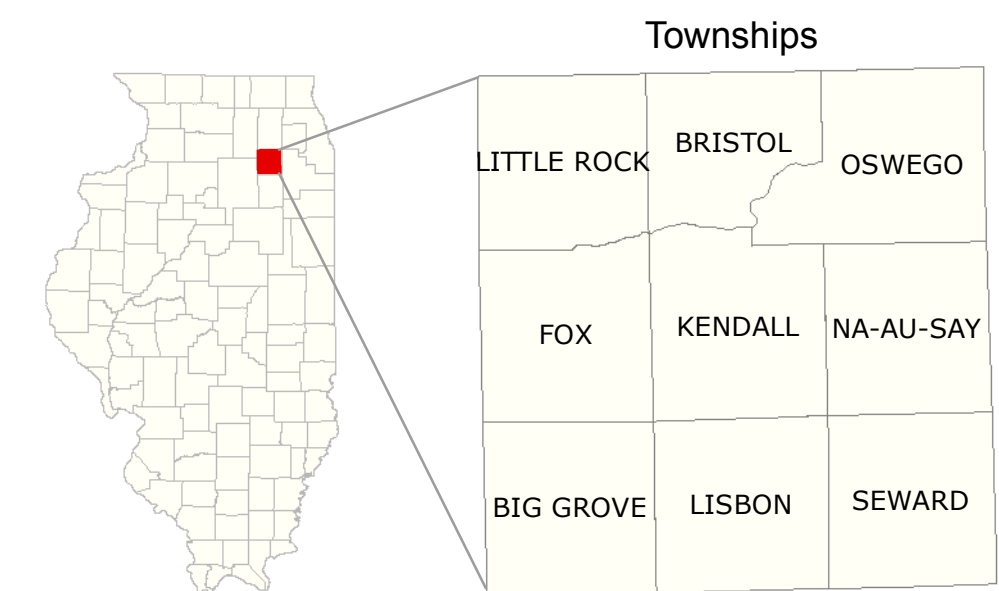
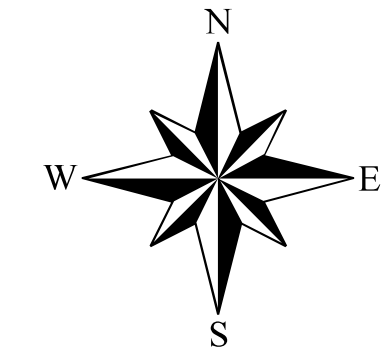




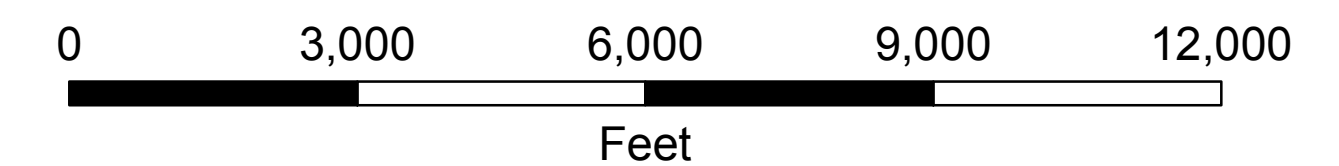


# Future Land Use Lisbon Township KENDALL COUNTY - 2017 -

<http://www.co.kendall.il.us>



Scale: 1 in = 2,000 feet

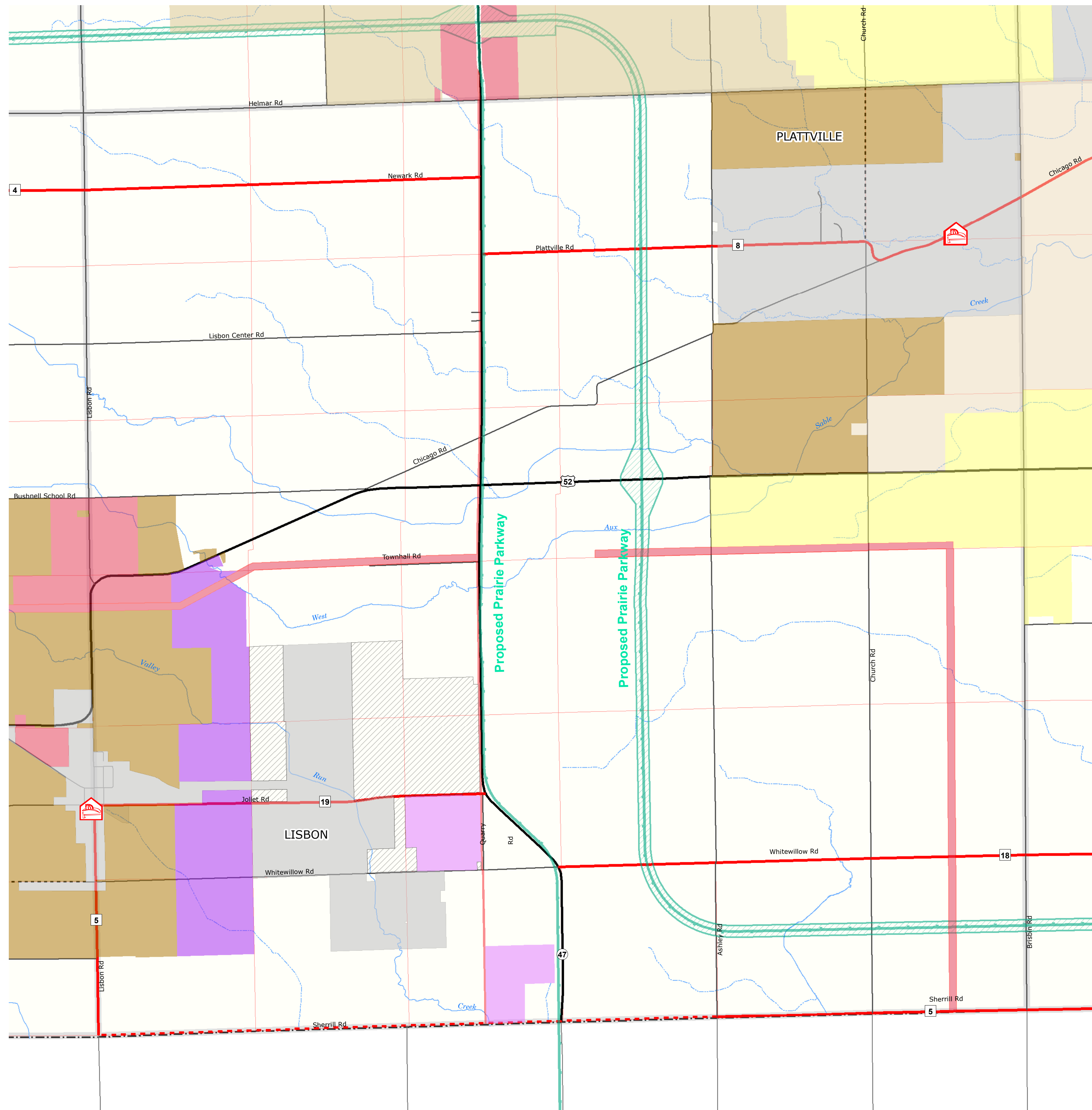


## Legend

### Future Land Use

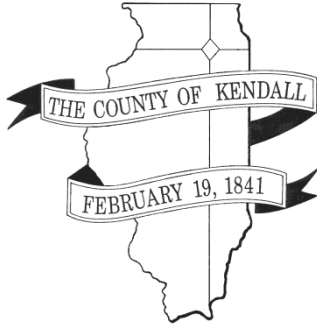
#### Land Use Type

- Urban Areas - Incorporated
- Suburban Residential - Max Density 1.00 DU Acres
- Rural Residential Max Density 0.65 DU Acres
- Rural Estate Residential Max Density 0.45 DU Acre
- Countryside Residential Max Density 0.33 DU Acre
- Commercial
- Commonwealth Edison
- Mixed Use Business
- Transportation Corridors
- Mining
- Potential Mining District
- Public/Institutional
- Agriculture
- Open Space
- Forest Preserve/State Parks
- Unknown
- FEIS\_centerline
- Protected Corridor - 2007



### Kendall County GIS

111 West Fox Street - Room 308  
Yorkville, Illinois 60560-1498  
630.553.4030



## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

### Petition 19-04

Rodolfo and Georgina Nunez

6725 Route 71

### A-1 Special Use – Landscape Operation

#### INTRODUCTION

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

#### SITE INFORMATION

PETITIONER Rodolfo and Georgina Nunez

ADDRESS 6725 Route 71

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



TOWNSHIP Oswego

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

LOT SIZE 3.00 +/- acres

EXISTING LAND USE Residential/Agricultural

ZONING A-1 Agricultural District

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

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

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

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

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use. (Amended 7/17/2007)
3. No landscape waste generated off the property can be burned on this site

Section 13.08 – Special Use Procedures

#### SURROUNDING LAND USE

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

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

## **PHYSICAL DATA**

### **ENDANGERED SPECIES REPORT**

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

### **NATURAL RESOURCES INVENTORY**

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

## **ACTION SUMMARY**

### **OSWEGO TOWNSHIP**

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

### **VILLAGE OF OSWEGO**

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

### **OSWEGO FIRE PROTECTION DISTRICT**

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

### **ZPAC**

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

### **KCRPC**

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

### **ZBA**

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on January 28, 2019. The Petitioner's attorney was the only person to testify on this proposal. The Zoning Board of Appeals unanimously recommended approval of the proposal. The minutes of the hearing are included as Attachment 15.

## **BUSINESS OPERATION**

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

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

## **BUILDING CODES**

The Petitioner originally planned to remove the containers on the property and construct an approximately two thousand four hundred (2,400) square foot building on the property. The building will have to meet all



applicable codes. Shortly before the Kendall County Regional Planning Commission meeting, the Petitioner requested permission to keep the containers on the property and construct the proposed building within one (1) year of the date of the issuance of the special use permit. Staff was agreeable with this request provided that the containers were moved behind the setback lines.

#### **ACCESS**

The property fronts Route 71.

#### **TRAILS**

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

#### **PARKING**

The site plan shows parking around the existing house.

#### **LIGHTING**

No additional lighting was proposed.

#### **SIGNAGE**

No signage was proposed.

#### **SCREENING**

The Zoning Ordinance requires all vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit. An existing berm with evergreens and other trees is located on the property.

#### **STORMWATER**

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

#### **FINDINGS OF FACT**

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order 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 the property is developed in accordance with the submitted site plan, that the maximum number of employees reporting to the site is minimal, that landscaping debris is not stored onsite, that the majority of equipment is stored in an enclosed structure, and that the new structure is constructed per applicable codes, the proposed use will not be detrimental to or endanger the public, health, safety, morals, comfort, or general welfare.***

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

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The existing well, septic, and electrical systems are adequate for the proposed use. Route 71 is State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs). If best management practices are followed***

**when constructing the new building and if no landscape debris is stored onsite, no concerns about drainage of stormwater runoff exist.**

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

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

## **RECOMMENDATION**

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

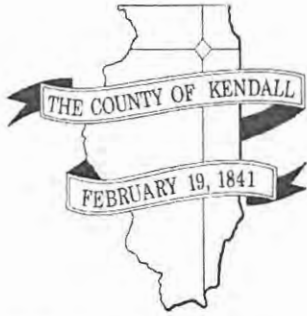
1. The site shall be developed substantially in accordance with the attached site plan.
2. Within sixty (60) days of the approval of this special use, the Petitioner shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline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

## **ATTACHMENTS**

1. Application (Including Site Plan and Petitioner's Findings of Fact)
2. Aerial
3. Facing Southwest
4. Facing Straight
5. Facing Northeast
6. EcoCat and IDNR Comments
7. Oswego Fire Protection District Related Correspondence



8. 1-5-19 WBK Comment Letter
9. 1-8-19 ZPAC Minutes
10. Health Department Related Correspondence
11. Oswego Township Correspondence
12. Village of Oswego Correspondence
13. NRI Report
14. 1-23-19 Kendall County Regional Planning Commission Minutes
15. 1-28-19 Kendall County Zoning Board of Appeals Minutes
16. Draft Ordinance

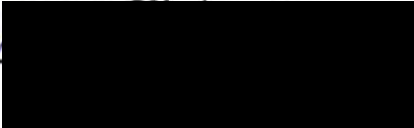


# DEPARTMENT OF PLANNING, BUILDING & ZONING

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

## APPLICATION

PROJECT NAME Nunez FILE # 19-07

<b>NAME OF APPLICANT</b>		
Rodolfo and Georgina Nunez		
<b>CURRENT LANDOWNER/NAME(s)</b>		
Rodolfo and Georgina Nunez		
<b>SITE INFORMATION</b>	<b>SITE ADDRESS OR LOCATION</b>	<b>ASSESSOR'S ID NUMBER (PIN)</b>
ACRES 3 acres	6725 Route 71, Yorkville, IL 60560	02-24-300-003
<b>EXISTING LAND USE</b>	<b>CURRENT ZONING</b>	<b>LAND CLASSIFICATION ON LRMP</b>
	A-1	Agricultural
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone 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>
Daniel J. Kramer	1107A S. Bridge St., Yorkville, IL 60560	dkramer@dankramerlaw.com
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER # (Cell, etc.)</b>
630-553-9500	630-553-5764	
<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>		<b>DATE</b>
		8-30-18

FEE PAID: \$ 1155.00  
CHECK #:           

RECEIVED

DEC 21 2018

KENDALL COUNTY  
PLANNING, BUILDING  
& ZONING

<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

**LEGAL DESCRIPTION OF TRACT TO BE REZONED:**

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



# WARRANTY DEED

(Deed #1)

## AFTER RECORDING MAIL TO:

Morrise Brady Malone & Cwik



## NAME & ADDRESS OF GRANTEE AND TAXPAYER:

Georgina M. Nunez



201800003604  
DEBBIE GILLETTE  
RECORDER - KENDALL COUNTY, IL

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

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

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

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

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

Permanent Index Numbers: 02-24-300-003

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

17 NW 7131689 AM  
1st CS

DATED this 13 day of March, 2018.

Ezekiel LLC, an Illinois Limited Liability Company

By:

  
Sandra Goeken Miles, manager

STATE OF ILLINOIS

)  
) ss  
)

COUNTY OF KENDALL

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

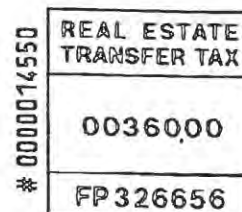
Given under my hand and official seal this 13 day of March, 2018.



  
Notary Public

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

COUNTY OF KENDALL  
REAL ESTATE TRANSFER TAX  
\$180.00 lw



**Exhibit A**

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

Unofficial



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

STATE OF ILLINOIS

} SS

COUNTY OF  
KENDALL

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

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


THE APPLICABLE STATEMENT OR STATEMENTS ABOVE ARE CIRCLED.

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

  
Sandra Goeken Miles

SUBSCRIBED AND SWORN to before me

this 13 day of March, 2018.

  
Notary public

KAPLATAF





# WARRANTY DEED

(Deed #2)

AFTER RECORDING MAIL TO:

*Morreale Brady Malone & Co.*

NAME & ADDRESS OF GRANTEE  
AND TAXPAYER:

Georgina M. Nunez

201800003605  
DEBBIE GILLETTE  
RECORDER - KENDALL COUNTY, IL

RECORDED: 3/20/2018 08:29 AM  
WD: 39.00 RHSPS FEE: 10.00  
PAGES: 4

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

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

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

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

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

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

17 MW 7131699 A4  
245 CR





DATED this 13 day of March, 2018.

**Ezekiel LLC, an Illinois Limited Liability Company**

By: [REDACTED]  
**Sandra Goeken Miles, its manager**

STATE OF ILLINOIS                    )  
  ) ss  
COUNTY OF KENDALL                )

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

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



[REDACTED]  
**Notary Public**

COUNTY - ILLINOIS TRANSFER STAMPS

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

[REDACTED]  
**Buyer, Seller or Representative**

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

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

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

Unofficial

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

STATE OF ILLINOIS

} SS

COUNTY OF  
KENDALL

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

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


THE APPLICABLE STATEMENT OR STATEMENTS ABOVE ARE CIRCLED.

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

  
Sandra Goeken Miles

SUBSCRIBED AND SWORN to before me

this 13 day of March, 2018.

  
Notary public

KAPLATAP





**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:** Rodolfo and Georgina Nunuez

**Address:** [REDACTED]

**City, State, Zip:** [REDACTED]

**Phone Number:** [REDACTED]

**Email:** outdoorscapesinc@gmail.com

**Contact Person:** Attorney Daniel J. Kramer

1107A S. Bridge Street

Yorkville, IL 60560

(63 ) 553-9500

dkramer@dankramerlaw.com

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

### Site Location & Proposed Use

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

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

Project or Subdivision Name \_\_\_\_\_ Number of Acres 3

Current Use of Site \_\_\_\_\_ Proposed Use \_\_\_\_\_

Proposed Number of Lots 1 Proposed Number of Structures 1

Proposed Water Supply well Proposed type of Wastewater Treatment \_\_\_\_\_

Proposed type of Storm Water Management septic

### Type of Request

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

☐ Variance (Please describe fully on separate page)

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

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

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

☒ **Plat of Survey/Site Plan** – showing location, legal description and property measurements

☐ **Concept Plan** - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.

☐ If available: topography map, field tile map, copy of soil boring and/or wetland studies

☒ **NRI fee** (Please make checks payable to Kendall County SWCD)

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

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

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

Fee for first five acres and under \$ 375.00

\_\_\_\_\_ Additional Acres at \$18.00 each \$ \_\_\_\_\_

**Total NRI Fee** \$ \_\_\_\_\_

**NOTE:** Applications are due by the 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.**

X [REDACTED]  
Petitioner or Authorized Agent

8-30-18  
Date

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

### FOR OFFICE USE ONLY

NRI# \_\_\_\_\_ Date initially rec'd \_\_\_\_\_ Date all rec'd \_\_\_\_\_ Board Meeting \_\_\_\_\_

Fee Due \$ \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ Over/Under Payment \_\_\_\_\_ Refund Due \_\_\_\_\_

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

## DEVELOPER:

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

## PROPERTY LOCATION:

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

## AREA TO BE REZONED:

3.0004 Acres

## PRESENT ZONING:

A-1

## PROPOSED ZONING:

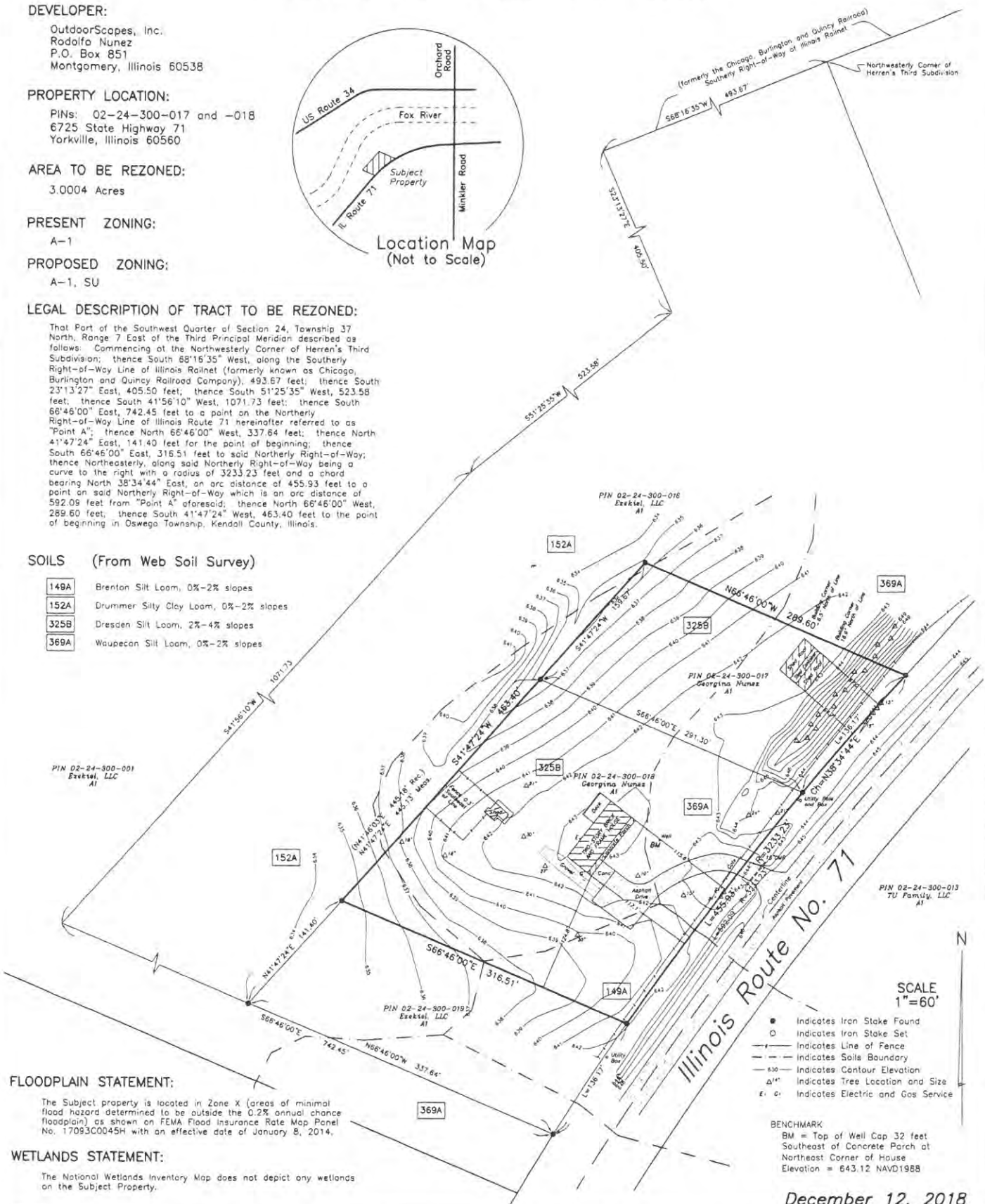
A-1, SU

## LEGAL DESCRIPTION OF TRACT TO BE REZONED:

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

## SOILS (From Web Soil Survey)

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



## FLOODPLAIN STATEMENT:

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

## WETLANDS STATEMENT:

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

SCALE  
1"=60'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Soils Boundary
- 630 Indicates Contour Elevation
- Δ(1') Indicates Tree Location and Size
- E, G, I Indicates Electric and Gas Service

BENCHMARK  
BM = Top of Well Cap 32 feet  
Southeast of Concrete Patch at  
Northeast Corner of House  
Elevation = 643.12 NAVD1988

December 12, 2018

JOB NO. 18305  
JOB NAME NUNEZ  
DWG FILE 18305

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

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



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

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

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*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.*

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

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*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*

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*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.*

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



## Attachment 2



December 17, 2018

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

1:3,175

A horizontal number line with two scales. The top scale is labeled in miles (mi) and has major tick marks at 0, 0.0275, 0.055, and 0.11. The bottom scale is labeled in kilometers (km) and has major tick marks at 0, 0.0425, 0.085, and 0.17. Vertical lines connect the corresponding tick marks between the two scales, illustrating the conversion factor.

Kendall County Illinois GIS







## Attachment 4-Facing Straight











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

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

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

### Natural Resource Review Results

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

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

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

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

#### Location

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

**County:** Kendall

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



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

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

#### Disclaimer

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

IDNR Project Number: 1906159

### **Terms of Use**

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

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

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.



## Illinois Department of Natural Resources

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

Bruce Rauner, Governor  
Wayne A. Rosenthal, Director

December 27, 2018

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

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

Mr. Kramer,

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

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

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

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

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

Please contact me if you have questions regarding this review.



Justin Dillard

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

## Matt Asselmeier

---

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

Matt,

**Project** – Special Use for Landscape Business

**Location** – 6725 Rt 71

**Project Mgr:** Matt Asselmeier

**Project #** - 19-04

**Date** – December 21, 2018

FYI....

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

Regards,

Capt. Alec J Keenum  
Fire Marshal  
Oswego Fire Protection District



---

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

To All:



**Matt Asselmeier**

---

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

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

Very Truly Yours,

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

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

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

Dan:

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

Thanks,

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

---

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

Matt,

Daniel J. Kramer

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

Kelly A. Helland  
D.J. Kramer

January 3, 2019

Captain Alec J. Keenum  
Fire Marshall

Via Email: [akeenum@oswegofire.com](mailto:akeenum@oswegofire.com)

Dear Captain Keenum;

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

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

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

Very truly yours,

*Daniel J. Kramer*

Daniel J. Kramer  
Attorney at Law

DJK:rg

cc: Matt Asselmeier

# Oswego Fire Protection District

Chief Michael Veseling



Fire Prevention Bureau



Fire Marshal Alec J Keenum

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

January 7, 2019

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

RE: Petition 19-04 - 67252 Rt. 71

Dear Mr. Kramer,

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

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

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

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

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

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

Regards,

A black rectangular box redacting the signature of the Fire Marshal.

Capt. Alec J Keenum  
Fire Marshal  
Oswego Fire Protection District

cc: file

Kendall County Planner Matt Asselmeier

Daniel J. Kramer

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

Kelly A. Helland  
D.J. Kramer

January 8, 2019

Captain Alec J. Keenum  
Fire Marshall

Via Email: [akeenum@oswegofire.com](mailto:akeenum@oswegofire.com)

Dear Captain Keenum;

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

Very truly yours,

*Daniel J. Kramer*

Daniel J. Kramer  
Attorney at Law

DJK:cth

cc: Matt Asselmeier



## Matt Asselmeier

---

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

Dan,

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

Regards,

Capt. Alec J Keenum  
Fire Marshal  
Oswego Fire Protection District



---

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

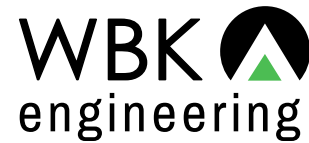
DO NOT RESPOND TO THIS EMAIL PLEASE SEND DIRECT TO: [dkramer@dankramerlaw.com](mailto:dkramer@dankramerlaw.com)

Very Truly Yours,

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

Fax-630.553.5764

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January 5, 2019

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

Subject: Petition 19-04 6725 Rte 71 Outdoorscape

Dear Mr. Asselmeier:

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

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


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

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

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

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

Sincerely,

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

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

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

Present:

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

Absent:

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

Audience:

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

**AGENDA**

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

**MINUTES**

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

**PETITIONS**

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The motion passed unanimously.

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

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

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

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

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

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

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

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

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

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

No additional lighting or signage was proposed.

The Zoning Ordinance requires all vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit. An existing berm with evergreens and other trees is located on the property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EcoCat submitted on December 18, 2018 and consultation was terminated

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

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

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

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

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

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

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

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

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

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

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

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

The property fronts Schlapp Road.

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

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

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

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

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

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

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

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

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

The Petitioners are working on the septic system information.

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



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

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

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

The Petitioners acknowledged the Right to Farm Clause.

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

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

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

The Petitioners will apply for a stormwater management permit.

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

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

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

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

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

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

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

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

None

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

None

#### **CORRESPONDENCE**

None

#### **PUBLIC COMMENT**

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

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

#### **ADJOURNMENT**

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

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner

Law Offices  
of  
***Daniel J. Kramer***

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

Daniel J. Kramer

Kelly A. Helland  
D.J. Kramer

January 15, 2019

Rodolfo and Georgina Nunez  


Via E-mail: [Outdoorscapesinc@gmail.com](mailto:Outdoorscapesinc@gmail.com)

RE: Kendall County Special Use Application

Dear Rodolfo and Georgina:

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

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

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

Very truly yours,  


Daniel J. Kramer  
Attorney at Law

DJK:cth  
Enclosures



**Daniel J Kramer**

---

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

No problem thanks.

Very Truly Yours,

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

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

Hello,

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

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

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

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

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

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

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



**Matt Asselmeier**

---

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

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

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---

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

Brian:

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

Thanks,

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



**Matt Asselmeier**

---

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

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

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

Rod:

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

Thanks,

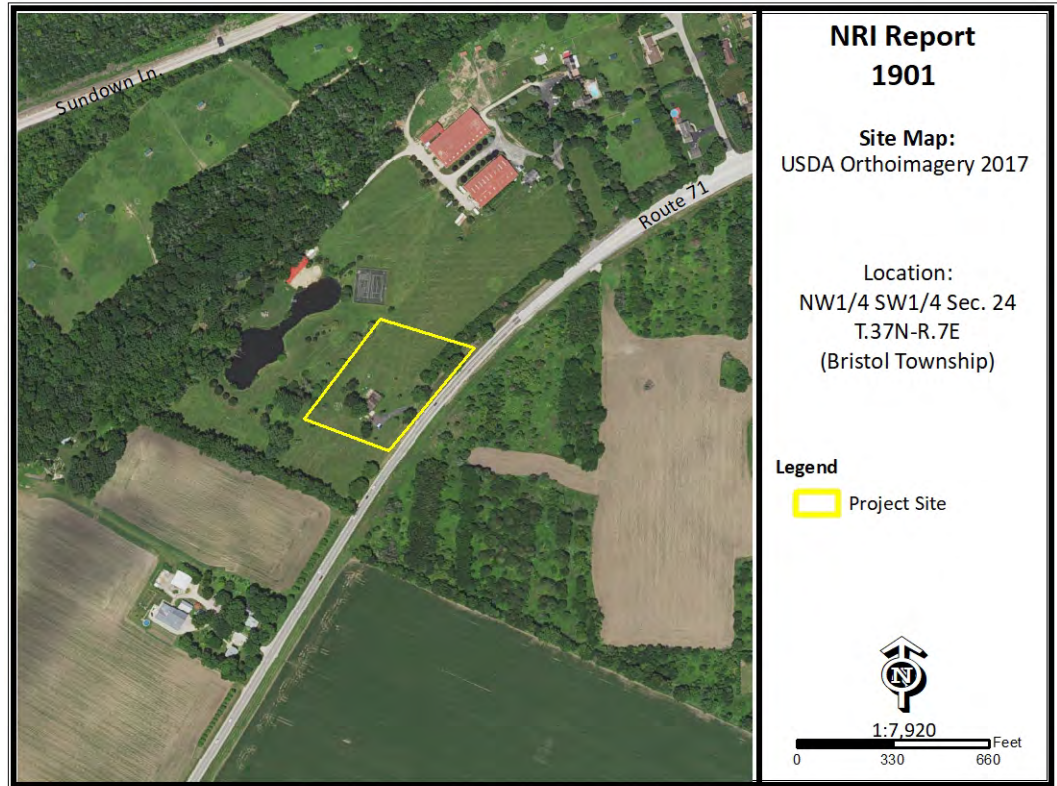
Matthew H. Asselmeier, AICP  
Senior Planner  
Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60560-1498  
PH: 630-553-4139  
Fax: 630-553-4179

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# NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 1901



January 2019

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

Prepared by:



**Kendall County Soil & Water  
Conservation District**

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

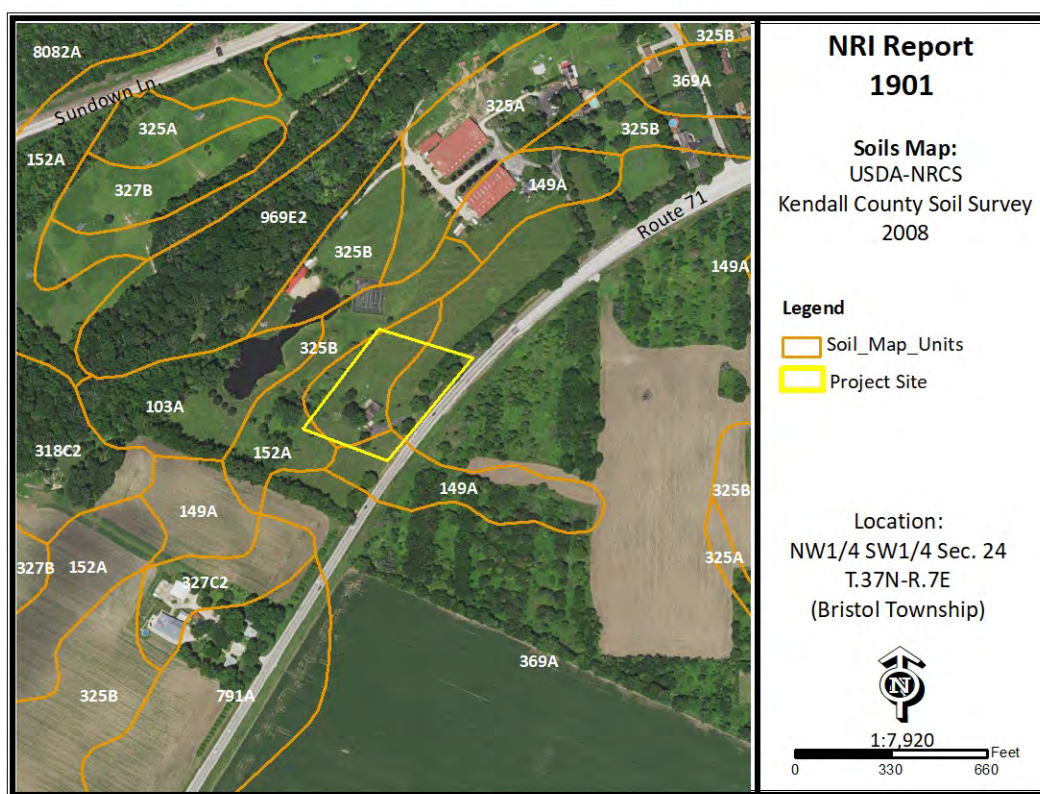
1901

## Executive Summary

January 14, 2019

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

## Natural Resource Concerns

Soil Map:**SOIL INFORMATION:**

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

**Table 1:**

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



369A	Waupecan silt loam, 0-2% slopes	Well drained	B	Non-hydric	Prime Farmland
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**Hydrologic Soil Groups:** Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

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

**Hydric Soils:** A soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. Of the soils found onsite, 152A Drummer silty clay loam, is classified as a hydric soil. Additionally, 149A Brenton silt loam, is denoted as having the potential for hydric inclusions.

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

**Table 2:**

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

**Surface Runoff:** Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover. Indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal).

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

**Flooding:** Temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding. Duration expressed as brief is 2 to 7 days and a frequent frequency means that it is likely to occur often under normal weather conditions.

#### **SOIL LIMITATIONS:**

According to the USDA-NRCS, soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction and maintenance. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Ratings are based on the soil in an undisturbed state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

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

#### **Conventional Septic System Rating Criteria:**

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

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

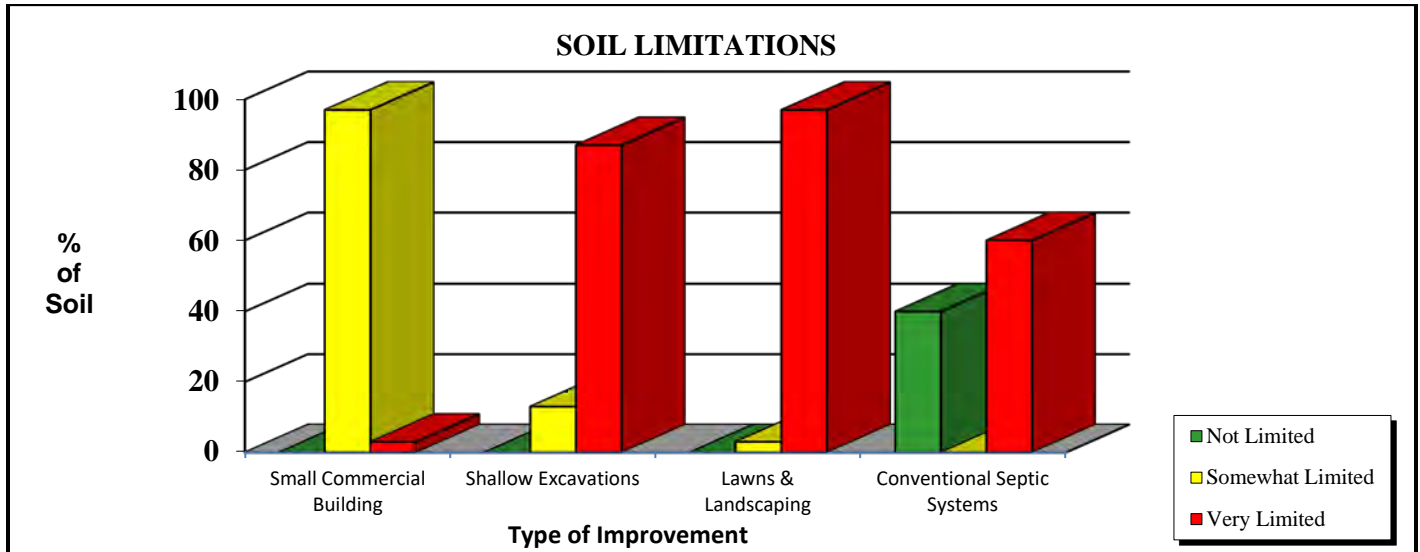
**Table 3a: Building Limitations**

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

**Table 3b: Building Limitations**

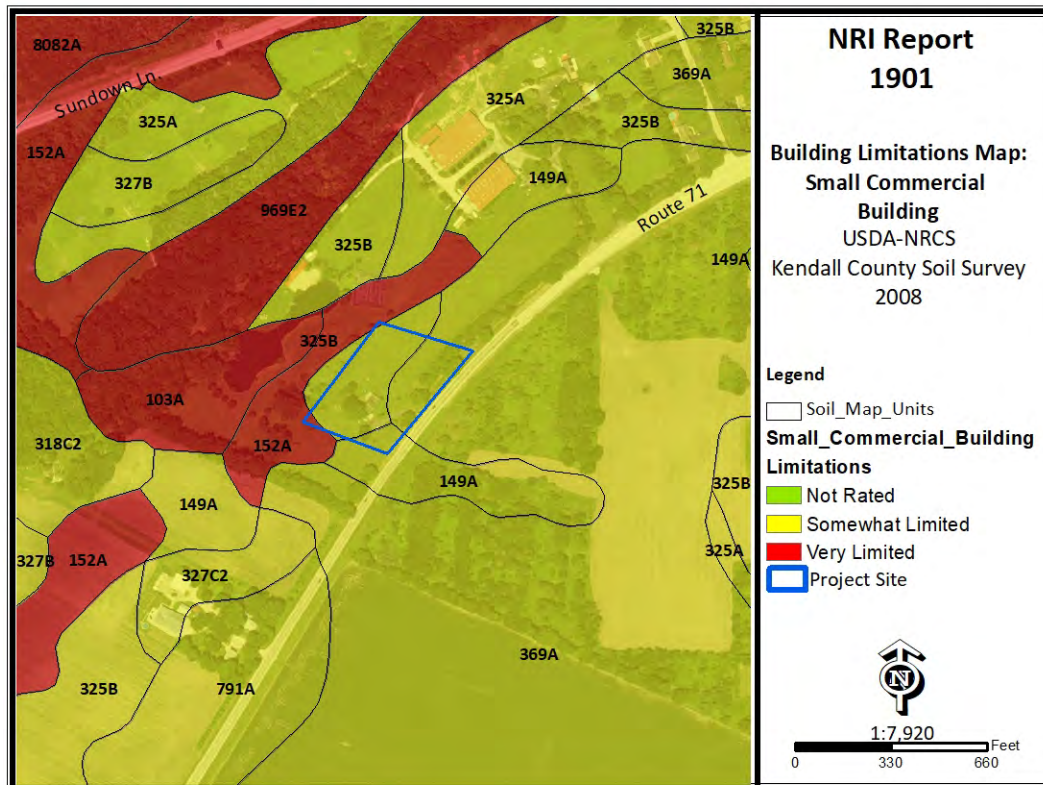
<b>Soil Type</b>	<b>Dwellings with Basements</b>	<b>Dwellings without Basements</b>	<b>Local Roads &amp; Streets</b>
149A	<b>Very Limited:</b> Depth to saturated zone; Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone; Shrink-swell	<b>Very Limited:</b> Frost action; Low strength; Depth to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

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



### Building Limitations Map:

Figure 2a: Small Commercial Building



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

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

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

**Table 4a: Land Evaluation Computation**

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

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

**Table 4b: Site Assessment Computation**

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

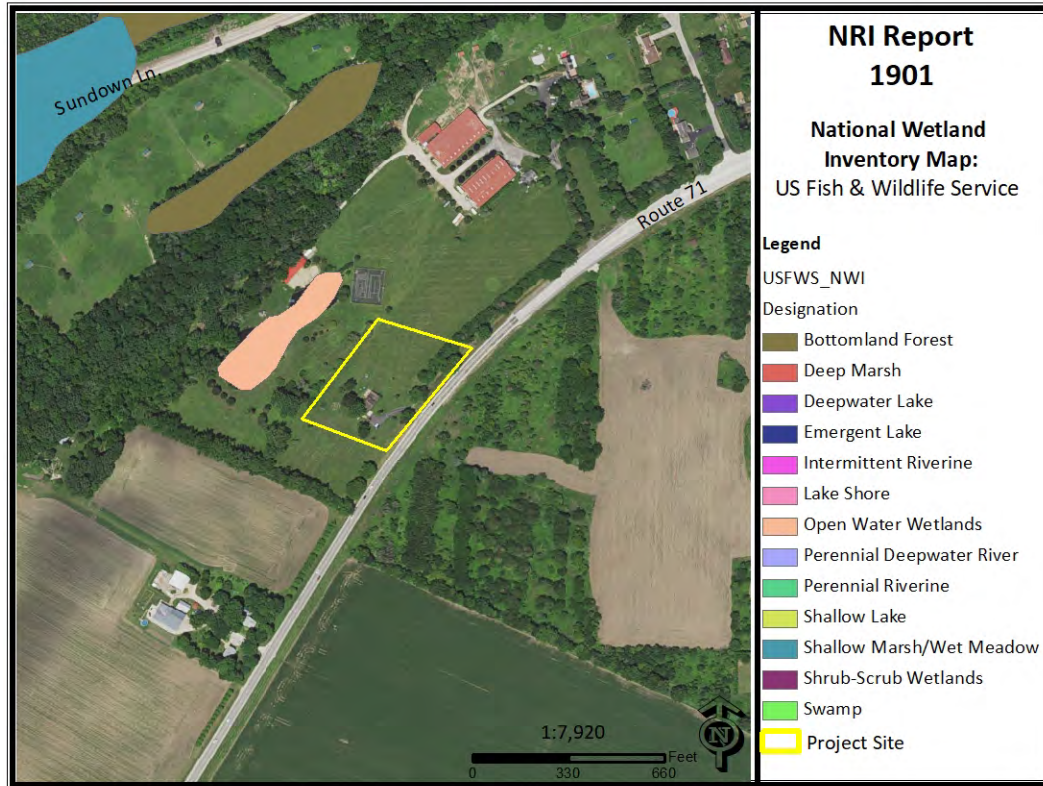
**Land Evaluation Value: 86 + Site Assessment Value: 66 = LESA Score: 152**

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

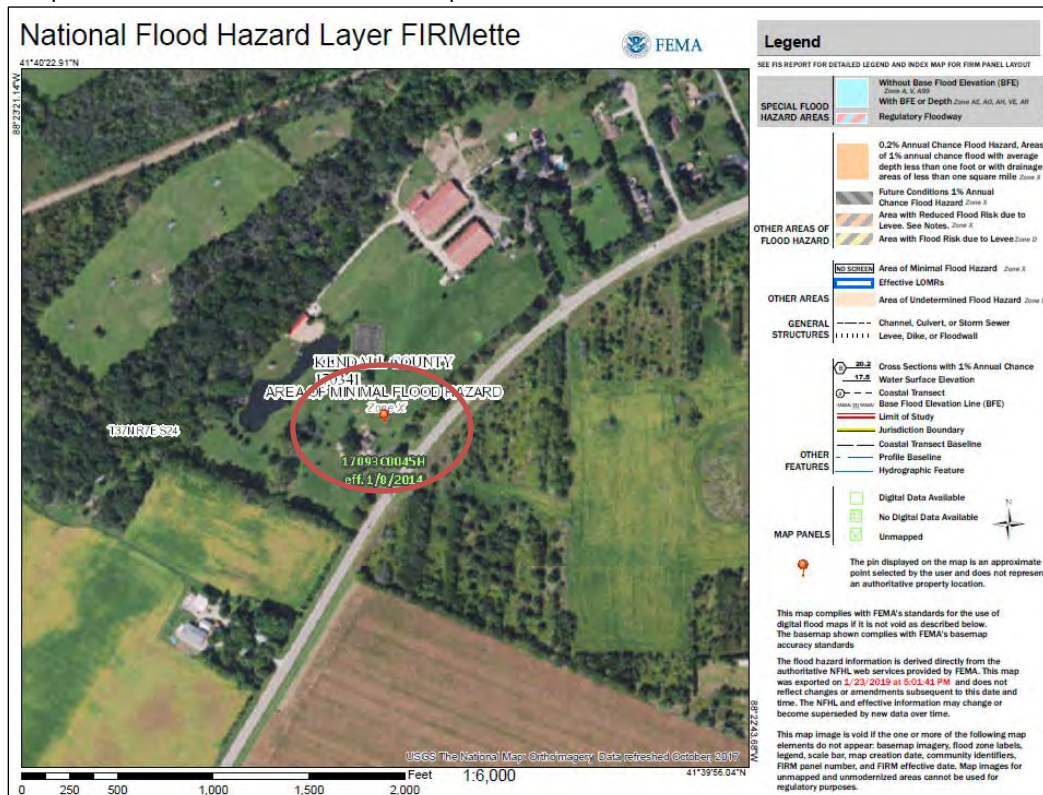
The **LESA Score for this site is 152 which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in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



**Wetlands:** The U.S. Fish & Wildlife Service's National Wetland Inventory map **does not indicate** the presence of a wetland on the project site. If a wetland is present and will be impacted by the project, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.



**Floodplain:** The parcel is not located within the floodplain.



**Sediment and Erosion Control:** Development on this site should include an erosion and sediment control plan in accordance with local, state and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<http://www.aiswcd.org/illinois-urban-manual/>) for appropriate best management practices.

#### **LAND USE OPINION:**

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

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

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

This site is located within the Fox River Watershed.

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

For intense project uses it may be necessary to have a drainage tile survey completed on the parcel to locate any subsurface drainage tile if suspected onsite. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).

  
SWCD Chairperson

1/14/19  
Date

Attachment 14, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

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

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

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

**ROLL CALL**

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

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

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

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

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

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

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

**PETITIONS**

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

Mr. Asselmeier summarized the request.

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

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

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

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

ZPAC met on this case on January 8, 2019. ZPAC unanimously recommended approval of this proposal  
KCRPC Meeting Minutes 1.23.19

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

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

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

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

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

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

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

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

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

The motion carried.

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

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

Mr. Asselmeier summarized the request.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The restrooms will be inside the barn.

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

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

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

Signage size has not been determined.

The office will be inside the barn.

No one will be living onsite.

KCRPC Meeting Minutes 1.23.19

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

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

The motion carried.

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

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

None

### **NEW BUSINESS**

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

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

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

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

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

### **Appointments to Comprehensive Land Plan and Ordinance Committee**

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

### **Approval of 2019 Meeting Dates**

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

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

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

The Commission reviewed the draft agenda for the Annual Meeting.

### **OLD BUSINESS**

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

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

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

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

**CORRESPONDENCE**

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

**OTHER BUSINESS/ANNOUNCEMENTS**

None

**ADJOURNMENT**

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

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

Enc.



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

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

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

**MINUTES – UNOFFICIAL UNTIL APPROVED  
KENDALL COUNTY  
ZONING BOARD OF APPEALS MEETING  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
January 28, 2019 – 7:00 p.m.**

**CALL TO ORDER**

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

**ROLL CALL:**

Members Present: Randy Mohr (Chair); Karen Clementi, Cliff Fox, Tom LeCuyer

Members Absent: Dick Whitfield, Dick Thompson, and Scott Cherry

Staff Present: Matthew Asselmeier, AICP, Senior Planner and Ruth Ann Sikes, Office Assistant

Public: Dan Kramer, Rodolfo and Georgina Nunez

**MINUTES:**

Mr. LeCuyer made a motion, seconded by Mr. Fox, to approve the minutes of the August 27, 2018 meeting. With a voice vote of (4) ayes, the motion was approved.

**PETITIONS**

Chairman Mohr swore in all of the members of the public that wished to speak on both petitions.

The Zoning Board of Appeals started their review of Petition 19-04 at 7:03 p.m.

**Petition 19-04 – Rodolfo and Georgina Nunez**

Request: Special Use Permit for a Landscaping Business

PINs: 02-24-300-017 and 02-24-300-018

Location: 6725 Route 71, (Approximately 0.41 Miles West of Orchard/Minkler Roads on the Northwest Side of Route 71), Oswego Township

Purpose: Petitioners Would Like to Operate a Landscaping Business at the Property; Property is Zoned A-1

Mr. Asselmeier summarized the request.

The subject property is three acres more or less (3 +/-) and its existing land use is Farmstead and the future land use is Rural Residential. Route 71 is a State Highway classified as a Major Arterial Road. Oswego has a trail planned along Route 71. There is a pond on the property to the northwest, but not on the subject property.

The adjacent land uses are all agricultural, residential, or horse related. There are thirty nine (39) homes located with one half (1/2) mile of the property.

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

The LESA Score was a 52 indicating a low level of protection.

Oswego Township met on January 15, 2019 and stated no objections to the proposal. The Village of Oswego did not request any right-of-way dedication as part of the special use permit. The Village of Oswego did not submit any comments in general regarding this proposal. Neither the Village of Oswego nor IDOT requested an easement or land dedication for right-of-way for a Trail. The Petitioner and Oswego Fire Protection District exchanged correspondence regarding sprinkler requirements.

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

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

The site plan show parking around the existing house. No additional lighting or signage was proposed.

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

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

Chairman Mohr opened the public hearing at 7:10 p.m.

Mr. LeCuyer asked what the containers looked like. Mr. Kramer said they are inside the berm so you don't see them driving by the property.

Chairman Mohr asked if anyone lives in the house. Mr. Kramer said the Petitioners live in the house.

Chairman Mohr asked if the County had any easements right now on Route 71 for a bike path. Mr. Asselmeier responded not to his knowledge. IDOT has quick-take rights and could obtain the property at a later date.

Mr. Kramer stated that he was the attorney representing the Petitioners. He stated that Oswego Township voted unanimously in favor of the proposal. The property was originally part of Maple Lanes and that is who sold the property to the Petitioners. The Petitioners plan on putting up a building; it would be totally cold storage with no office or bathrooms. They would be able to keep their equipment indoors. The Petitioners are requesting to keep the containers and they will move it out of the setback. The container would be used to store small tools. Mr. Nunez is a certified tree specialist so he primarily engages in the tree and shrub business. The Petitioners live in the home fulltime. Right now, they only have themselves and one (1) part-time employee. They hope the business expands.

The parcel is over three (3) acres in size.

Ms. Clementi asked for the resolution of the fire issue. Mr. Kramer responded that the resolution is that the Petitioners will ask for a variance because it is not economically feasible to build a water tower or sprinkle the building without an adequate water supply for fire protection.

Chairman Mohr closed the public hearing at 7:16 p.m.

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

The votes were as follows:

Ayes (4): Clementi, Fox, LeCuyer, and Mohr  
Nays (0): None  
Absent (3): Cherry, Thompson, and Whitfield

The motion passed unanimously.

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

The votes were as follows:

Ayes (4): Clementi, Fox, LeCuyer, and Mohr  
Nays (0): None  
Absent (3): Cherry, Thompson, and Whitfield

The motion passed unanimously.

This proposal will go the Planning, Building and Zoning Committee on February 11<sup>th</sup> at 6:30 p.m.

The Zoning Board of Appeals completed their review of Petition 19-04 at 7:17 p.m.



The Zoning Board of Appeals started their review of Petition 19-05 at 7:17 p.m.

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

Request: Special Use Permit for a Banquet Facility and Variance to Section 7.01.D.10.a of the Kendall County Zoning Ordinance to Allow a Banquet Facility on a Non-Arterial or A Non-Major Collector Roadway.

PIN: 03-34-100-024 (South 10 Acres)

Location: 5100 Hundred Block of Schlapp Road (Approximately 0.48 Miles South of the Intersection of Plainfield Road and Schlapp road on the East Side of Schlapp Road), Oswego Township

Purpose: Petitioners Would Like to Operate a Banquet Facility at the Property; Property is Zoned A-1

Mr. Asselmeier summarized the request.

The current land use is Agricultural and Farmstead with future land use as Rural Residential.

The road is Schlapp Road which is a Township Road classified as a Minor Collector. There are no trails or Floodplain/Wetlands on the property.

The adjacent land uses are to the north (Agricultural/Farmstead), south (Agricultural), east (Agricultural/Farmstead), and west (Agricultural). The adjacent zoning is A-1.

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

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

EcoCAT was submitted on December 18, 2018; consultation was terminated.

NRI application was submitted on December 21, 2018. The LESA Score was 212 indicating a medium level of protection.

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

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

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

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

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

The Petitions intend to establish the Heritage Homestead banquet facility and wedding venue as a limited liability company. A special use permit is required to operate a banquet facility at the subject property. There are currently no structures on the property.

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

- a. A variance is required because Schlapp Road is not an arterial roadway or major or collector as defined in the Land Resource Management Plan.
- b. The subject parcel must be a minimum of 5 acres.
- c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance (Ord. 99-34)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. The noise regulations are 65 dba during the day and 55 dba at night with the powered equipment exemption

The hours of operation shall be between 9:00 a.m. and Midnight on weekends and between 9:00 a.m. and 10:00 p.m. on weekdays. The owners of the business allowed by this special use permit shall be allowed an additional one (1) hour after each event for the purpose of cleanup. Setup for events shall

occur during the hours of operation. For the purposes of this special use permit ordinance, the term “weekend” shall mean Fridays, Saturdays, the day prior to any Federal or State holiday, and any Federal or State holiday that falls on a Thursday. The term “weekday” shall mean the other days of the week not included in the definition of “weekend.”

A certificate of occupancy must be issued for all buildings.

The operator(s) of the banquet facility acknowledge and agree to follow Kendall County’s Right to Farm Clause.

The special use permit for the residential unit of a stable employee, previously granted by Ordinance 1999-10 and amended by Ordinance 1999-20 shall be repealed.

The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State and Local laws related to the operation of this type of business. 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. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

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

Chairman Mohr asked if the Oswego Fire Protections District had been resolved. Mr. Kramer responded that the Oswego Fire Protection District wanted the building sprinkled and they wanted a security system. The Petitioners have no objections to the security system because the owners or caretakers will not be living onsite. Because no municipal water supply is available, the buildings cannot be sprinkled. The Petitioners and Mr. Kramer don’t think the Oswego Fire Protection District has statutory authority to enforce the sprinkler regulations. If the Petitioners don’t get the sprinkler variance, Oswego Fire Protection District would have to seek enforcement.

The nearest house is a half mile (1/2) away from the subject property.

Ms. Clementi asked if the property would be subdivided. Mr. Asselmeier responded that the Petitioners are chopping the southern ten (10) acres off of the existing property. Ms. Clementi asked if the division was pending approval of the petition. Mr. Asselmeier responded that it was his understanding that purchase was pending applicable zoning approval.

Mr. Kramer stated that the trees will be setback to allow for overflow parking. No parking on either side of Schlapp Road would be allowed. The tent is for weddings during inclement weather. The tent will not be used for any part of the reception whatsoever. The concrete pads outside the barn would be used for the cocktail area, with the music all being in the barn. If it is perfect weather, the tent will not be used at all. The Petitioners are going to put in new grain bins and those will be for the bride and groom prep room.

Mr. Kramer noted that, when the Kendall County Regional Plan Commission met last week, Mr. Anderson was in attendance. Mr. Anderson does not live on the property but he does have a pond on the property approximately two hundred or three hundred feet (200'-300') from the eastern property line of the subject property. Mr. Anderson was concerned about attractive nuisance law in Illinois and his concerns are unfounded. The Petitioners agreed to plant a thirty-five foot (35') strip of tall wildflowers and prairie grass plantings to discourage anybody from going near the eastern property line of the subject property. The Petitioners also agreed to place "No Trespassing" signs on their side of the property line.

Mr. Kramer also stated that the other person that spoke at the Kendall County Regional Planning Commission, Tom Gargrave, misunderstood the location of the proposed facility. Mr. Gargrave thought that the Petitioners were purchasing the entire parcel. At one point in time, there was the potential for the Village of Oswego bringing water and sewer to the site for a strip mall and homes. Then, in 2006, the economy crashed and those plans did not materialize.

Mr. Kramer explained that, under the Plat Act, an owner can split off five (5) acres or more without going through the subdivision process.

Mr. Kramer discussed strategies for keep noise levels below the legal requirements and that none of the banquet facilities that he was aware of violated the noise restrictions.

Mr. Kramer explained that Plainfield Road is a very busy road and he thought traffic will be equally split on Schlapp Road from both directions.

Mr. Asselmeier stated that it should be noted that Oswego Township is a dry township except for package sales. If the Petitioners ever wanted to do cash bars they would have to annex to the Village. Mr. Kramer noted that the liquor license was a mobile license with the caterer.

Chairman Mohr closed the public hearing at 7:50 p.m.

Ms. Clementi made a motion, seconded by Mr. LeCuyer, to approve the Findings of Fact for the special use permit and the Findings of Fact for the variance as presented by Staff.

The votes were as follows:

Ayes (4):	Clementi, Fox, LeCuyer, and Mohr
Nays (0):	None
Absent (3):	Cherry, Thompson, and Whitfield

The motion passed unanimously.

Mr. LeCuyer made a motion, seconded by Mr. Fox, to recommend approval of the proposed special use permit and variance with the conditions proposed by Staff.



The votes were as follows:

Ayes (4): Clementi, Fox, LeCuyer, and Mohr  
Nays (0): None  
Absent (3): Cherry, Thompson, and Whitfield

The motion passed unanimously.

This proposal will go the Planning, Building and Zoning Committee on February 11<sup>th</sup> at 6:30 p.m.

The Zoning Board of Appeals completed their review of Petition 19-05 at 7:54 p.m.

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

#### **Approval of 2019 Meeting Calendar**

Ms. Clementi made a motion to approve the meeting calendar for 2019, seconded by Mr. Fox. With a voice vote of four (4) ayes, the calendar was approved unanimously.

#### **Discussion of February 2, 2019 Kendall County Regional Planning Commission Annual Meeting**

The Kendall County Regional Planning Commission Annual Meeting is February 2<sup>nd</sup>, at 9:00 a.m., in the County Board Room.

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

Petition 17-28 Outdoor Gun Range Regulations was referred back to Committee.

Chairman Mohr stated that the question he would like the County Board to answer is do we want to encourage gun ranges or do we want to allow them. If we want to encourage them the new ordinances really encourage them. If we allow them are we to liberal.

Petition 18-03 was withdrawn by the Committee.

Petition 18-04 LRMP Update on Lisbon Township was referred back to Committee.

Petition 18-07 was withdrawn at Committee.

Petitions 18-13, 18-15, 18-20, 18-25, and 18-26 were approved by the County Board.

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

Ms. Clementi made a motion, seconded by Mr. Fox, with a voice vote of all ayes., the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 8:05 p.m.

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

Exhibits

1. Staff Report on Petition 19-04 Dated January 24, 2019.

2. Certificate of Publication and Mailings for Petition 19-04 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. Staff Report on Petition 19-05 Dated January 24, 2019
4. Certificate of Publication and Mailings for Petition 19-05 (Not Included with Report but on file in Planning, Building and Zoning Office).

# KENDALL COUNTY ZONING BOARD OF APPEALS

## January 28, 2019

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

NAME	ADDRESS	SIGNATURE
Relate 2019-04 Dor Kinn	1107 S. Bridge St Zachville, IL 60560	
" 2019-05	"	"

State of Illinois  
County of Kendall

Zoning Petition  
#19-04

**ORDINANCE NUMBER 2019-\_\_\_\_\_**

**GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A LANDSCAPING BUSINESS FOR A 3.0 ACRE +/- PARCEL LOCATED AT 6725 ROUTE 71, YORKVILLE, ILLINOIS AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 02-24-300-018 AND 02-24-300-017 IN OSWEGO TOWNSHIP**

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 7.01.D.28 of the Kendall County Zoning Ordinance permits the operation of landscaping businesses as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 3.0 acres located at 6725 Route 71, Yorkville, Illinois (PINs: 02-24-300-018 and 02-24-300-017) in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property”; and

WHEREAS, the subject property is currently owned by Rodolfo and Georgina Nunez and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about December 21, 2018, Petitioner filed a petition for a Special Use Permit allowing the operation of a landscaping businesses at the subject property and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on January 28, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s attorney presented evidence, testimony, and exhibits in support of the requested special use permit and zero members of the public testified in favor or in opposition; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated January 28, 2019, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of **approval** of the requested special use permit with conditions; and

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

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



State of Illinois  
County of Kendall

Zoning Petition  
#19-04

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

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a special use permit allowing the operation of a landscaping business on the subject property subject to the following conditions:
  - A. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C.
  - B. Within sixty (60) days of the approval of this special use, the Petitioner shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioner and the Kendall County Health Department.
  - C. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within enclosed structures. The owner of the business allowed by this special use permit may store nursery stock outdoors. All equipment related to the business allowed by this special use permit shall be inside the enclosed structures between sunset and sunrise. The owner of the business allowed by this special use permit may keep one (1) company truck parked outdoors between sunset and sunrise.
  - D. No landscape waste generated off the property can be burned on this site
  - E. A maximum of five (5) employees of the business allowed by this special use permit may report to this site for work.
  - F. No permanent commercial related signage may be displayed at the property.
  - G. 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.
  - H. 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.
  - I. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

State of Illinois  
County of Kendall

Zoning Petition  
#19-04

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19<sup>th</sup> day of February, 2019.

Attest:

---

Kendall County Clerk  
Debbie Gillette

---

Kendall County Board Chairman  
Scott R. Gryder

# LEGAL DESCRIPTION OF TRACT TO BE REZONED:

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

## FINDINGS OF FACT

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

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

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

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

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

## APPROVAL WITH CONDITIONS

1. The site shall be developed substantially in accordance with the attached site plan.
2. Within sixty (60) days of the approval of this special use, the Petitioner shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioner and the Kendall County Health Department.
3. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within enclosed structures. The owner of the business allowed by this special use permit may store nursery stock outdoors. All equipment related to the business allowed by this special use permit shall be inside the enclosed structures between sunset and sunrise. The owner of the business allowed by this special use permit may keep one (1) company truck parked outdoors between sunset and sunrise.



4. No landscape waste generated off the property can be burned on this site
5. A maximum of five (5) employees of the business allowed by this special use permit may report to this site for work.
6. No permanent commercial related signage may be displayed at the property.
7. 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.
8. 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.
9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

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

## DEVELOPER:

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

## PROPERTY LOCATION:

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

## AREA TO BE REZONED:

3.0004 Acres

## PRESENT ZONING:

A-1

## PROPOSED ZONING:

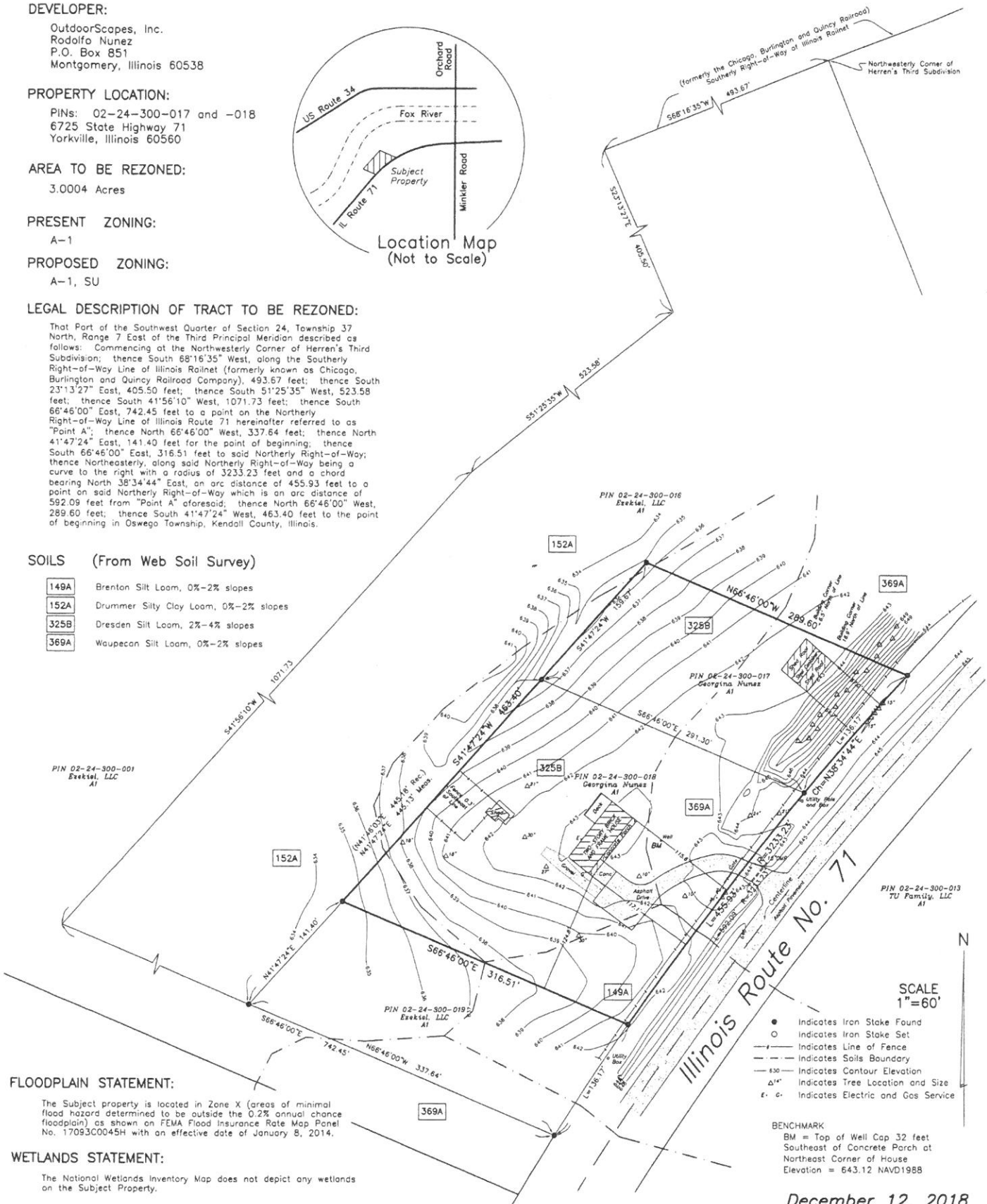
A-1, SU

## LEGAL DESCRIPTION OF TRACT TO BE REZONED:

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

## SOILS (From Web Soil Survey)

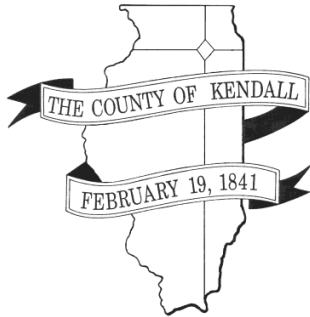
- |      |                                       |
|------|---------------------------------------|
| 149A | Brenton Silt Loam, 0%-2% slopes       |
| 152A | Drummer Silty Clay Loam, 0%-2% slopes |
| 325B | Dresden Silt Loam, 2%-4% slopes       |
| 369A | Waupecon Silt Loam, 0%-2% slopes      |



JOB NO.	18305
JOB NAME	NUNEZ
DWG FILE	18305

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

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



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 19-05**

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

**5100 Block of Schlapp Road**

**A-1 Special Use – Banquet Facility**

**INTRODUCTION**

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

**SITE INFORMATION**

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

**ADDRESS** 5100 Hundred Block of Schlapp Road

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



**TOWNSHIP** Oswego

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

**LOT SIZE** 10.00 +/- Acres

EXISTING LAND USE     Agricultural

ZONING     A-1 Agricultural District

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

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

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

Section 13.08 – Special Use Procedures

#### **SURROUNDING LAND USE**

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

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

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

#### **PHYSICAL DATA**

##### **ENDANGERED SPECIES REPORT**

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

##### **NATURAL RESOURCES INVENTORY**

NRI application submitted on December 21, 2018 (see Attachment 1, Page 16). The LESA Score was 212 indicating a medium level of protection. The NRI Report is included as Attachment 19.

## **ACTION SUMMARY**

### **OSWEGO TOWNSHIP**

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

### **OSWEGO FIRE PROTECTION DISTRICT**

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

### **VILLAGE OF OSWEGO**

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

### **ZPAC**

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

### **KCRPC**

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

### **ZBA**

The Kendall County Zoning Board of Appeals held a public hearing on this petition on January 28, 2019. The Petitioner's attorney was the only person that testified at the public hearing. The Zoning Board of Appeals unanimously recommended approval of the request with the conditions that no parking from the banquet facility was allowed on Schlapp Road, a thirty foot (30') strip of wild flowers and prairie grasses was to be planted on the eastern property line, and "No Trespassing" signs shall be placed along the eastern property line. The minutes of the meeting are included as Attachment 20.

## **GENERAL**

The Weihlers intend to establish the Heritage Homestead banquet facility and wedding venue as a limited liability company. A special use permit is required to operate a banquet facility at the subject property.



Pictures of the property are included as Attachments 6-12. There are currently no structures on the property.

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

- a. **The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan. (Variance is required for this requirement.)** A variance is required because Schlapp Road is not an arterial roadway or major collector as defined in the Land Resource Management Plan.
- b. The subject parcel must be a minimum of 5 acres.
- c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

## **BUSINESS OPERATION**

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

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

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

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

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

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

#### **BUILDING CODES**

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

#### **ENVIRONMENTAL HEALTH**

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

#### **ROAD ACCESS**

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

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

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

#### **LIGHTING**

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

#### **SIGNAGE**

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

#### **LANDSCAPING**

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

#### **NOISE CONTROL**

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

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

#### **STORMWATER**

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

## RELATION TO OTHER SPECIAL USES

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

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

## FINDINGS OF FACT-SPECIAL USE

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

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

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

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

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

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

## FINDINGS OF FACT-VARIANCE

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

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

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

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

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

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

## **RECOMMENDATION**

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

1. The site shall be developed substantially in accordance with the attached site plan, landscaping plan, and lighting plan. The previously listed plans may be altered to meet the right-of-way dedication mentioned in condition 2.
2. Within sixty (60) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire western portion of the property to Oswego Township to be used as Schlapp Road right-of-way. This dedication shall have a depth of fifty feet (50') as measured from the centerline of Schlapp Road.
3. A maximum of two hundred eighty-five (285) guests in attendance at a banquet center related event may be on the subject property at a given time.
4. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance.
5. The subject parcel must maintain a minimum of five (5) acres.
6. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)

7. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of

Section 11 of the zoning ordinance except where variances are granted. In particular, lighting will not be allowed to cross property lines. Parking lot lights shall not be illuminated on evenings when no events are held. **(Second and third sentences added at RPC.)**

8. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The owners of the business allowed by this special use permit may install two (2) directional signs along Schlapp Road. Any signage provided will not be illuminated. **(Signage size could be clarified.)**
9. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
10. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

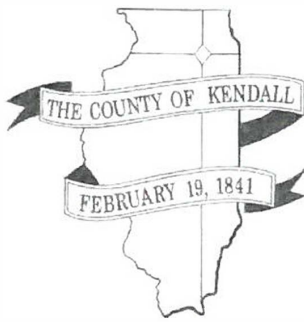
11. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings.
12. The hours of operation shall be between 9:00 a.m. and Midnight on weekends and between 9:00 a.m. and 10:00 p.m. on weekdays. The owners of the business allowed by this special use permit shall be allowed an additional one (1) hour after each event for the purposes of cleanup. Setup for events shall occur during the hours of operation. For the purposes of this special use permit ordinance, the term "weekend" shall mean Fridays, Saturdays, the day prior to any Federal or State holiday, and any Federal or State holiday that falls on a Thursday. The term "weekday" shall mean the other days of the week not included in the definition of "weekend." **(Petitioners will request additional hour from Planning, Building and Zoning Committee.)**
13. A new certificate of occupancy must be issued for all buildings.
14. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The special use permit for the residential unit of a stable employee, previously granted by Ordinance 1999-10 and amended by Ordinance 1999-20, shall be repealed.
16. No patrons, employees, or other individuals associated with events at the banquet facility allowed by this special use permit may park along Schlapp Road. **(Added by ZBA)**
17. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall plant a thirty foot (30') strip of wild flowers and prairie grasses along the entire eastern property line. **(Added by ZBA)**
18. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall erect "No Trespassing" signs near the eastern property line. **(Added by ZBA)**
19. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
20. 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.



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

#### **ATTACHMENTS**

1. Application Materials (Including Business Plan)
2. Plat of Survey
3. Site Plan
4. Landscaping Plan
5. Photometric Plan and Information
6. Aerial
7. Looking Northeast
8. Looking East
9. Looking South
10. Looking Northwest
11. Looking West
12. Looking Southwest
13. Oswego Township Related Correspondence
14. Oswego Fire Protection Related Correspondence
15. Village of Oswego Related Correspondence
16. 1-8-19 ZPAC Minutes
17. WBK Letter
18. 1-23-19 KCRPC Minutes
19. NRI Report
20. 1-28-19 ZBA Minutes
21. Draft Ordinance



## DEPARTMENT OF PLANNING, BUILDING & ZONING

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

### APPLICATION

PROJECT NAME Weihler Special Use

FILE #: 19-05

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

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

<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

DEC 21 2018

# **Heritage Homestead Wedding and Event Venue Business Plan**

**By**

**Dr. Paula Weihler**

## Executive Summary

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

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

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

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

## Mission Statement

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

## Vision Statement

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

**Event Assumptions:**

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

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

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

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

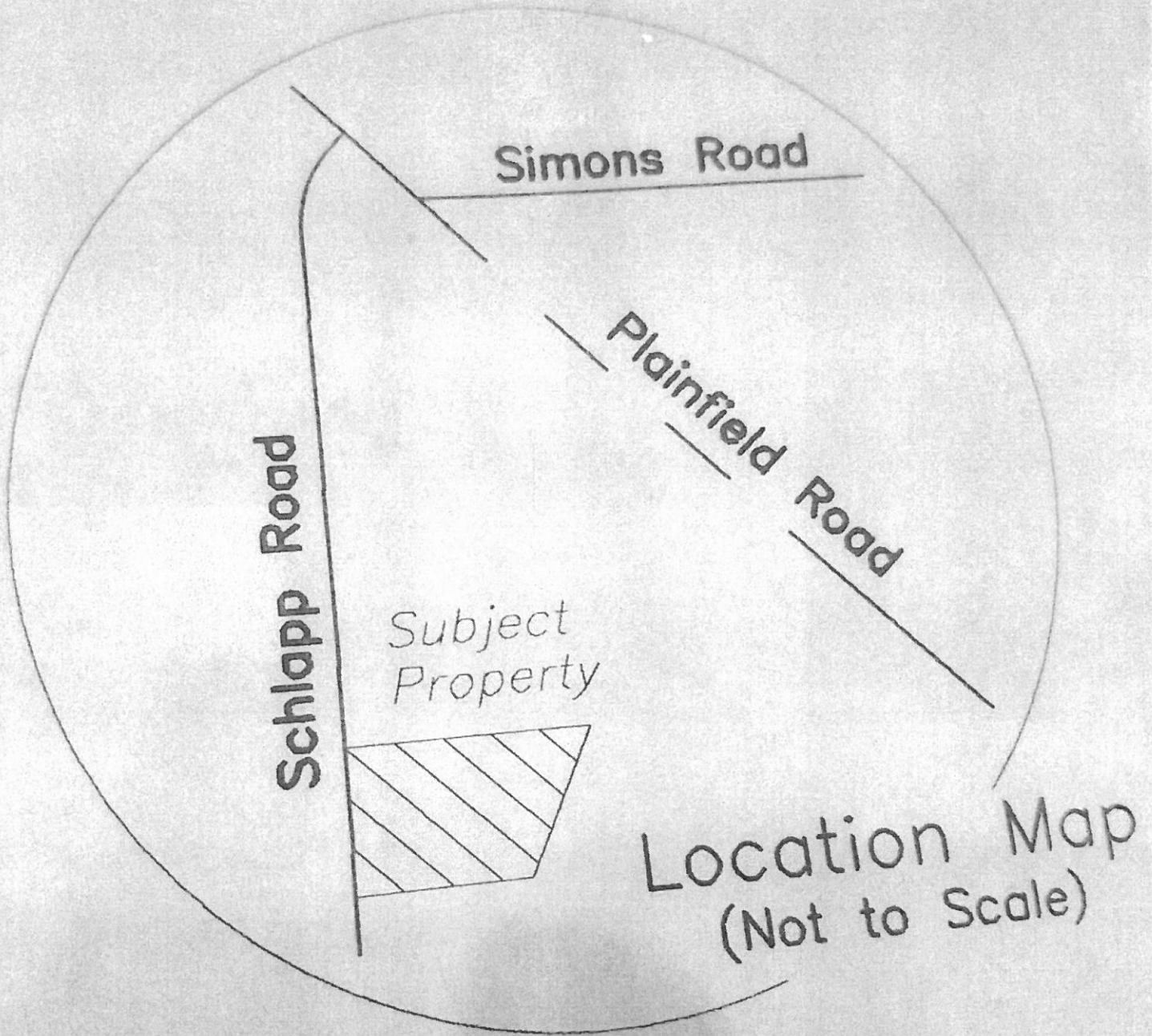
As for other relevant information, please know that they will only be using a few select caterers who are known for excellence, each with their own traveling liquor license for events. The owners will also have adequate liability insurance for any unforeseen circumstances.

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

**Attachments to follow:**



28



Site location

DEVELOPER:

Wibler

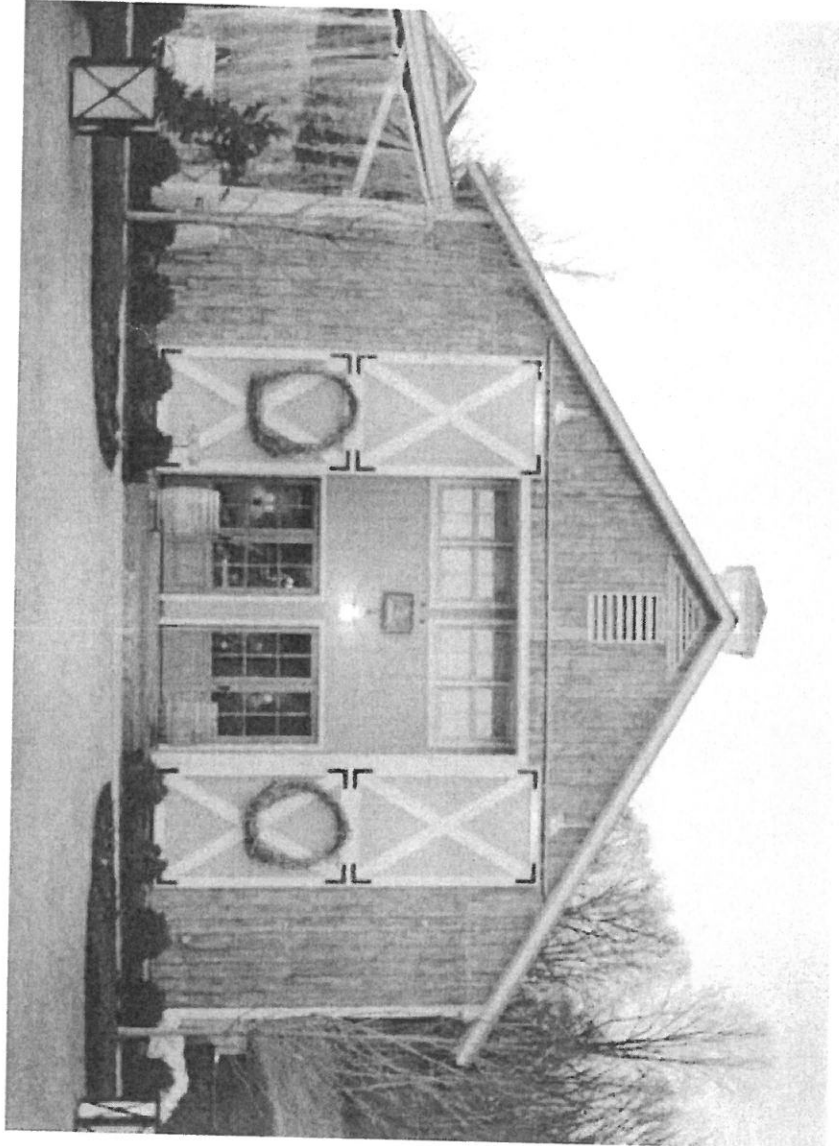
Road

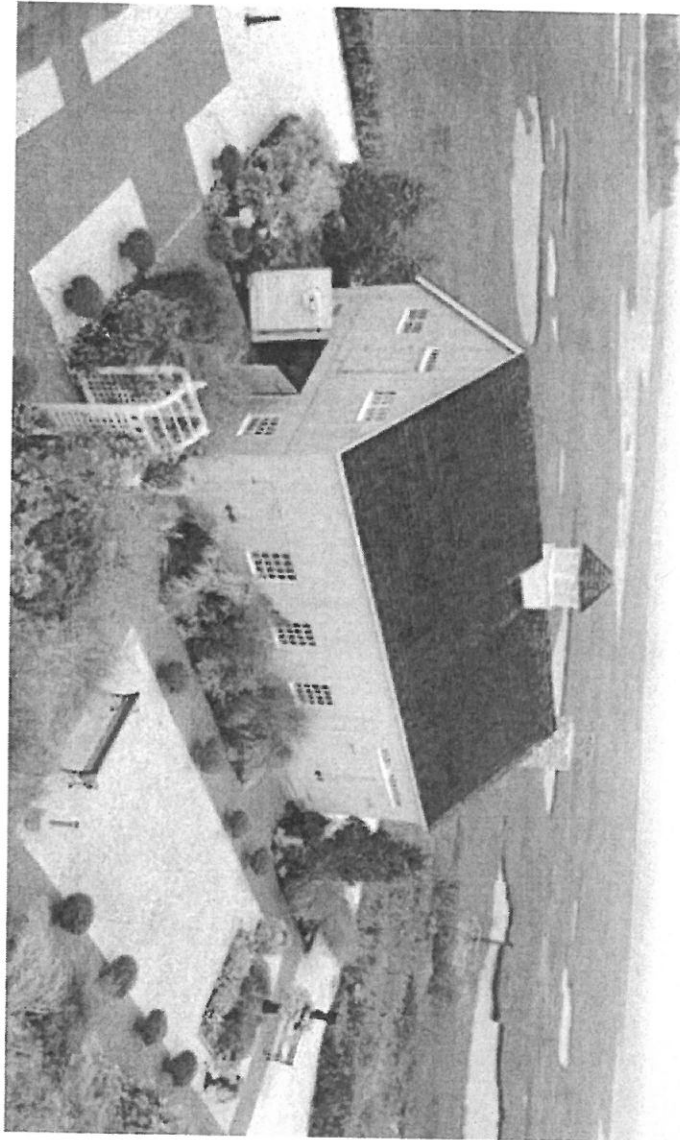
# Family Centered Events at Heritage Homestead

Attachment 1, Page 6

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

Front of Main Building  
Vision



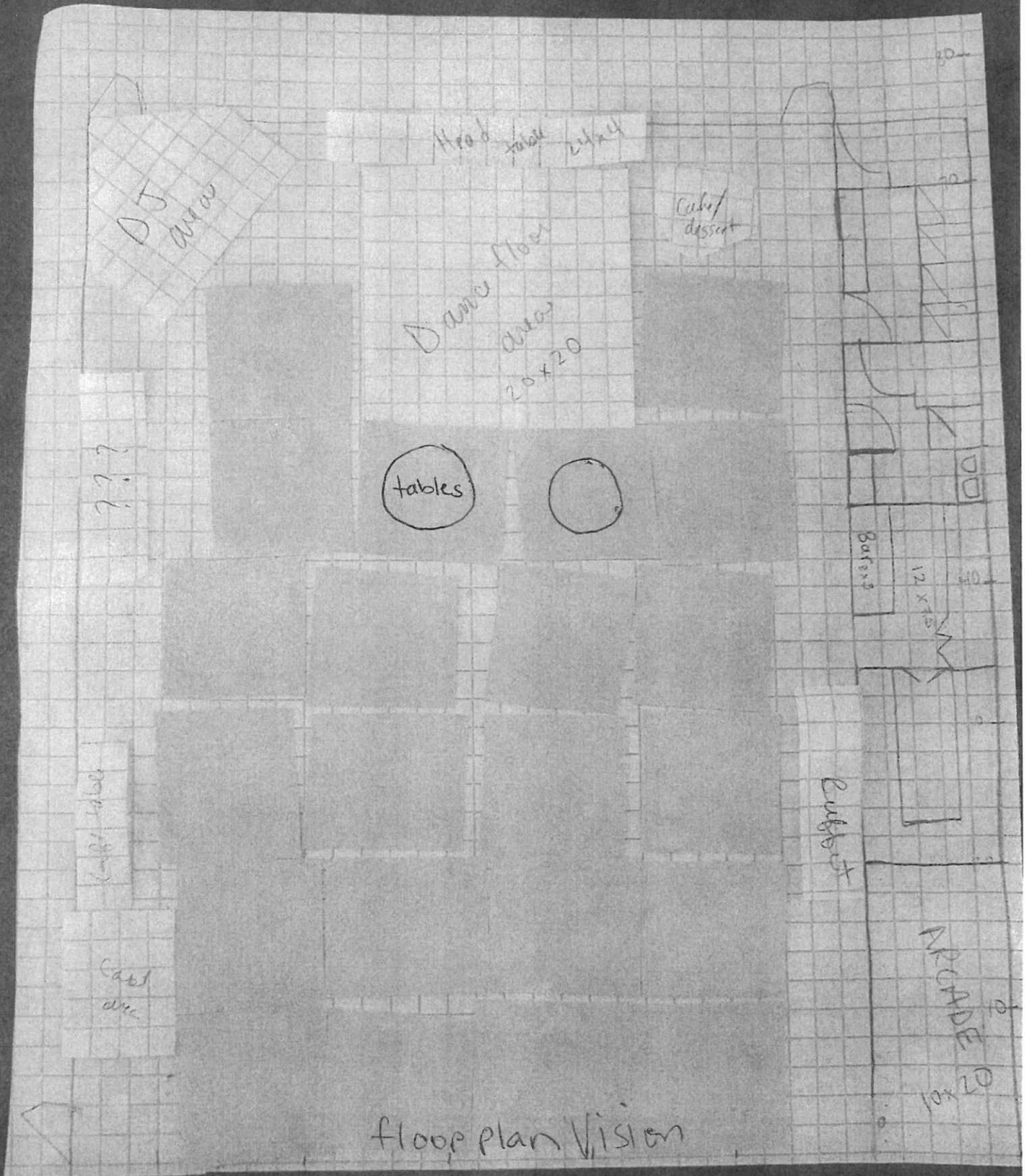


Outdoor Area  
Vision



Inside  
Vision





Legal Description

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



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

201500020158

**DEBBIE  
 GILLETTE**  
 KENDALL COUNTY, IL

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

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

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

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

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

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

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

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



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

**SPECIALTY LENDING, INC.**

(CORPORATE SEAL)

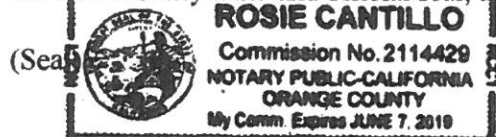
By: [Redacted]  
Its President

ATTEST: [Redacted]  
Its Secretary

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

Given under my hand and official seal, this

18th day of September, 2015.



[Redacted]  
Notary Public

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

**MAIL TO:**

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

**SEND SUBSEQUENT TAX BILLS TO:**

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

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

12-21-15  
Date

[Redacted]  
Buyer, Seller or Representative





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

**PLAT ACT AFFIDAVIT OF METES AND BOUNDS**

STATE OF ILLINOIS )

) SS

COUNTY OF KENDALL )

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

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

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

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

SUBSCRIBED AND SWORN TO BEFORE ME

This 22 day of December, 20 15.

Signature of Notary Public





**Kendall County Soil & Water  
Conservation District**

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



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

## NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

**Petitioner:** Stuart Weihler **Contact Person:** Same as Petitioner  
**Address:** [REDACTED]  
**City, State, Zip:** [REDACTED]  
**Phone Number:** [REDACTED] ( ) [REDACTED]  
**Email:** [REDACTED]

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

### Site Location & Proposed Use

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

### Type of Request

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

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

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

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

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

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

**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]  
 \_\_\_\_\_  
 \_\_\_\_\_

12/21/18  
 \_\_\_\_\_  
**Date**

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

### FOR OFFICE USE ONLY

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



*Applicant:* Stuart Weihler

*Contact:* John Tebrugge

*Address:* [REDACTED]

*IDNR Project Number:* 1906011

*Date:* 12/18/2018

*Project:* Heritage Homestead - Banquet Center

*Address:* 5139-5199 S Schlapp Road, Oswego

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

### Natural Resource Review Results

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

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

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

#### Location

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

*County:* Kendall

*Township, Range, Section:*

37N, 8E, 34



#### IL Department of Natural Resources

##### Contact

Nathan Grider

217-785-5500

Division of Ecosystems & Environment

#### Government Jurisdiction

Kendall County

Matt Asselmeier

111 West Fox Street

Yorkville, Illinois 60560

#### Disclaimer

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



IDNR Project Number: 1906011

### **Terms of Use**

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

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

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

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

### **Security**

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

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

### **Privacy**

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

IDNR Project Number: 1906011

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

12/18/2018

**DESCRIPTION****FEE****CONVENIENCE  
FEE****TOTAL PAID**

EcoCAT Consultation

\$ 125.00

\$ 2.94

\$ 127.94

**TOTAL PAID** \$ 127.94

Illinois Department of Natural Resources  
 One Natural Resources Way  
 Springfield, IL 62702  
 217-785-5500  
[dnr.ecocat@illinois.gov](mailto:dnr.ecocat@illinois.gov)



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

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

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

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

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

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

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

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

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

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

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



# Illinois Environmental Protection Agency

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

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

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

For Office Use Only

**OWNER INFORMATION**Company/Owner Name: Stuart Weihler

Permit No. ILR10 \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Fax: \_\_\_\_\_

Contact Person: Stuart Weihler

E-mail: \_\_\_\_\_

Owner Type (select one) PrivateMS4 Community: ☐ Yes ☐ No**CONTRACTOR INFORMATION**Contractor Name: TBD

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Fax: \_\_\_\_\_

**CONSTRUCTION SITE INFORMATION**Select One: ☒ New ☐ Change of information for: ILR10 \_\_\_\_\_Project Name: Heritage Homestead - Banquet CenterCounty: KendallStreet Address: TBD - Approx 5139-5199 S SchlappCity: OswegoIL Zip: 60543Latitude: 41 38 41.866 Longitude: 88 18 57.414 34 37N 8E  
(Deg) (Min) (Sec) (Deg) (Min) (Sec) Section Township RangeApproximate Construction Start Date Mar 4, 2019 Approximate Construction End Date Mar 2, 2020Total size of construction site in acres: 10.0

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

☐ Yes ☒ No

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

**STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

Has the SWPPP been submitted to the Agency?

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

SWPPP contact information:

Inspector qualifications:

Contact Name: Stuart Weihler

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Project inspector, if different from above

Inspector qualifications:

Inspector's Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**TYPE OF CONSTRUCTION (select one)**Construction Type Commercial

SIC Code: \_\_\_\_\_

Type a detailed description of the project:

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

The current site is farmland.

**HISTORIC PRESERVATION AND ENDANGERED SPECIES COMPLIANCE**

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

Historic Preservation Agency ☒ Yes ☐ No

Endangered Species ☒ Yes ☐ No

**RECEIVING WATER INFORMATION**

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

Owner of storm sewer system: N/A

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

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

Or submit electronically to: [epa.constilr10swppp@illinois.gov](mailto:epa.constilr10swppp@illinois.gov)

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

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

  \_\_\_\_\_  
Owner Signature:

12/21/18  
Date:

\_\_\_\_\_  
Printed Name:

 \_\_\_\_\_  
Title:



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

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

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

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

FAX: (217) 782-9891

Or submit electronically to: [epa.constilr10swppp@illinois.gov](mailto:epa.constilr10swppp@illinois.gov)

**Reports must be typed or printed legibly and signed.**

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

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

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

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

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

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

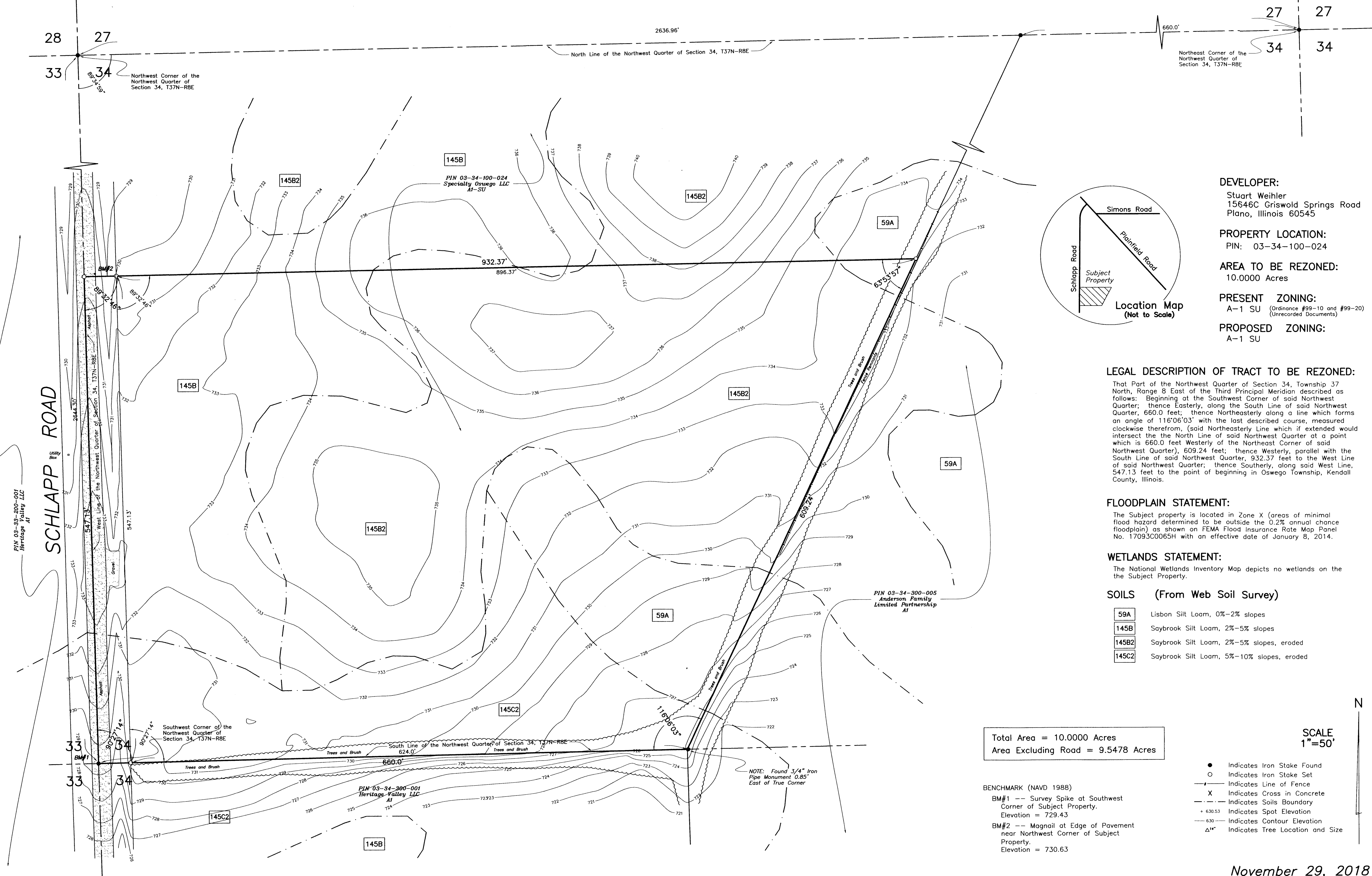
Submission of initial fee and an electronic submission of Storm Water Pollution Prevention Plan (SWPPP) for Initial Permit prior to the Notice of Intent being considered complete for coverage by the ILR10 General Permits. Please make checks payable to: Illinois EPA at the above address.

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

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

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

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

**DEVELOPER:**

Stuart Wehler  
15646C Griswold Springs Road  
Plano, Illinois 60545

**PROPERTY LOCATION:**

PIN: 03-34-100-024

**AREA TO BE REZONED:**

10.0000 Acres

**PRESENT ZONING:**

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

**PROPOSED ZONING:**

A-1 SU

**LEGAL DESCRIPTION OF TRACT TO BE REZONED:**

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

**FLOODPLAIN STATEMENT:**

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

**WETLANDS STATEMENT:**

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

**SOILS (From Web Soil Survey)**

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

Total Area = 10.0000 Acres  
Area Excluding Road = 9.5478 Acres

**BENCHMARK (NAVD 1988)**

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

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

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

SCALE  
1"=50'

N

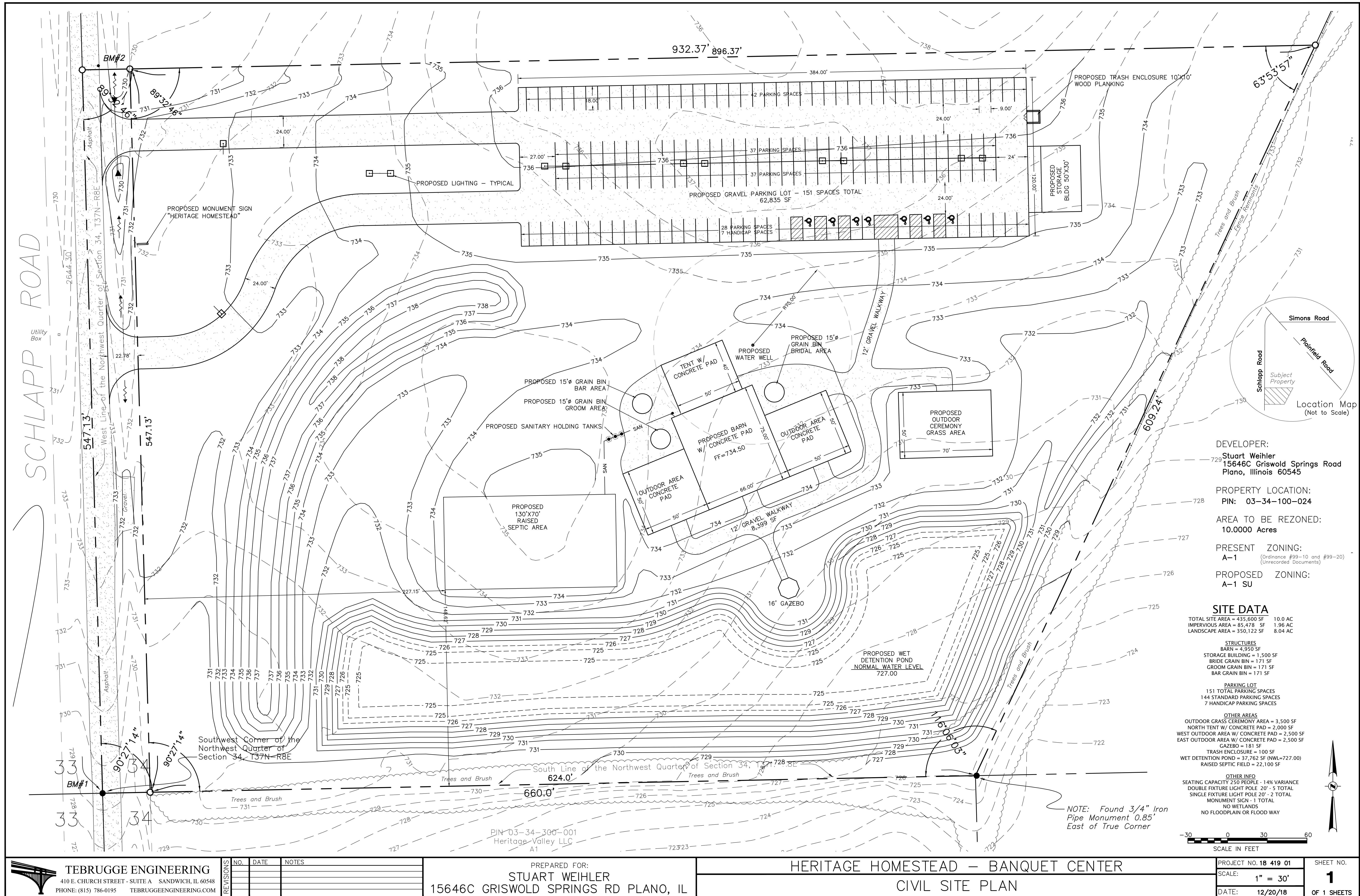
1107B South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630)553-1580

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

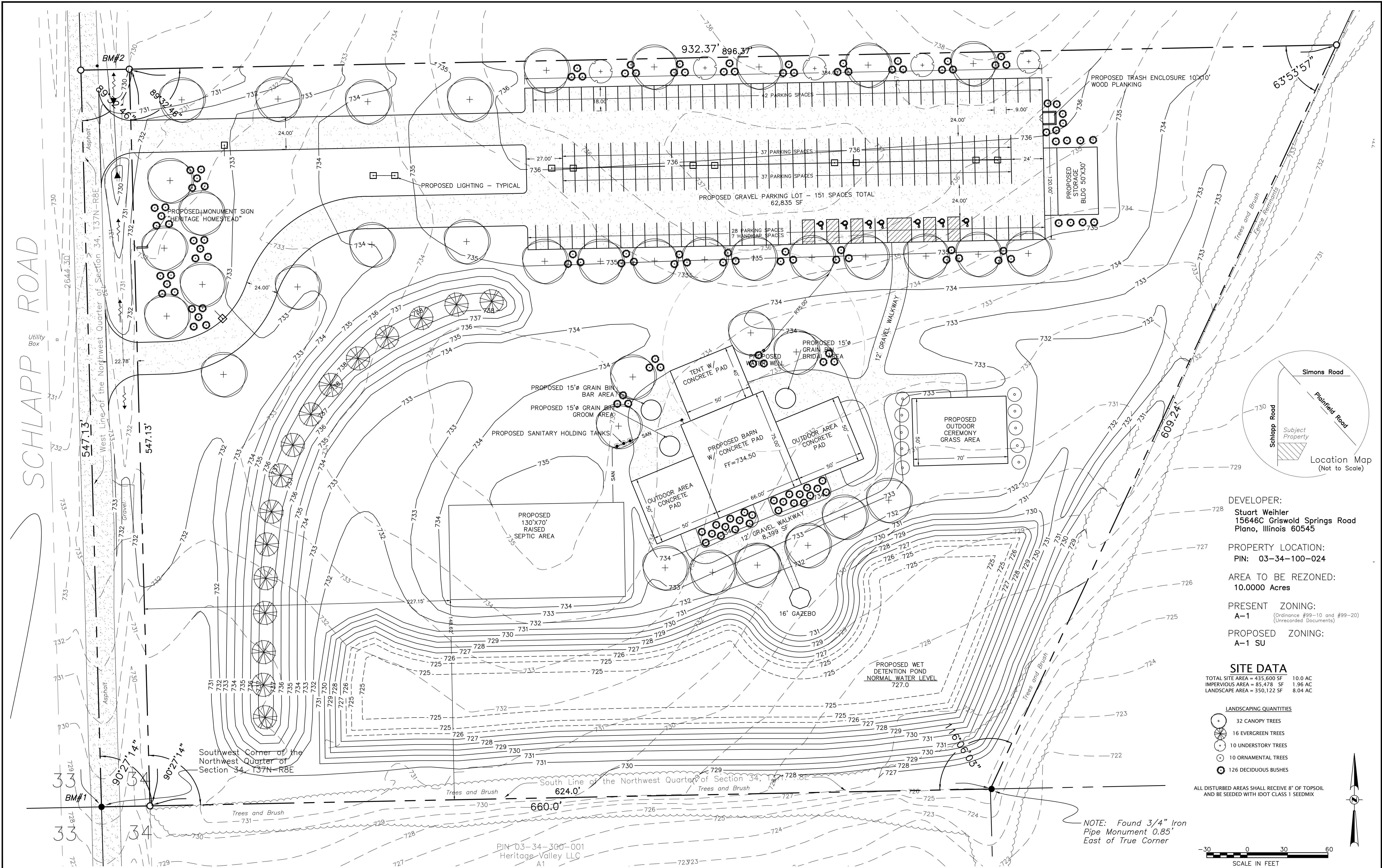
JOB NO.	18292
JOB NAME	WEHLER
DWG FILE	18292
REVISION DATE	

November 29, 2018









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

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

AREA TO BE REZONED:  
10.0000 Acres

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

PROPOSED ZONING:  
A-1 SU

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

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

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

SCALE IN FEET  
0 30 60

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

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

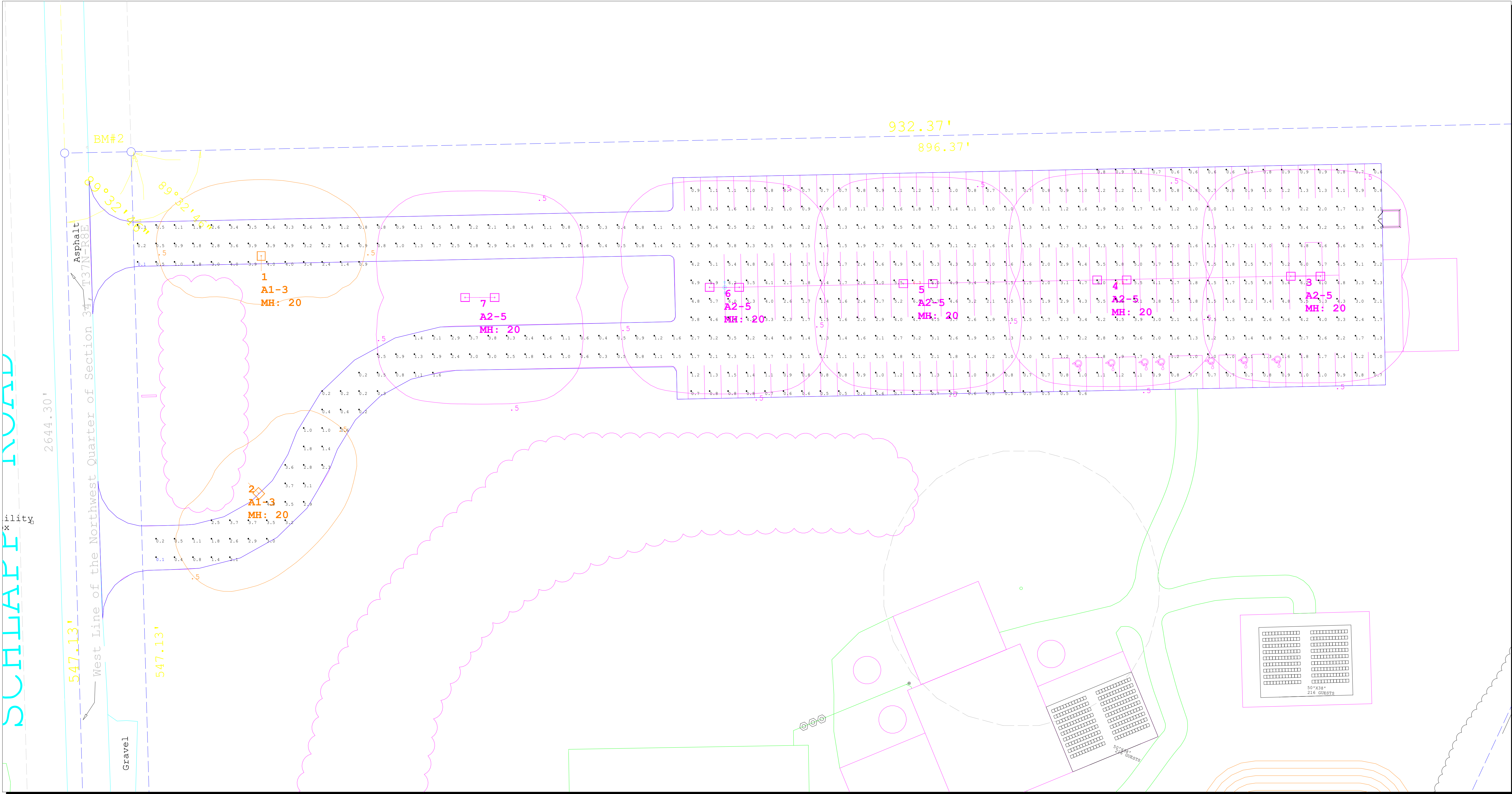
NO.	DATE	NOTES

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



HERITAGE HOMESTEAD – BANQUET CENTER  
LANDSCAPE PLAN

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





Scale: 1 inch= 25 Ft.

Luminaire Schedule										
Symbol	Qty	Label	Arrangement	Lum. Watts	Arr. Watts	Lum. Lumens	Arr. Lum. Lumens	LLF	Description	Manufacturer
	2	A1-3	SINGLE	132	132	15269	15269	0.900	AR18-20M2-MV-NW-3-XX-530 S	Leotek Electronics USA LLC., 1955 Lundy Ave.,
	5	A2-5	BACK-BACK	132	264	15209	30418	0.900	AR18-20M2-MV-NW-5-XX-530 S	Leotek Electronics USA LLC., 1955 Lundy Ave.,

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

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

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

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

enlighten

PG

#	Date	Comments

Revisions	

Drawn By: Jose Saucedo

Drawn By: jose.saucedo@pg-enlighten.com

Date: 12/19/2018

Scale: 1" = 25'

Project Name:

Heritage Homestead Banquet Ctr

Client Name:

Zach Stevens - TEBRUGGE ENGINEERING

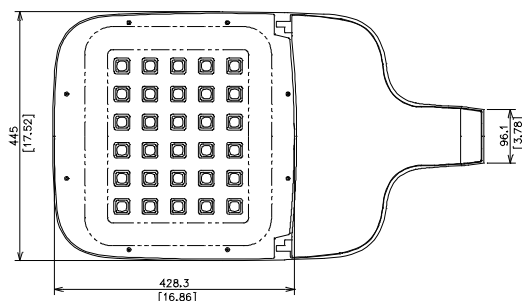
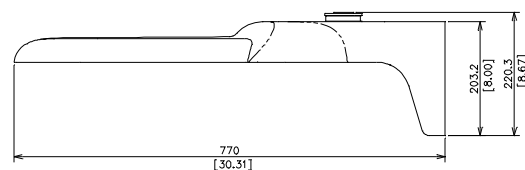
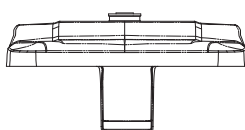
Page 1 of 1

# ARIETA™ 18 Architectural LED Area Luminaire

## AR18 M2 Series Specification Data Sheet

### Luminaire Data

**Weight** 24 lbs [10.9 kg]  
**EPA** 0.55 ft<sup>2</sup>



### Ordering Information

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

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

#### Notes:

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

#### Accessories\*

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

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

## Luminaire Specifications

### Housing

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

### Light Emitting Diodes

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

### Field Adjustability

LED drive current can be changed in the field to adjust light output for local conditions (not available with PCR7-CR option). The specified drive current code will be the factory set maximum drive current and field adjustments can only be made to available lower wattage drive currents. Select the FFA option if full field adjustability to all available drive currents (700mA max) is desired. The FFA option is not DLC qualified.

### Quality Control

Every luminaire is performance tested before and after a 2-hour burn-in period. Assembled in the USA.

### Optical Systems

Micro-lens optical systems produce IESNA Type 2, Type 3, Type 4 or Type 5 distributions and are fully sealed to maintain an IP66 rating. Luminaire produces 0% total lumens above 90° (BUG Rating, U=0). Optional house side shield (HSS) cuts light off at 1/2 mounting height behind luminaire. Optics may be rotated right or left with options ORR/ORL, respectively.

### Electrical

Rated life of electrical components is 100,000 hours. Uses isolated power supply that is 1-10V dimmable. Power supply is wired with quick-disconnect terminals. Power supply features a minimum power factor of .90 and <20% Total Harmonic Distortion (THD). EMC meets or exceeds FCC CFR Part 15. Terminal block accommodates 6 to 14 gauge wire. Surge protection complies with IEEE/ANSI C62.41 Category C High, 20kV/10kA and ANSI C136.2-2015, 20kV/10kA.

### Controls

3-Wire photocontrol receptacle (PCR) is available. ANSI C136.41 or 7-wire (PCR7) photocontrol receptacles are available. All photocontrol receptacles have tool-less rotatable bases. Wireless control module is provided by others.

### Finish

Housing receives a fade and abrasion resistant polyester powder coat finish with 3.0 mil nominal thickness. Finish tested to withstand 5000 hours in salt spray exposure per ASTM B117. Finish meets scribe creepage rating 8 per ASTM D1654. Finish tested 500 hours in UV exposure per ASTM G154 and meets ASTM D523 gloss retention.

### Listings/Ratings/Labels

Luminaires are UL listed for use in wet locations in the United States and Canada. DesignLights Consortium™ qualified product. Consult DLC QPL for Standard and Premium Classification Listings. International Dark Sky Association listed. Luminaire is qualified to operate at ambient temperatures of -40°C to 40°C.

### Photometry

Luminaire photometrics are tested by certified independent testing laboratories in accordance with IES LM-79 testing procedures.

### Warranty

10-year limited warranty is standard on luminaire and components. 5-year limited warranty on luminaires and components with a motion sensor.

### Standards

Luminaire complies with:

**ANSI:** C136.2, C136.3, C136.10, C136.13, C136.15, C136.22, C136.31, C136.35, C136.37, C136.41, C62.41, C78.377, C82.77

**Other:** FCC 47 CFR, IEC 60598, ROHS II, UL 1449, UL 1598



#### Performance Data 3000K (WW)

All data nominal. IES files are available at leotek.com.

LED Code	Current Code	System Wattage (W)	Type 2, 3, 4		Type 5	
			Delivered Lumens (Lm) <sup>1</sup>	Efficacy (Lm/W)	Delivered Lumens (Lm) <sup>1</sup>	Efficacy (Lm/W)
6M2	350	29	2930	101	2750	95
	530	41	4110	99	3860	93
	700	54	5040	94	4950	92
10M2	350	41	4600	112	4500	109
	530	63	6700	106	6600	104
	700	87	8500	97	8400	96
15M2	350	63	7400	117	7300	116
	530	90	9600	107	9500	106
	700	124	12900	104	12700	102
18M2	350	81	9000	111	9100	112
	530	122	12800	105	13000	107
	700	160	16400	103	16700	104
20M2	350	84	10700	127	10800	129
	530	132	15300	116	15500	117
	700	172	18200	106	18500	108
24M2	350	98	10700	109	10800	110
	530	152	15300	100	15500	102
	700	209	19500	93	19900	95
30M2	350	133	14300	107	14500	109
	530	202	20400	101	20600	102
	700	262	24500	93	24800	95

Notes:

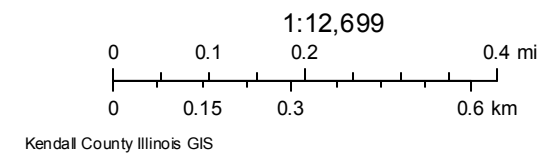
1 Normal tolerance  $\pm 10\%$  due to factors including distribution type, LED bin variance, driver variance, and ambient temperatures.

# Attachment 6



December 21, 2018

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





Attachment 7 Looking Northeast





# Attachment 8 Looking East





# Attachment 9 Looking South





# Attachment 10 Looking Northwest





# Attachment 11 Looking West





# Attachment 12 Looking Southwest





LAW OFFICES  
OF

***Daniel J. Kramer***

DANIEL J. KRAMER

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

KELLY A. HELLAND  
D.J. KRAMER

January 9, 2019

Robert D. Rogerson  
Oswego Township Highway Commissioner  
Via Facsimile: 630-264-6695

Re: Weihler Special Use Application 19-05

Dear Bob:

Enclosed please find a copy of our Petition 19-05 which should be before your Township Board for review and recommendation on the zoning for a Special Use on the 15<sup>th</sup>.

I am enclosing a colored copy of the overhead of the 10-acre parcel.

Under the County Ordinance they are trying to get the wedding facilities on major roadways, and this one requires a Variance since it is a minor collector street.

Fran Klaas was at the ZPAC Meeting at the County Level and had no problem with project in that all of the wedding venue facilities that have been approved by the County lack being on a major collector. However, he did ask us to work with you and asked if we would be willing to give a dedication for 50 feet from the center of Schlapp road east so if the roadway was ever approved by your Department or his right-of-way would not have to be acquired. It appears that would necessitate us dedicating approximately another 16 feet from what is in the roadway to ditch now form the center line.

My clients are perfectly willing to dedicate the additional 16 feet if the zoning is in fact approved to Oswego Township Highway Department. Could you let me know if that is agreeable with you and give us a positive recommendation to both Fran and the Kendall County Planning, Building, and Zoning Office? Should you have any questions please feel free to call my office.

Very truly yours,

*Daniel J. Kramer*

Daniel J. Kramer  
Attorney at Law

DJK/cth  
Enclosure

**Matt Asselmeier**

---

**From:** Fran Klaas  
**Sent:** Tuesday, January 15, 2019 8:03 AM  
**To:** 'Daniel J Kramer'; Stuart Weihler  
**Cc:** Matt Asselmeier  
**Subject:** RE:

That's great, Dan. Thanks. For simplicity, it would probably be best to just make the dedication 50' wide from the centerline of existing roadway, since the section line and centerline may not be coincidental. Thanks again.

Fran

---

**From:** Daniel J Kramer [<mailto:dkramer@dankramerlaw.com>]  
**Sent:** Monday, January 14, 2019 12:32 PM  
**To:** Stuart Weihler  
**Cc:** Fran Klaas; Matt Asselmeier  
**Subject:**

Gentlemen. I spoke with Oswego Township Highway Commissioner today. He is both happy with the project and delighted about the forward thinking of the 16 foot dedication for future road improvement.

Very Truly Yours,

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

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**Matt Asselmeier**

---

**From:** Daniel J Kramer [dkramer@dankramerlaw.com]  
**Sent:** Wednesday, January 16, 2019 10:38 AM  
**To:** Stuart Weihler; Matt Asselmeier; John Tebrugge  
**Cc:** PHIL YOUNG  
**Subject:** FW: Weihler Special Use Application 19-05

Approval of Schlapp Rd dedication by Oswego Township.

Very Truly Yours,

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

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**From:** Bob Rogerson [mailto:brogerson@oswegotownship.org]  
**Sent:** Wednesday, January 16, 2019 10:16 AM  
**To:** Daniel J Kramer <dkramer@dankramerlaw.com>  
**Subject:** Weihler Special Use Application 19-05

To whom it may concern,

After our Board meeting last night, we the Township and the Road District are willing to except the agreement of the dedicated 50' from center line of right of way into the deed for future road expansion. We would recommend to the County that this would be a great addition to the County and the Township of Oswego.

Thank you,



**BOB ROGERSON**  
**Highway Commissioner**  
**Oswego Township Road District**  
Mailing : 84 Templeton Dr. Suite 104 Oswego, IL 60543  
Shipping: 1150 Rt. 25 Oswego, IL 60543 P: (630)-264-4587 F: (630) 264-6695

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## Matt Asselmeier

---

**From:** Alec Keenum [akeenum@oswegofire.com]  
**Sent:** Wednesday, January 02, 2019 11:46 AM  
**To:** Matt Asselmeier  
**Subject:** RE: CORRECTED Kendall County Petition 19-05

Matt,

**Project** – Special Use for Banquet Facility

**Location** – 5100 block of Schlapp

**Project Mgr:** Matt Asselmeier

**Project #** - 19-05

**Date** – December 21, 2018

FYI....

- Current OFPD ordinances require new construction (non single family residential) to be compliantly protected with an NFPA 13 sprinkler system and an NFPA 72 fire alarm system
- Additional comments with respect to access and site may be presented upon project moving forward

Regards,

Capt. Alec J Keenum  
Fire Marshal  
Oswego Fire Protection District



---

**From:** Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]

**Sent:** Friday, December 21, 2018 4:36 PM

**To:** Aaron Rybski; Andrews, Megan - NRCS-CD, Yorkville, IL; Brian Holdiman; David Guritz; Fran Klaas; 'Greg Chismark'; Jason Langston; Matthew G. Prochaska; Meagan Briganti; Scott Koeppel; Brian LeClercq; Kenneth Holmstrom; Bob Rogerson; Alec Keenum; Mike Veseling; Rod Zenner; [ttouchette@oswegoil.org](mailto:ttouchette@oswegoil.org)

**Subject:** CORRECTED Kendall County Petition 19-05

To All:

Attached please find a correct Staff Report regarding Petition 19-05.

If you have any questions, please let me know.



Daniel J. Kramer	Law Offices of <b><i>Daniel J. Kramer</i></b> 1107A S. Bridge Street Yorkville, Illinois 60560 630-553-9500 Fax: 630-553-5764	Kelly A. Helland D.J. Kramer
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January 3, 2019

Captain Alec J. Keenum  
Fire Marshall

Via Email: [akeenum@oswegofire.com](mailto:akeenum@oswegofire.com)

RE: Petition 19-05 Weihler

Dear Captain Keenum;

With regard to Petition 19-05, I am sure they will have a security system but again not being in a Municipality there is no Municipal water supply to service a sprinkling system. Let me know if you have a formal Variance Petition, or if we could meet with your Board to discuss the issue concerning Petition 19-05, the Wedding Venue Facility.

Very truly yours,

*Daniel J. Kramer*

Daniel J. Kramer  
Attorney at Law

DJK:rg

cc: Matt Asselmeier

# Oswego Fire Protection District

Chief Michael Veseling



Fire Prevention Bureau



Fire Marshal Alec J Keenum

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

January 8, 2019

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

RE: Petition 19-05 - 5100 Block of Schlapp Rd. Oswego, IL 60543

Dear Mr. Kramer,

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

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

In your letter, you indicate that the area in question is not served by a municipal water service. Although a vast number of the sprinkler systems within the Oswego Fire Protection District jurisdiction are indeed fed by a municipal water service, that is not the deciding factor for the requirement of a sprinkler installation - NFPA 13 spells out and allows for other water sources as well. Static water supplies (water tanks) are also a compliant water source for supplying an NFPA 13 compliant sprinkler system, and this option has been used throughout the jurisdiction in areas not served by municipal water services.

If the petitioner wishes to request a variance to an ordinance, they may do so. This shall be a written request for variance due to practical difficulties, as illustrated in the request, with alternative provisions offered that shall provide compliance to the spirit of the ordinance, secure public safety, and offer substantial justice with respect to the ordinance in question. This written request shall be authored by the owner of record or their duly authorized agent and sent to the Oswego Fire Prevention Bureau at the above address. Upon receipt, the variance request will be evaluated and assessed amongst the Chiefs of the Fire Department and the Fire Marshal. At that point, a written decision may be rendered or a request for additional information may be requested of the petitioner.

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

Regards,

A black rectangular redaction box covering the signature of the Fire Marshal.

Capt. Alec J Keenum  
Fire Marshal  
Oswego Fire Protection District

cc: file

Kendall County Planner Matt Asselmeier

**Matt Asselmeier**

---

**From:** Daniel J Kramer [dkramer@dankramerlaw.com]  
**Sent:** Thursday, January 03, 2019 11:15 AM  
**To:** Matt Asselmeier  
**Subject:** FW: Kendall County Petition 19-05

It sounds like we are fine with the Village of Oswego on the Weihler, 1 ½ milereview.

Very Truly Yours,

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

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**From:** Daniel J Kramer  
**Sent:** Thursday, January 03, 2019 11:09 AM  
**To:** 'rzenner@oswegoil.org' <rzenner@oswegoil.org>  
**Subject:** FW: Kendall County Petition 19-05

Rod thankyou very much.That isfine.

Very Truly Yours,

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

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---

**From:** Real estate  
**Sent:** Thursday, January 03, 2019 10:39 AM  
**To:** Daniel J Kramer <dkramer@dankramerlaw.com>  
**Subject:** Fw: Kendall County Petition 19-05

DO NOT RESPOND TO THIS EMAIL PLEASE SEND DIRECT TO: [dkramer@dankramerlaw.com](mailto:dkramer@dankramerlaw.com)

Very Truly Yours,

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

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**From:** Rod Zenner <[RZenner@oswegoil.org](mailto:RZenner@oswegoil.org)>  
**Sent:** Thursday, January 3, 2019 10:19 AM  
**To:** Real estate  
**Subject:** RE: Kendall County Petition 19-05

Since it is a Special Use permit, we don't take those to the plan commission. We can only object/legally object to rezonings and subdivisions, so Special Uses we only send to the Village Board as an FYI. Sounds like a good plan with the catering package. If in the future they want a liquor license, let us know and we can look at an annexation agreement like we did for Fox Valley Winery and Arranmore farm.

Rod

---

**From:** Real estate <[realestate@dankramerlaw.com](mailto:realestate@dankramerlaw.com)>  
**Sent:** Wednesday, January 2, 2019 3:19 PM  
**To:** Rod Zenner <[RZenner@oswegoil.org](mailto:RZenner@oswegoil.org)>  
**Cc:** [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us)  
**Subject:** Fw: Kendall County Petition 19-05

Dear Rod:

They like a few of the other wedding venues in Oswego Township do not acquire a local liquor license. The Catering firms that will serve food have a mobile liquor license which permits them to serve alcohol at functions. It is part of the entire catering package with no cash bar or sales on-site permitted. I will speak with them about annexation. They are a bit away from Village limits currently. Will you put us on Plan Commission Agenda for January?

Very Truly Yours,

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



Phone-630.553.9500

Fax-630.553.5764

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---

**From:** Matt Asselmeier [<mailto:masselmeier@co.kendall.il.us>]

**Sent:** Wednesday, January 02, 2019 11:28 AM

**To:** Daniel J Kramer <[dkramer@dankramerlaw.com](mailto:dkramer@dankramerlaw.com)>

**Cc:** Rod Zenner <[RZenner@oswegoil.org](mailto:RZenner@oswegoil.org)>

**Subject:** FW: Kendall County Petition 19-05

Dan:

Could you address Rod questions?

Thanks,

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

---

**From:** Rod Zenner [<mailto:RZenner@oswegoil.org>]

**Sent:** Wednesday, January 02, 2019 11:26 AM

**To:** Matt Asselmeier

**Subject:** RE: Kendall County Petition 19-05

Hello,

Have a question. How do they handle the liquor license as I think this is a dry township? Since they are in the Village's planning boundary, do they want to meet with us to talk about their development and the potential to annex to the village sometime in the future?

Thanks

Rod Zenner, AICP  
Community Development Director



100 Parkers Mill  
Oswego, IL 60543

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

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

Present:

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

Absent:

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

Audience:

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

**AGENDA**

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

**MINUTES**

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

**PETITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The motion passed unanimously.

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

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

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

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

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

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

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

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

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

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

No additional lighting or signage was proposed.

The Zoning Ordinance requires all vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit. An existing berm with evergreens and other trees is located on the property.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

EcoCat submitted on December 18, 2018 and consultation was terminated

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

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

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

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

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

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

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

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

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

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

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

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

The property fronts Schlapp Road.

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

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

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

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

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

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

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

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

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

The Petitioners are working on the septic system information.

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

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

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

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

The Petitioners acknowledged the Right to Farm Clause.

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

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

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

The Petitioners will apply for a stormwater management permit.

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

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

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

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

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

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

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

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

None

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

None

#### **CORRESPONDENCE**

None

#### **PUBLIC COMMENT**

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

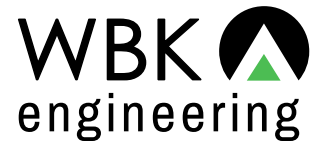
Mr. Kramer indicated that the owner of 17 Ashe Road is working with the homeowners association to resolve issues related to their special use permit amendment request.

#### **ADJOURNMENT**

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

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner





January 5, 2019

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

Subject: Petition 19-05 Schlapp Road Banquet Facility

Dear Mr. Asselmeier:

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

- Permit Application prepared by Stuart and Paula Weihler including
  - Zoning Plat prepared by Philip D. Young and Associates, Inc. dated November 29, 2018 received December 21, 2018
  - Civil Site Plan prepared by Tebrugge Engineering. dated December 20, 2018 received December 21, 2018

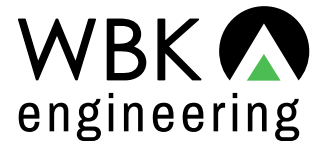
The following comments are offered for the petitioner's consideration and require resolution prior to our recommendation for approval.

#### Stormwater Management

1. Submit a stormwater management report that documents and demonstrates the following:
  - a. Existing drainage patterns, ridge lines and flow rates.
  - b. Proposed stormwater basin design basis
  - c. Proposed stormwater basin outlet location and viability
  - d. Existing field tile survey

#### Civil Site Plan

1. Depict the 100 year high water elevation in the basin and the emergency overflow route location.
2. Depict the stormwater basin outlet location and controlled release configuration.



3. The drainage swales and overflow routes east of the proposed barn will require a design basis and cross section with final engineering plans.
4. Access locations and configurations shall be approved by Oswego Township.

#### Landscape Plan

1. Several on site swales appear to be good opportunities to incorporate native landscape plants as a stormwater best management practice. Specifically this should be considered where runoff from paved areas is being facilitated.
2. It appears the stormwater basin has a depth of two feet. Please confirm and identify how the basin will be planted and maintained.

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

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

Sincerely,

A black rectangular redaction box covering the signature of Greg Chismark.

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

Attachment 18, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

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

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

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

**ROLL CALL**

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

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

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

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

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

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

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

**PETITIONS**

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

Mr. Asselmeier summarized the request.

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

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

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

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

ZPAC met on this case on January 8, 2019. ZPAC unanimously recommended approval of this proposal  
KCRPC Meeting Minutes 1.23.19

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

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

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

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

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

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

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

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

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

The motion carried.

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

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

Mr. Asselmeier summarized the request.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The restrooms will be inside the barn.

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

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

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

Signage size has not been determined.

The office will be inside the barn.

No one will be living onsite.

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

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

The motion carried.

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

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

None

### **NEW BUSINESS**

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

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

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

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

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

### **Appointments to Comprehensive Land Plan and Ordinance Committee**

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

### **Approval of 2019 Meeting Dates**

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

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

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

The Commission reviewed the draft agenda for the Annual Meeting.

### **OLD BUSINESS**

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

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

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

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

**CORRESPONDENCE**

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

**OTHER BUSINESS/ANNOUNCEMENTS**

None

**ADJOURNMENT**

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

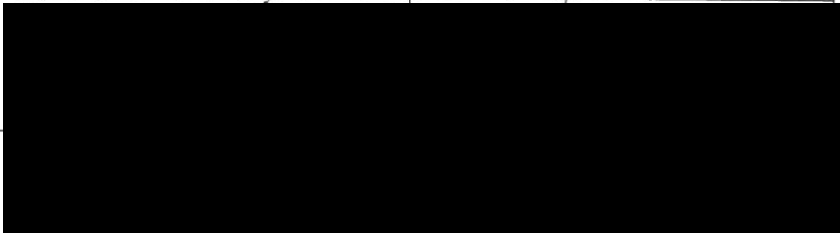
Respectfully submitted by,  
Ruth Ann Sikes  
Part-Time Office Assistant (Zoning)

Enc.

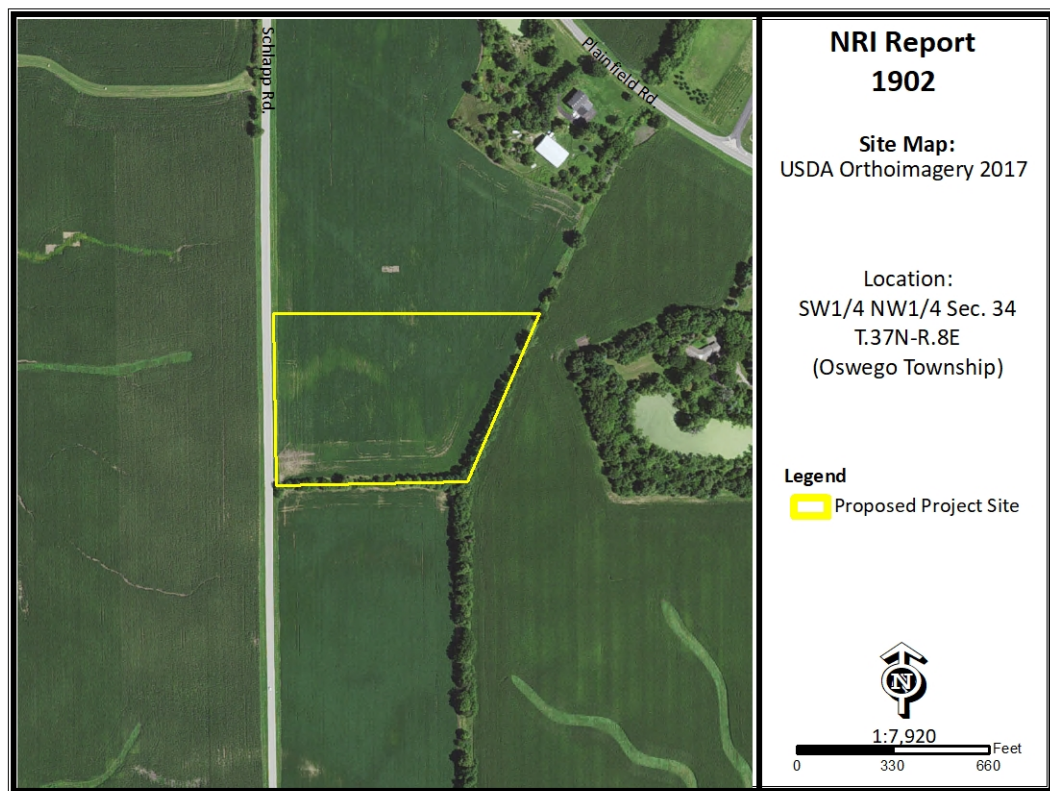


**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
JANUARY 23, 2019**

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

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

# NATURAL RESOURCE INFORMATION (NRI) REPORT: 1902



January  
2019

Petitioner: Stuart Weihler  
Contact: Attorney Daniel J. Kramer

Prepared by:



**Kendall County Soil & Water  
Conservation District**

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

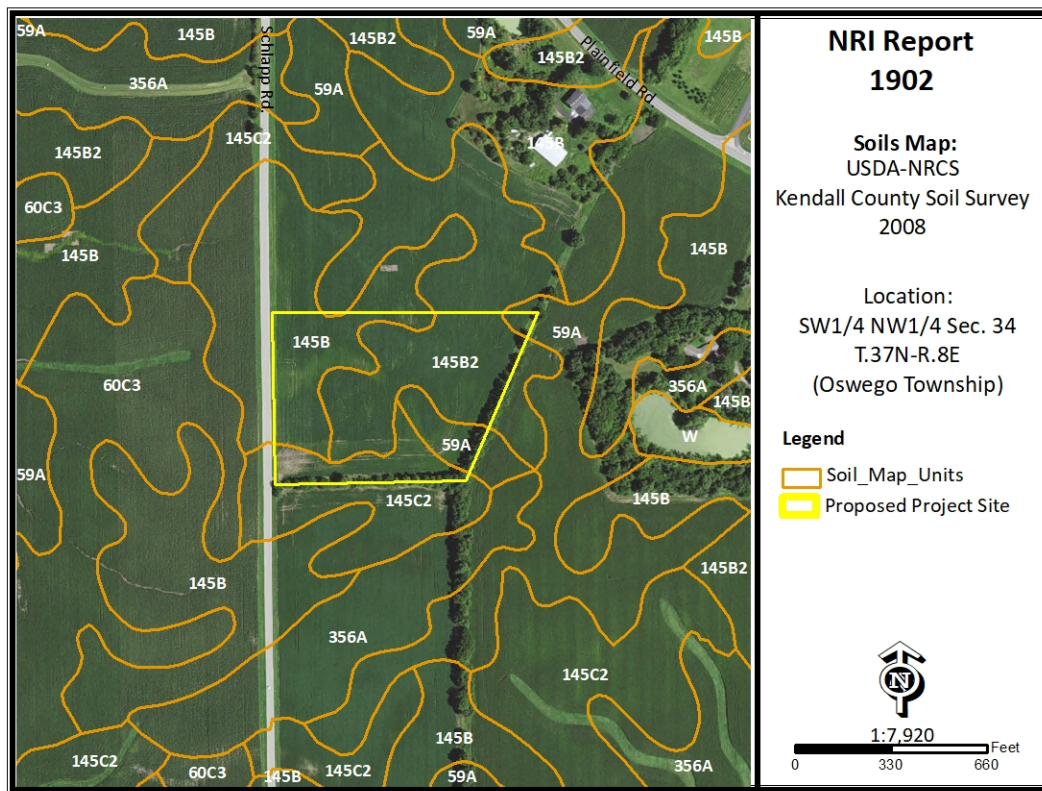
1902

## Executive Summary

January 2019

**Petitioner:** Stuart Weihler**Contact Person:** Attorney Daniel J. Kramer**County or Municipality the petition is filed with:** Kendall County**Location of Parcel:** SW¼ NW¼ Section 34, T.37N.-R.8E. (Oswego Township) of the 3<sup>rd</sup> Principal Meridian**Project or Subdivision Name:** Heritage Homestead – Banquet Center**Existing Zoning & Land Use:** A-1 SU; Cropland**Proposed Zoning & Land Use:** A-1 SU; Banquet Center**Proposed Water Source:** Well**Proposed Type of Sewage Disposal System:** Septic (proposed raised bed)**Proposed Type of Storm Water Management:** Retention Pond**Size of Site:** 10.0 acres**Land Evaluation Site Assessment Score:** 212 (Land Evaluation: 89; Site Assessment: 123)

## 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; 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
59A	Lisbon silt loam, 0-2% slopes	Somewhat poorly drained	C/D	Non-hydric Hydric Inclusions Likely	Prime Farmland
145B	Saybrook silt loam, 2-5% slopes	Moderately well drained	C	Non-hydric	Prime Farmland
145B2	Saybrook silt loam, 2-5% slopes, eroded	Moderately well drained	C	Non-hydric	Prime Farmland
145C2	Saybrook silt loam, 5-10% slopes, eroded	Moderately well drained	C	Non-hydric	Farmland of Statewide Importance

**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 having hydric inclusions (soil map unit: 59A Lisbon silt loam).

**Prime Farmland:** Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, three of the soils found onsite (soil map units: 59A Lisbon silt loam, 145B Saybrook silt loam and 145B2 Saybrook silt loam) are designated as prime farmland. One soil (soil map unit: 145C2 Saybrook silt loam) is classified as farmland of statewide importance.

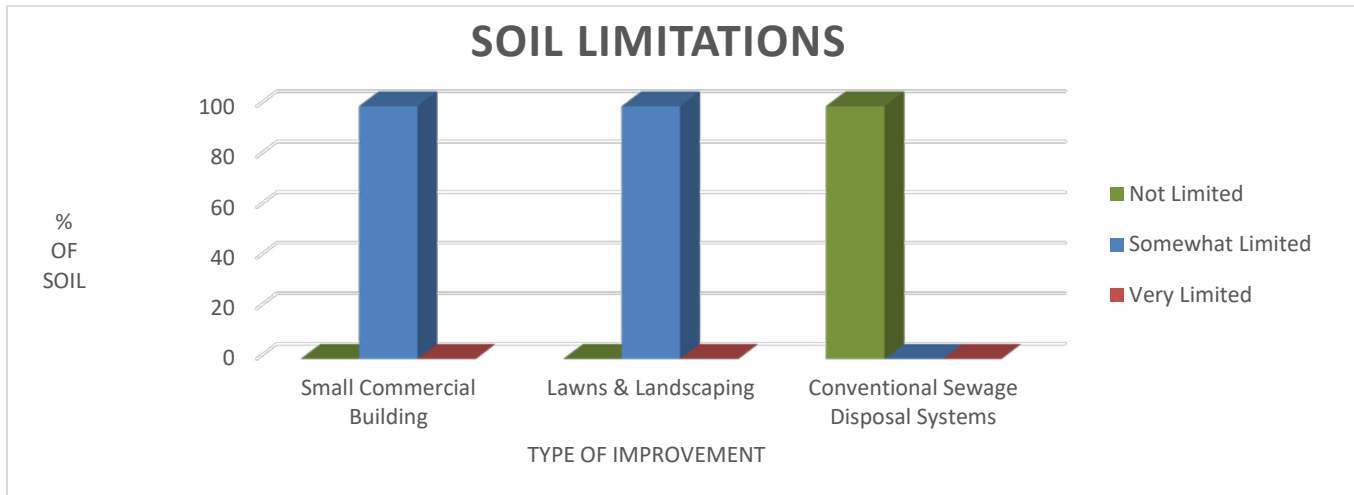
**Soil Limitations:** Limitations for dwellings without basements, dwellings with basements and conventional septic systems.

**Table 2a:**

Soil Type	Small Commercial Building	Lawns/Landscaping	Conventional Septic Systems
59A	Somewhat Limited	Somewhat Limited	Suitable
145B	Somewhat Limited	Somewhat Limited	Suitable
145B2	Somewhat Limited	Somewhat Limited	Suitable
145C2	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 89, 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 123.

The **LESA Score for this site is 212 which indicates a high level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. It is important to note that since the proposed use of the parcel is to be a (agricultural farmstead in character) banquet center for wedding and reception events, this use can be compatible with agriculture despite the designated medium level of protection.

**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 Stuart Weihler for the proposed A-1 SU Heritage Homestead Banquet Center project with Kendall County located in Section 34 of Oswego 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 89 out of a possible 100 points indicating the soils are well suited for agricultural uses. The total LESA Score for this site is 212 which indicates a medium level of protection for the proposed project site. It is important to note that since the proposed use of the parcel is to be a banquet center for wedding and reception events (agricultural farmstead in character), this use can be compatible with agriculture despite the designated medium level of protection. Additionally, of the soils found onsite, 85% 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, 57% are very limited for shallow excavations. In addition, 100% are somewhat limited for small commercial building and lawns/landscaping. This information is based on the soil in an undisturbed state. Since the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within both the Fox River Watershed (Morgan Creek subwatershed) and Illinois River Watershed (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).



SWCD Chairperson

January 29, 2019

Date

<b>KENDALL CO SOIL AND WATER CONSERVATION DISTRICT NATURAL RESOURCE INFORMATION REPORT (NRI)</b>
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NRI Report Number	1902
Date District Board Reviews Application	January 2019
Applicant's Name	Stuart Weihler
Size of Parcel	10.0 acres
Current Zoning & Use	A-1 SU; Agricultural/Cropland
Proposed Zoning & Use	A-1 SU; Banquet Center
Parcel Index Number(s)	03-34-100-024
Contact Person	Attorney Daniel J. Kramer

<b><i>Copies of this report or notification of the proposed land-use change were provided to:</i></b>	<b>Yes</b>	<b>No</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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**TABLE OF CONTENTS**


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<b>PURPOSE &amp; INTENT.....</b>	<b>8</b>
<b>PARCEL LOCATION.....</b>	<b>9</b>
<b>Figure 1: 2014 Aerial Site Map with NRI Boundary and Location Map</b>	
<b>ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION.....</b>	<b>11</b>
<b>ECOLOGICALLY SENSITIVE AREAS.....</b>	<b>12</b>
<b>SOILS INFORMATION.....</b>	<b>13</b>
<b>Figure 2: Soil Map</b>	
<b>SOILS INTERPRETATIONS EXPLANATION.....</b>	<b>14</b>
<b>Figure 3: Maps of Building Limitations</b>	
<b>SOIL WATER FEATURES.....</b>	<b>18</b>
<b>SOIL EROSION &amp; SEDIMENT CONTROL.....</b>	<b>19</b>
<b>PRIME FARMLAND SOILS.....</b>	<b>20</b>
<b>Figure 4: Prime Farmland Soil Map</b>	
<b>LAND EVALUATION AND SITE ASSESSMENT (LESA).....</b>	<b>21</b>
<b>DRAINAGE, RUNOFF AND FLOOD INFORMATION.....</b>	<b>22</b>
<b>Figure 5: FEMA Floodplain Map</b>	
<b>Figure 6: USGS Topographic Map</b>	
<b>WATERSHED PLANS.....</b>	<b>25</b>
<b>WETLAND INFORMATION.....</b>	<b>25</b>
<b>Figure 7: USFWS National Wetland Inventory</b>	
<b>HYDRIC SOILS.....</b>	<b>26</b>
<b>Figure 8: Hydric Soils Map</b>	
<b>WETLAND AND FLOODPLAIN REGULATIONS.....</b>	<b>28</b>
<b>GLOSSARY.....</b>	<b>29</b>
<b>REFERENCES.....</b>	<b>31</b>



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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**

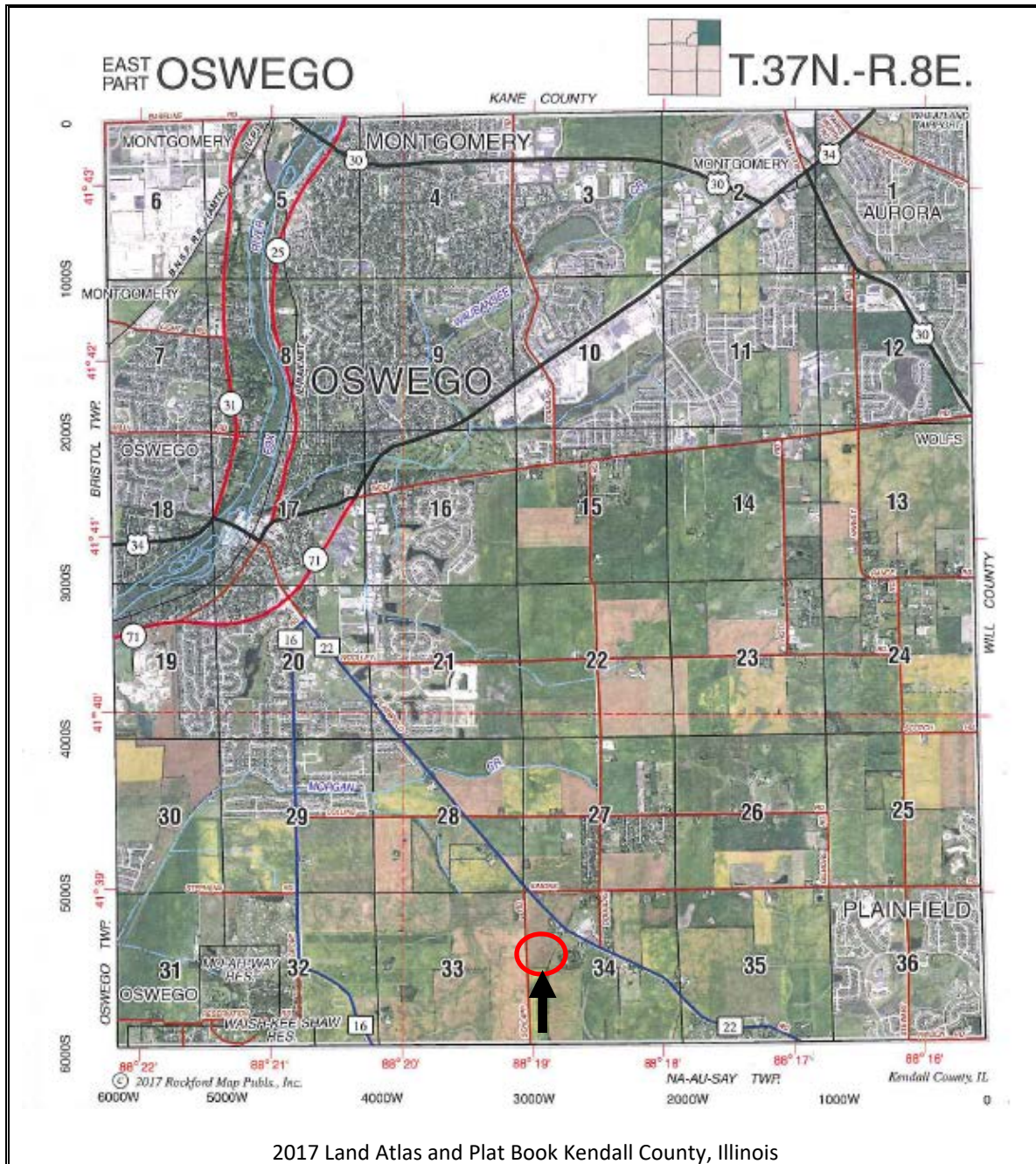
**E-mail: [Megan.Andrews@il.nacdnet.net](mailto:Megan.Andrews@il.nacdnet.net)**

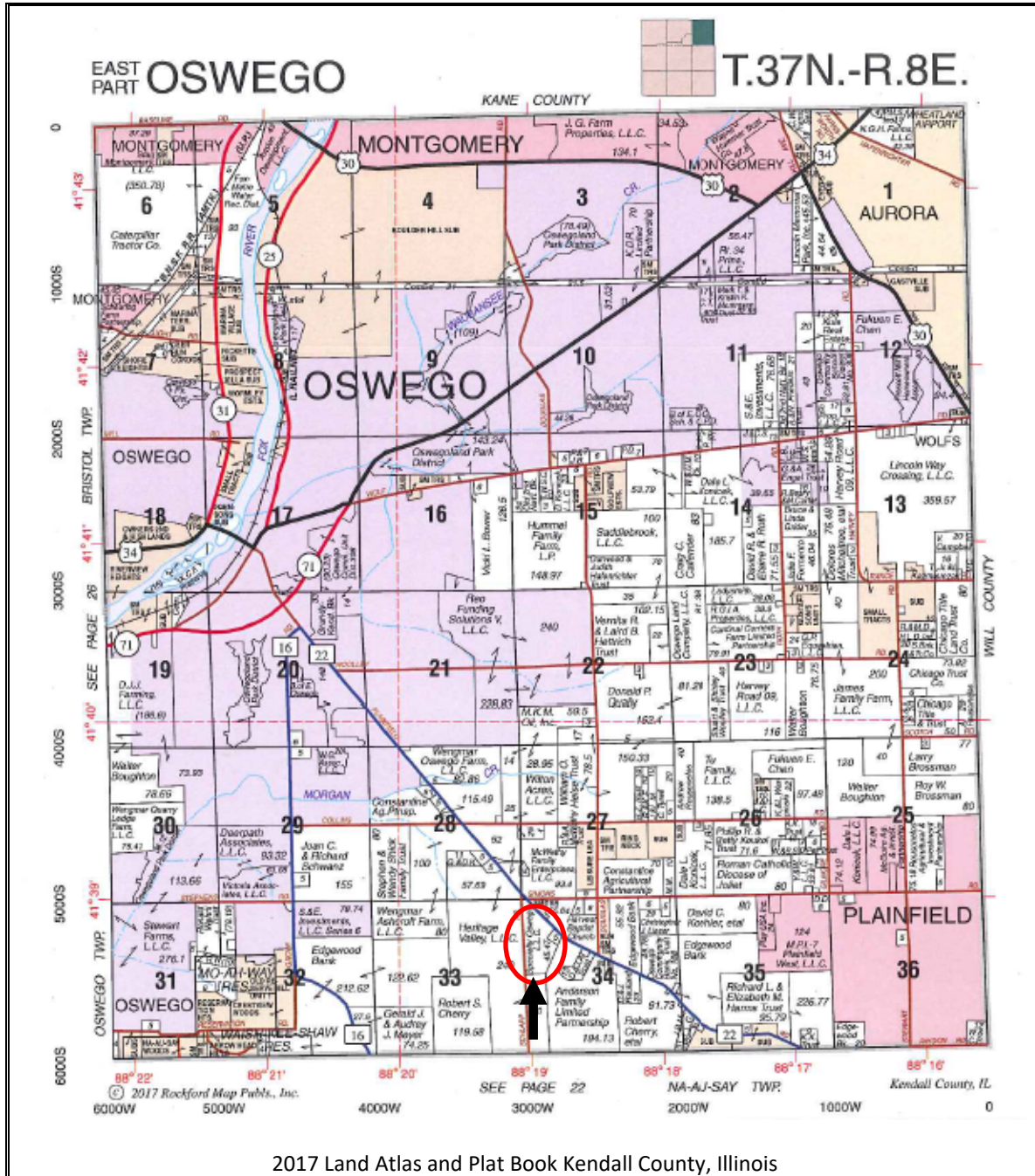
## PARCEL LOCATION

### Location Map for Natural Resources Information Report # 1902

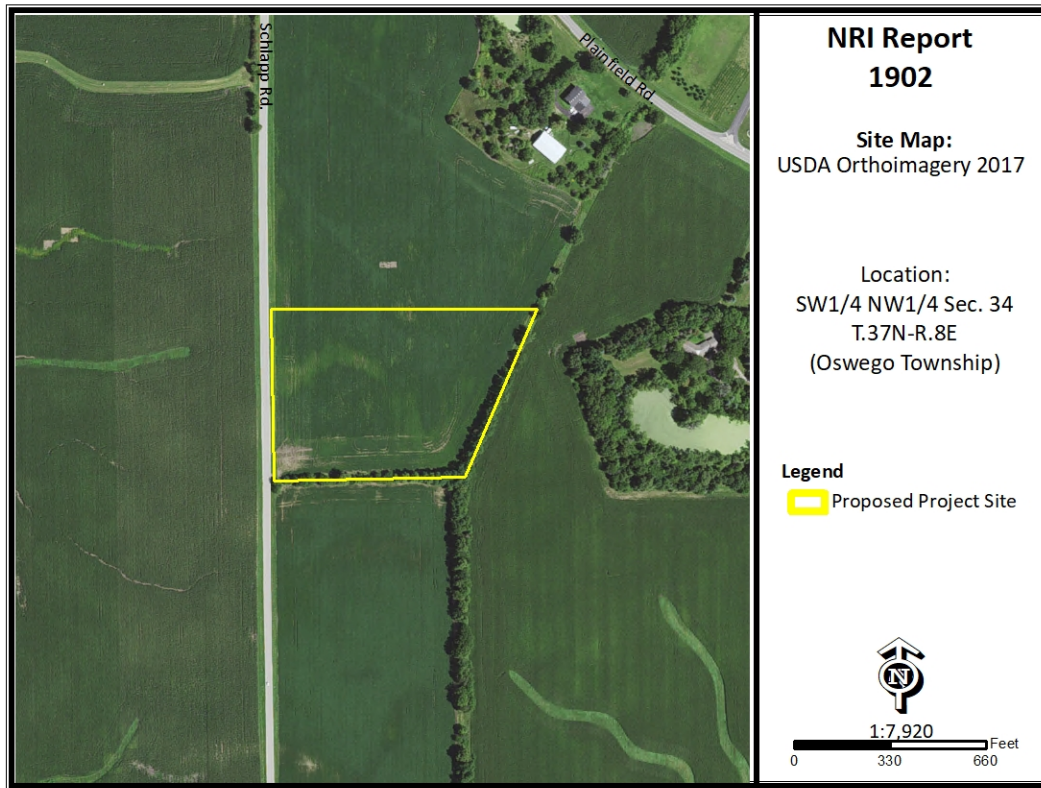
SW¼ NW¼ Section 34 of Township 37 North, Range 8 East (Oswego Township) on 10.0 acres. This parcel is located on the east side of Schlapp Road and southeast of the intersection of Plainfield Road and Schlapp Road. The parcel is located in unincorporated Kendall County.

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 areas, 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

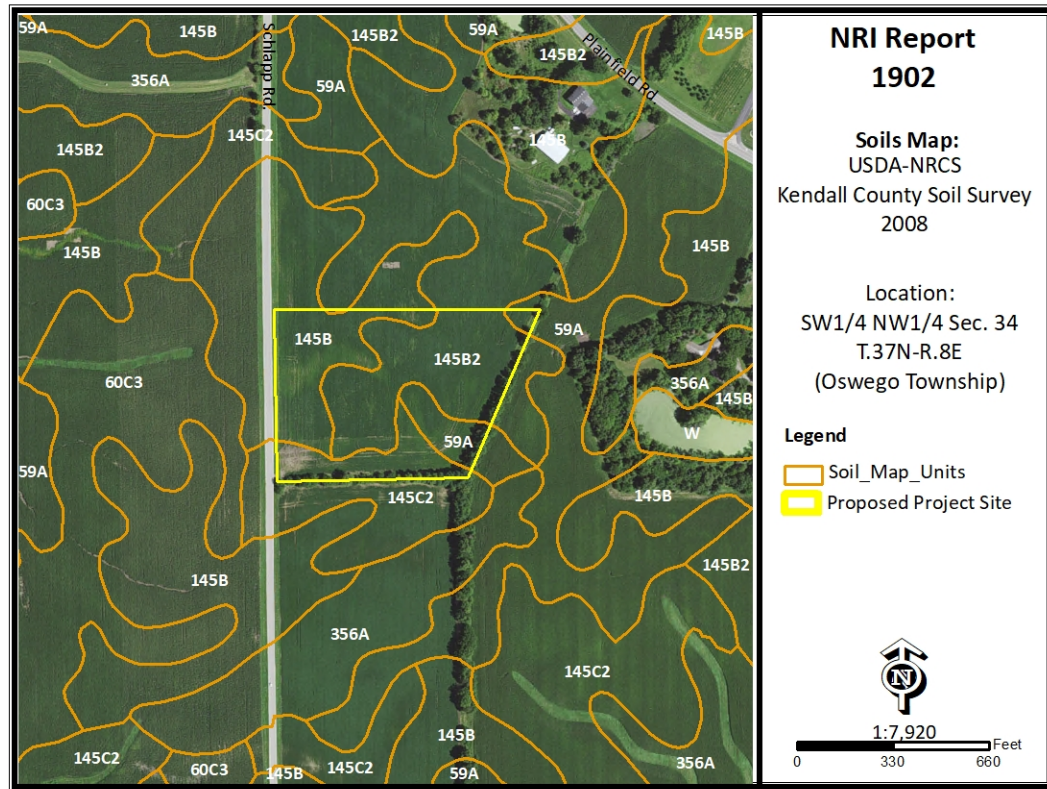


Table 1: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
59A	Lisbon silt loam, 0-2% slopes	1.0	10%
145B	Saybrook silt loam, 2-5% slopes	2.8	28%
145B2	Saybrook silt loam, 2-5% slopes, eroded	4.7	47%
145C2	Saybrook silt loam, 5-10% slopes, eroded	1.5	15%

\*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.

**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	Small Commercial Building	Onsite Conventional Septic Systems	Shallow Excavations	Lawns/Landscaping	Acreage	Percent
59A	<b>Somewhat Limited:</b> Depth to saturated zone; Shrink-swell	<b>Suitable</b>	<b>Very Limited:</b> Depth to saturated zone; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty	1.0	10%
145B	<b>Somewhat Limited:</b> Shrink-swell	<b>Suitable</b>	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Dusty	2.8	28%
145B2	<b>Somewhat Limited:</b> Shrink-swell; Depth to saturated zone; Slope	<b>Suitable</b>	<b>Very Limited:</b> Depth to saturated zone; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Dusty; Depth to saturated zone	4.7	47%
145C2	<b>Somewhat Limited:</b> Slope; Shrink-swell	<b>Suitable</b>	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Dusty	1.5	15%
<b>% Very Limited</b>	<b>0%</b>	<b>0%</b>	<b>67%</b>	<b>0%</b>		

Figure 3a: Map of Building Limitations – Small Commercial Building

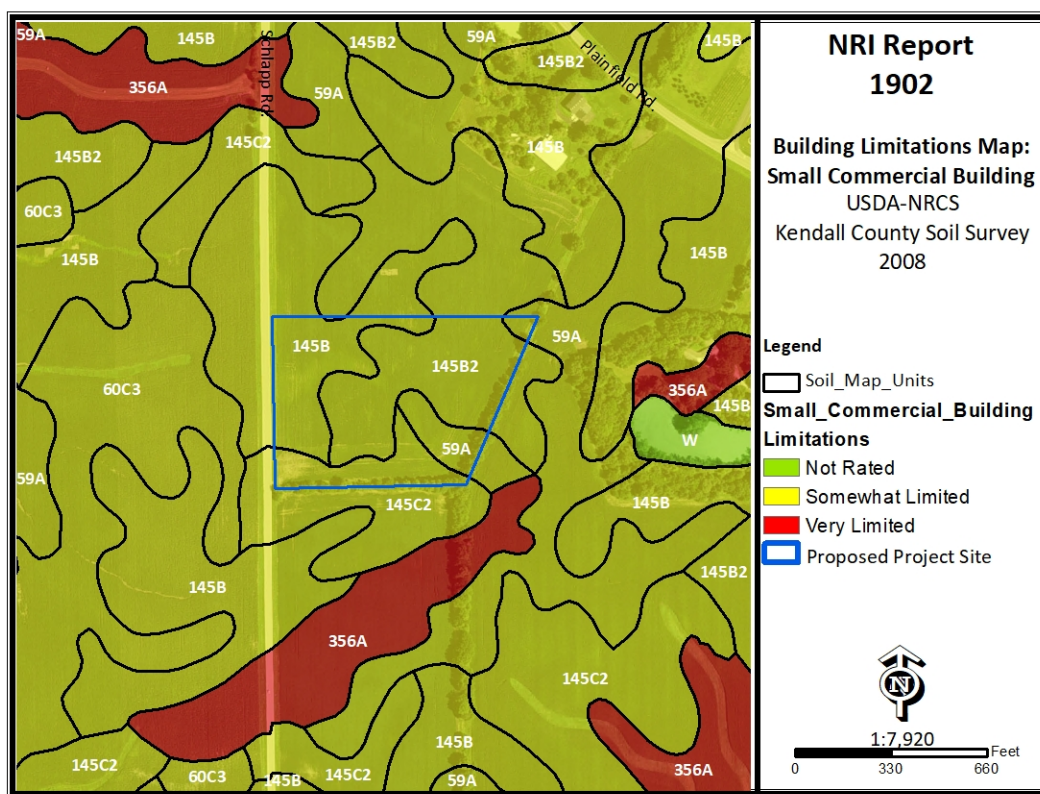


Figure 3b: Map of Building Limitations – Shallow Excavation

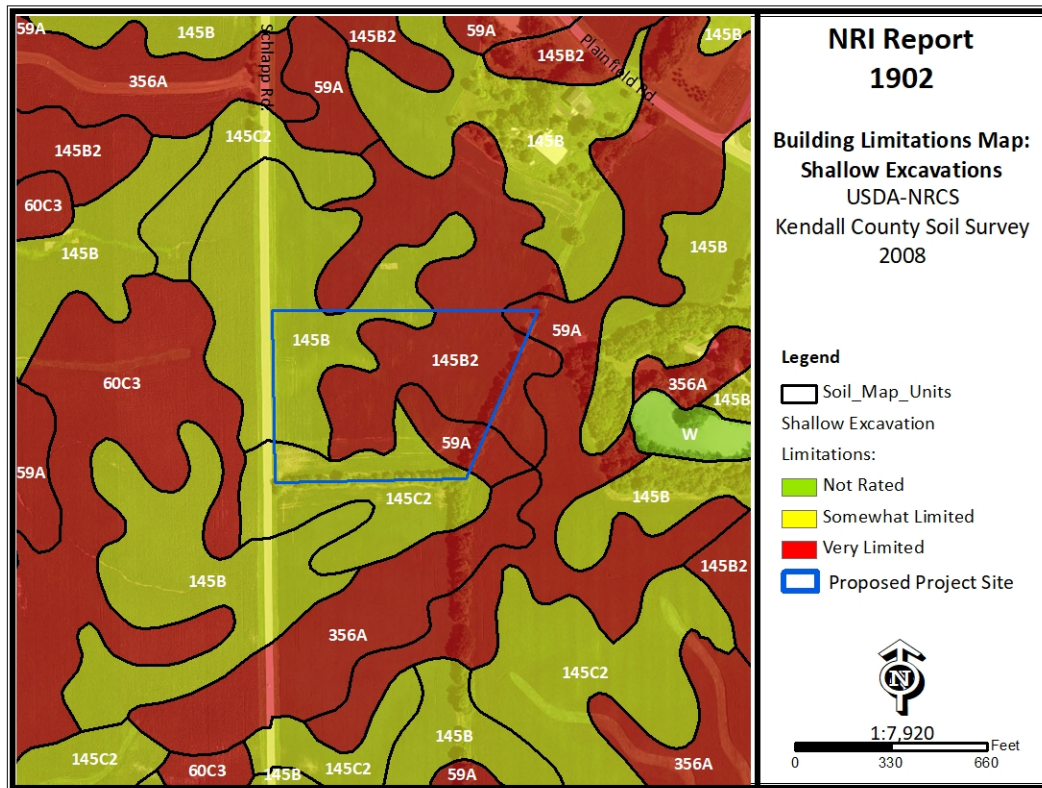
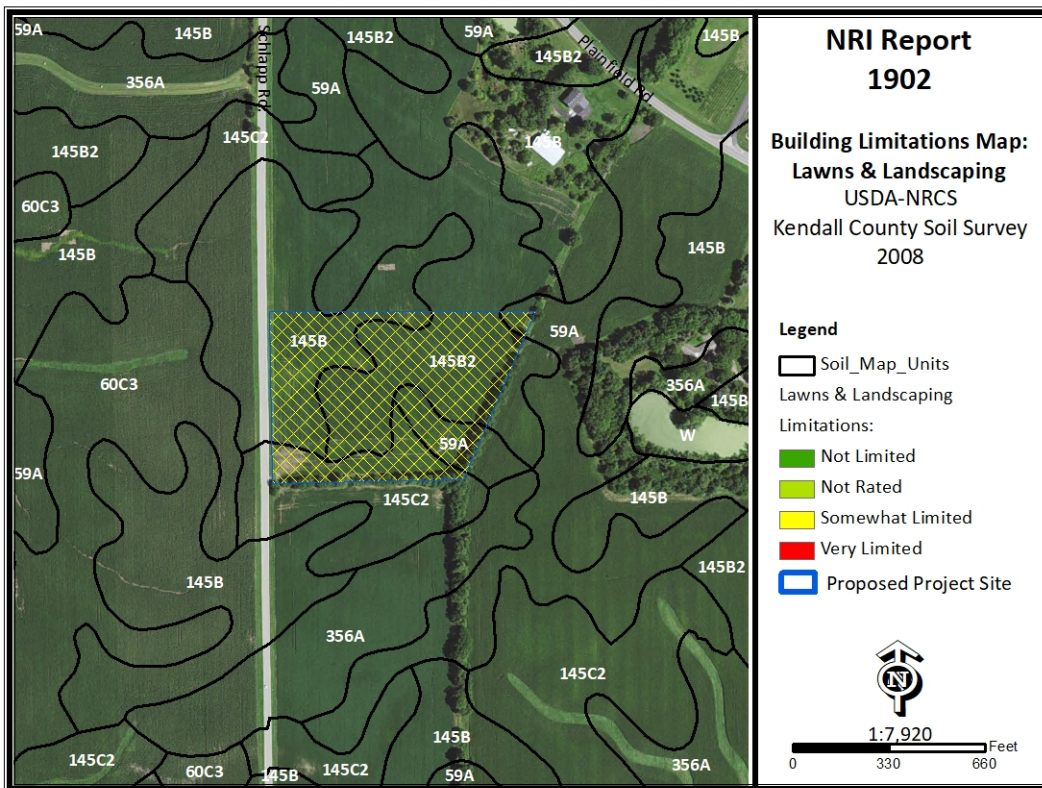


Figure 3d: Map of Building Limitations – Lawns/Landscaping



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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
59A	C/D	Low	January - May Upper Limit: 1.0'-2.0' Lower Limit: 2.0'-4.0'	January - May Surface Water Depth & Duration: - Frequency: None	January - May None
145B	C	Low	February - April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-3.8'	February - April Surface Water Depth & Duration: -- Frequency: None	February - April None
145B2	C	Low	February - April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-3.8'	February - April Surface Water Depth & Duration: -- Frequency: None	February - April None
145C2	C	Medium	February - April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-3.8'	February - April Surface Water Depth & Duration: -- Frequency: None	February - April 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
59A	0-2%	Slight	1.0	10%
145B	2-5%	Slight	2.8	28%
145B2	2-5%	Moderate	4.7	47%
145C2	5-10%	Moderate	1.5	15%

## PRIME FARMLAND SOILS

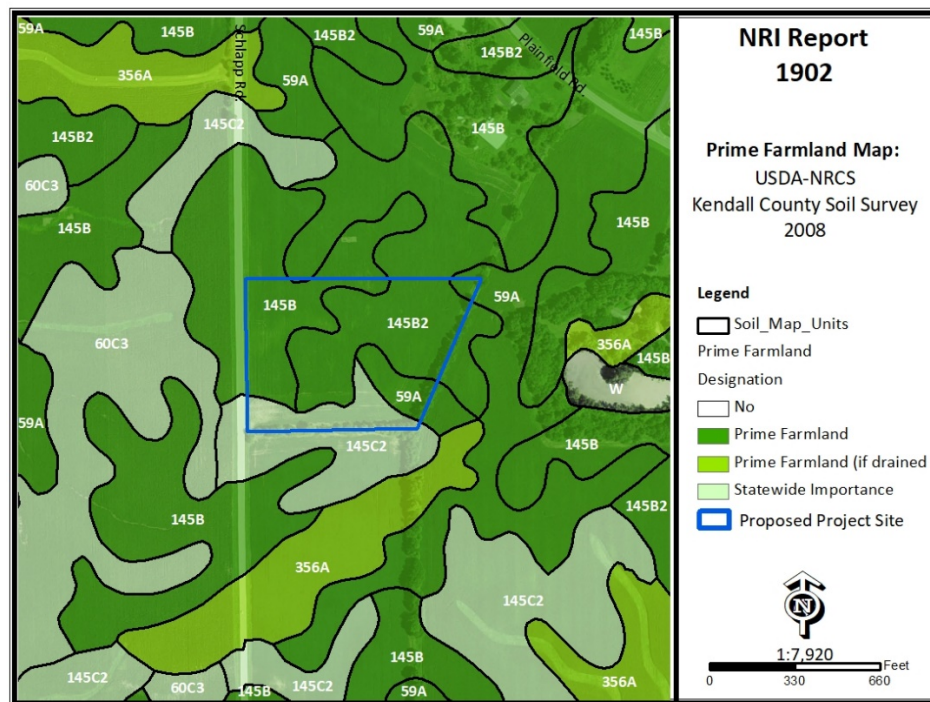
Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

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
59A	Prime Farmland	1.0	10%
145B	Prime Farmland	2.8	28%
145B2	Prime Farmland	4.7	47%
145C2	Farmland of Statewide Importance	1.5	15%
% 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)
59A	2	94	1.0	94.0
145B	2	94	2.8	263.2
145B2	3	87	4.7	408.9
145C2	5	82	1.5	123.0
<b>Totals</b>			<b>10.0</b>	<b>889.1</b>
<b>LE Score</b>		<b>LE= 889.1/10.0</b>		<b>LE=88.9 (89)</b>

The Land Evaluation score for this site is 89, 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)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	20
	4. Size of site. (30-15-10-0)	0
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	20
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7

4. Distance from fire protection service. (10-8-6-2-0)	6
<b>Site Assessment Score:</b>	<b>123</b>

**Land Evaluation Value: 89 + Site Assessment Value: 123 = LESA Score: 212**

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 212 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. It is important to note that since the proposed use of the parcel is to be a rural homestead (agricultural farmstead in character) banquet center for wedding and reception events, this use can be compatible with agriculture despite the designated medium level of protection.

## LAND USE PLANS

Many counties, municipalities, villages and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given

community. Please contact the Kendall County Planning, Building & Zoning for information regarding the County's comprehensive land use plan and map.

## DRAINAGE, RUNOFF AND FLOOD INFORMATION

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

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

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

### What is a watershed?

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

Using regional storm event information, and site specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated.

This value is called a "Q" value (for the given storm event), and is measured in cubic feet per second (CFS).

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

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

For this reason, the Kendall County SWCD recommends that the developer for intense uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

### Importance of Flood Information

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

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

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.

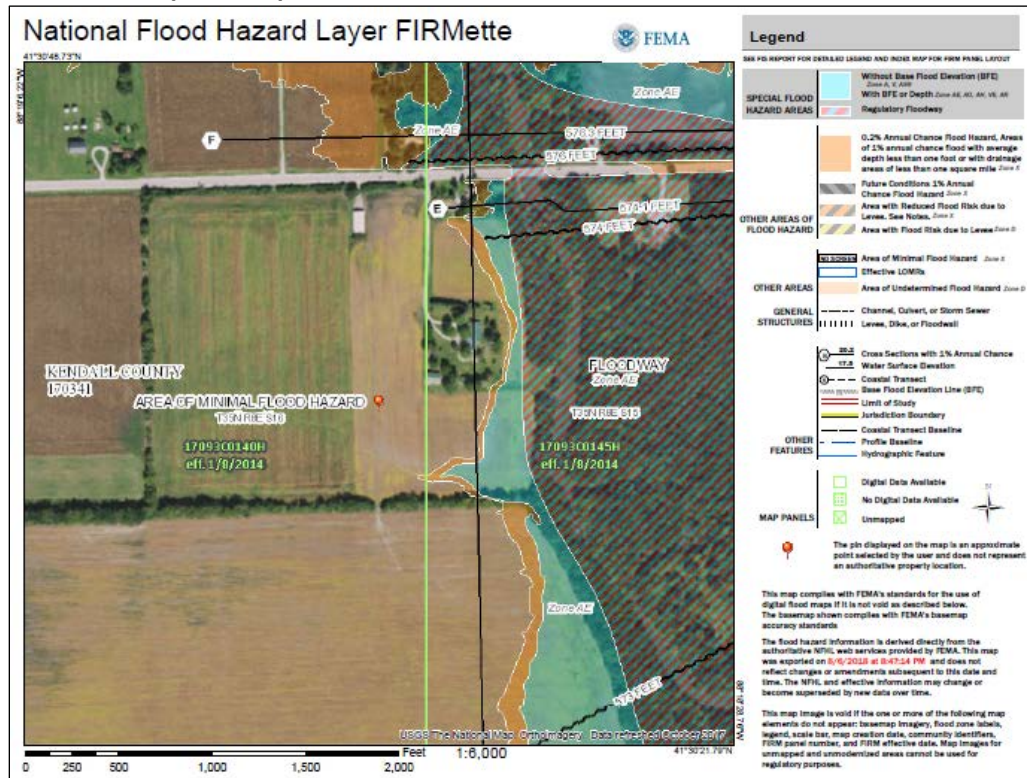
If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDOT-DWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county and local regulations will need to be reflected in 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.

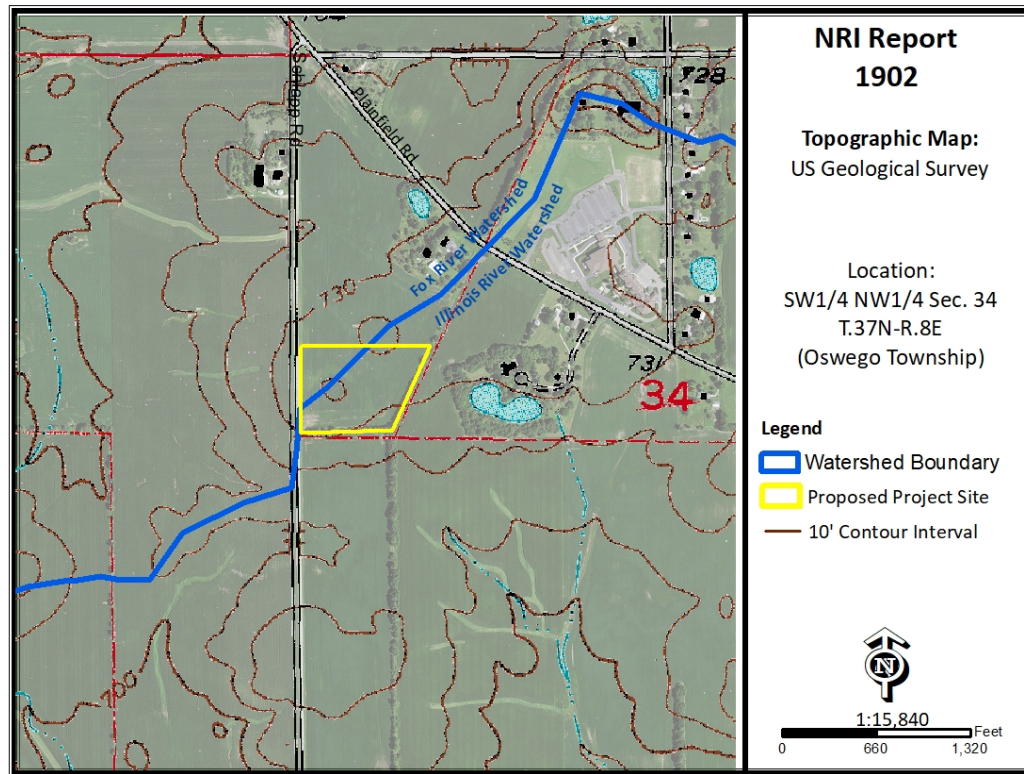
This parcel is located on topography (slopes 0 to 10%) involving high and low areas (elevation is approximately 730' to 740' above sea level). The parcel lies within both the **Illinois River Watershed (Aux Sable Creek subwatershed)** and **Fox River Watershed (Morgan Creek subwatershed)**. The topographic map indicates that drainage to the Fox River Watershed is across the northwest corner of the parcel while the remainder of the parcel drains to the southeast into the Illinois River Watershed.



### Figure 5a: 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.

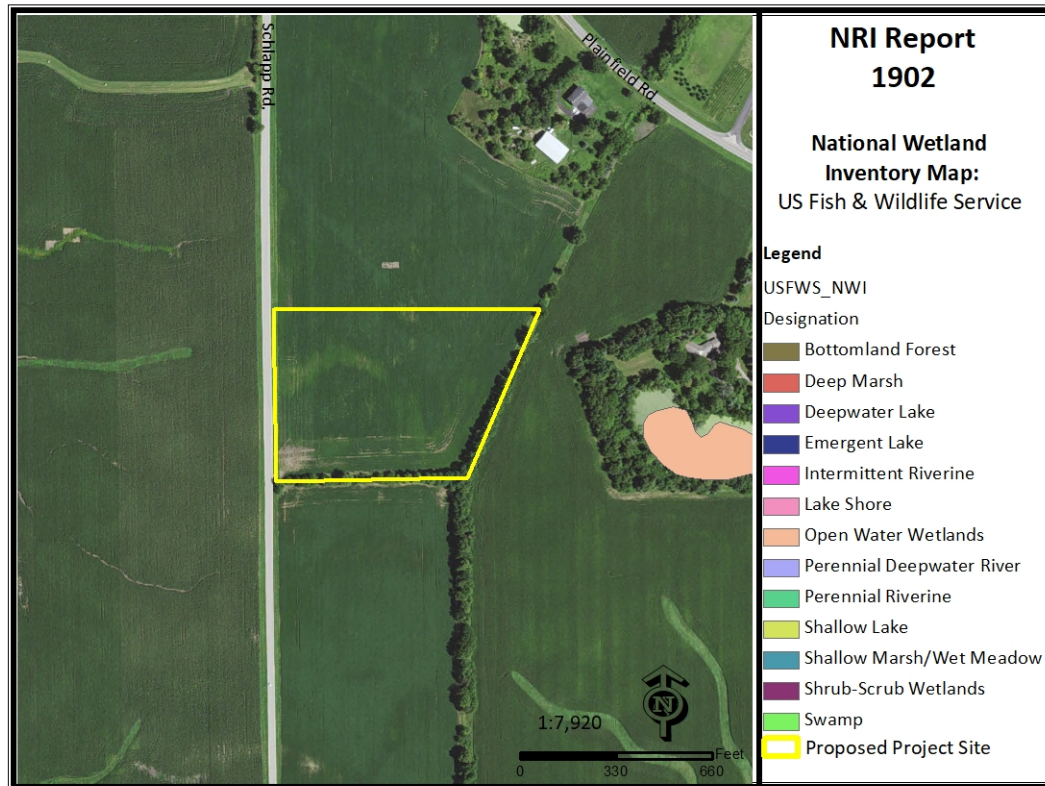
This parcel is located within both the **Illinois River Watershed (Aux Sable Creek Subwatershed)** and **Fox River Watershed (Morgan Creek Subwatershed)**.

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

Figure7: 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.)

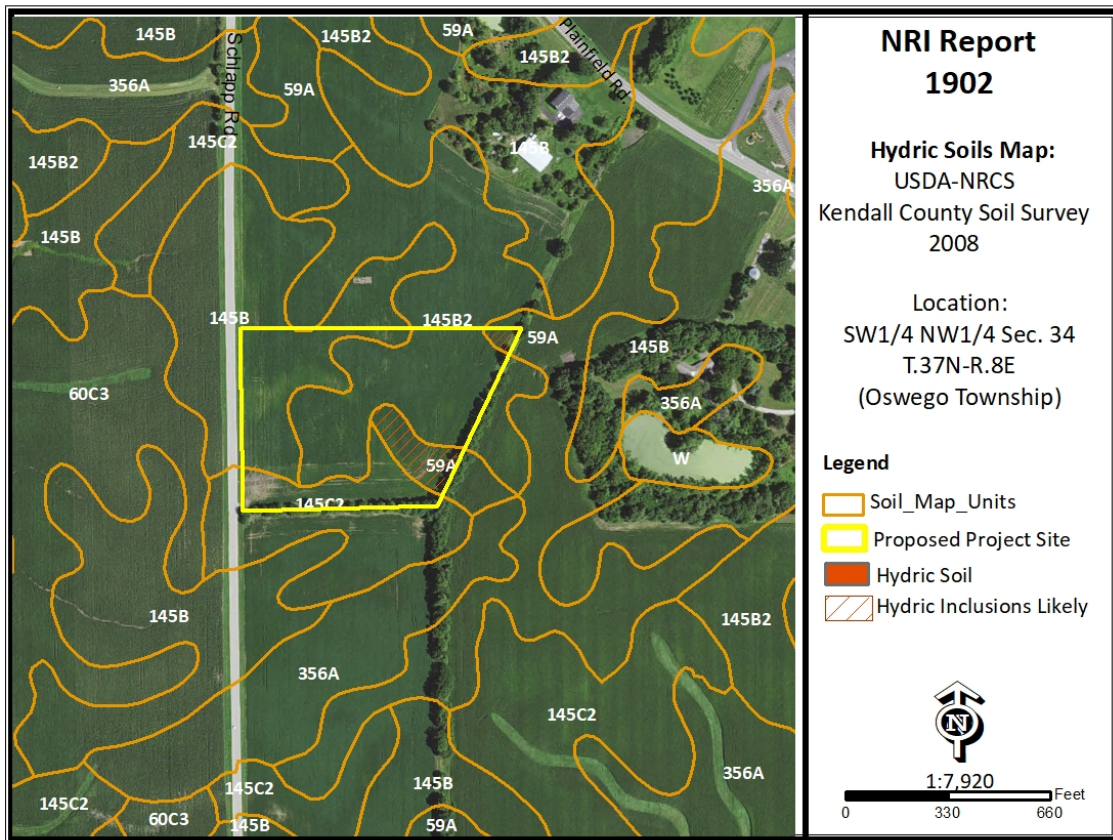
For an intense land use, such as a subdivision, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions 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
59A	Somewhat poorly drained	Non-hydric	Yes	1.0	10%
145B	Moderately well drained	Non-hydric	No	2.8	28%
145B2	Moderately well drained	Non-hydric	No	4.7	47%
145C2	Moderately well drained	Non-hydric	No	1.5	15%

Figure 8: Hydric Soils Map





## WETLAND AND FLOODPLAIN REGULATIONS

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

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against 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.
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**MINUTES – UNOFFICIAL UNTIL APPROVED  
KENDALL COUNTY  
ZONING BOARD OF APPEALS MEETING  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
January 28, 2019 – 7:00 p.m.**

**CALL TO ORDER**

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

**ROLL CALL:**

Members Present: Randy Mohr (Chair); Karen Clementi, Cliff Fox, Tom LeCuyer

Members Absent: Dick Whitfield, Dick Thompson, and Scott Cherry

Staff Present: Matthew Asselmeier, AICP, Senior Planner and Ruth Ann Sikes, Office Assistant

Public: Dan Kramer, Rodolfo and Georgina Nunez

**MINUTES:**

Mr. LeCuyer made a motion, seconded by Mr. Fox, to approve the minutes of the August 27, 2018 meeting. With a voice vote of (4) ayes, the motion was approved.

**PETITIONS**

Chairman Mohr swore in all of the members of the public that wished to speak on both petitions.

The Zoning Board of Appeals started their review of Petition 19-04 at 7:03 p.m.

**Petition 19-04 – Rodolfo and Georgina Nunez**

Request: Special Use Permit for a Landscaping Business

PINs: 02-24-300-017 and 02-24-300-018

Location: 6725 Route 71, (Approximately 0.41 Miles West of Orchard/Minkler Roads on the Northwest Side of Route 71), Oswego Township

Purpose: Petitioners Would Like to Operate a Landscaping Business at the Property; Property is Zoned A-1

Mr. Asselmeier summarized the request.

The subject property is three acres more or less (3 +/-) and its existing land use is Farmstead and the future land use is Rural Residential. Route 71 is a State Highway classified as a Major Arterial Road. Oswego has a trail planned along Route 71. There is a pond on the property to the northwest, but not on the subject property.

The adjacent land uses are all agricultural, residential, or horse related. There are thirty nine (39) homes located with one half (1/2) mile of the property.

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

The LESA Score was a 52 indicating a low level of protection.

Oswego Township met on January 15, 2019 and stated no objections to the proposal. The Village of Oswego did not request any right-of-way dedication as part of the special use permit. The Village of Oswego did not submit any comments in general regarding this proposal. Neither the Village of Oswego nor IDOT requested an easement or land dedication for right-of-way for a Trail. The Petitioner and Oswego Fire Protection District exchanged correspondence regarding sprinkler requirements.

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

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

The site plan show parking around the existing house. No additional lighting or signage was proposed.

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

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

Chairman Mohr opened the public hearing at 7:10 p.m.

Mr. LeCuyer asked what the containers looked like. Mr. Kramer said they are inside the berm so you don't see them driving by the property.

Chairman Mohr asked if anyone lives in the house. Mr. Kramer said the Petitioners live in the house.

Chairman Mohr asked if the County had any easements right now on Route 71 for a bike path. Mr. Asselmeier responded not to his knowledge. IDOT has quick-take rights and could obtain the property at a later date.

Mr. Kramer stated that he was the attorney representing the Petitioners. He stated that Oswego Township voted unanimously in favor of the proposal. The property was originally part of Maple Lanes and that is who sold the property to the Petitioners. The Petitioners plan on putting up a building; it would be totally cold storage with no office or bathrooms. They would be able to keep their equipment indoors. The Petitioners are requesting to keep the containers and they will move it out of the setback. The container would be used to store small tools. Mr. Nunez is a certified tree specialist so he primarily engages in the tree and shrub business. The Petitioners live in the home fulltime. Right now, they only have themselves and one (1) part-time employee. They hope the business expands.

The parcel is over three (3) acres in size.

Ms. Clementi asked for the resolution of the fire issue. Mr. Kramer responded that the resolution is that the Petitioners will ask for a variance because it is not economically feasible to build a water tower or sprinkle the building without an adequate water supply for fire protection.

Chairman Mohr closed the public hearing at 7:16 p.m.

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

The votes were as follows:

Ayes (4): Clementi, Fox, LeCuyer, and Mohr  
Nays (0): None  
Absent (3): Cherry, Thompson, and Whitfield

The motion passed unanimously.

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

The votes were as follows:

Ayes (4): Clementi, Fox, LeCuyer, and Mohr  
Nays (0): None  
Absent (3): Cherry, Thompson, and Whitfield

The motion passed unanimously.

This proposal will go the Planning, Building and Zoning Committee on February 11<sup>th</sup> at 6:30 p.m.

The Zoning Board of Appeals completed their review of Petition 19-04 at 7:17 p.m.

The Zoning Board of Appeals started their review of Petition 19-05 at 7:17 p.m.

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

Request: Special Use Permit for a Banquet Facility and Variance to Section 7.01.D.10.a of the Kendall County Zoning Ordinance to Allow a Banquet Facility on a Non-Arterial or A Non-Major Collector Roadway.

PIN: 03-34-100-024 (South 10 Acres)

Location: 5100 Hundred Block of Schlapp Road (Approximately 0.48 Miles South of the Intersection of Plainfield Road and Schlapp road on the East Side of Schlapp Road), Oswego Township

Purpose: Petitioners Would Like to Operate a Banquet Facility at the Property; Property is Zoned A-1

Mr. Asselmeier summarized the request.

The current land use is Agricultural and Farmstead with future land use as Rural Residential.

The road is Schlapp Road which is a Township Road classified as a Minor Collector. There are no trails or Floodplain/Wetlands on the property.

The adjacent land uses are to the north (Agricultural/Farmstead), south (Agricultural), east (Agricultural/Farmstead), and west (Agricultural). The adjacent zoning is A-1.

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

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

EcoCAT was submitted on December 18, 2018; consultation was terminated.

NRI application was submitted on December 21, 2018. The LESA Score was 212 indicating a medium level of protection.

Oswego Township was emailed information on December 21, 2018. At ZPAC, discussion occurred regarding dedicating a portion of the frontage of the property for Schlapp Road right-of-way. Oswego Township was in favor of this suggestion. At their meeting on January 15, 2019, they expressed support of the right-of-way dedication and expressed no comments in object to either the requested special use permit or variance.

Oswego Fire Protection District was emailed information on December 21, 2018. The Petitioner will seek a variance to the sprinkler requirements and they plan to install a security system.

The Village of Oswego was emailed information on December 21, 2018. The Village of Oswego suggested that the Petitioners may want to annex the property to the Village. The Petitioners favor remaining in the unincorporated area at this time. The Village of Oswego did not express any opposition to the proposal.



ZPAC met on this proposal on January 8, 2019. Discussion occurred regarding a sprinkler variance from the Oswego Fire Protection District. Clarification was provided regarding the terms “weekend” and “weekdays”. Discussion occurred regarding well testing based on the number of events. The Petitioners acknowledged Kendall County Right to Farm Clause. The Petitioners stated that they no longer wanted the special use permit previously granted at the property. The Petitioners acknowledged that they would have to apply for a stormwater management permit. ZPAC unanimously recommended approval of the proposal.

The Kendall County Regional Planning Commission met on this proposal on January 23, 2019. A restriction regarding lights not crossing the property lines was added to the list of conditions and the parking lot lights will not be on when events are not occurring. The parking surface for the handicapped parking spaces and the walking paths would have to be on an ADA acceptable surface. Restrooms will be inside the barn. A small office suite will be inside the barn. No one will be living at the property. Larry Anderson expressed concerns about patrons coming onto his property which is located east of the property. Mr. Anderson was wondering if a fence could be constructed on the subject property to prevent patrons and litter from crossing his property. The Petitioners agreed to discuss fencing and plantings with Mr. Anderson. Mr. Anderson was advised to post “No Trespassing” signs. Tom Gargrave expressed concerns regarding increased traffic on Schlapp Road and Plainfield Road. Mr. Gargrave expressed concerns about noise traveling off the property. Mr. Gargrave also expressed concerns regarding light pollution and water supply in the area. The Kendall County Regional Planning Commission unanimously recommended approval.

The Petitions intend to establish the Heritage Homestead banquet facility and wedding venue as a limited liability company. A special use permit is required to operate a banquet facility at the subject property. There are currently no structures on the property.

This type of use is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

- a. A variance is required because Schlapp Road is not an arterial roadway or major or collector as defined in the Land Resource Management Plan.
- b. The subject parcel must be a minimum of 5 acres.
- c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance (Ord. 99-34)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. The noise regulations are 65 dba during the day and 55 dba at night with the powered equipment exemption

The hours of operation shall be between 9:00 a.m. and Midnight on weekends and between 9:00 a.m. and 10:00 p.m. on weekdays. The owners of the business allowed by this special use permit shall be allowed an additional one (1) hour after each event for the purpose of cleanup. Setup for events shall

occur during the hours of operation. For the purposes of this special use permit ordinance, the term “weekend” shall mean Fridays, Saturdays, the day prior to any Federal or State holiday, and any Federal or State holiday that falls on a Thursday. The term “weekday” shall mean the other days of the week not included in the definition of “weekend.”

A certificate of occupancy must be issued for all buildings.

The operator(s) of the banquet facility acknowledge and agree to follow Kendall County’s Right to Farm Clause.

The special use permit for the residential unit of a stable employee, previously granted by Ordinance 1999-10 and amended by Ordinance 1999-20 shall be repealed.

The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State and Local laws related to the operation of this type of business. 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. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Chairman Mohr opened the public hearing at 7:32 p.m.

Chairman Mohr asked if the Oswego Fire Protections District had been resolved. Mr. Kramer responded that the Oswego Fire Protection District wanted the building sprinkled and they wanted a security system. The Petitioners have no objections to the security system because the owners or caretakers will not be living onsite. Because no municipal water supply is available, the buildings cannot be sprinkled. The Petitioners and Mr. Kramer don’t think the Oswego Fire Protection District has statutory authority to enforce the sprinkler regulations. If the Petitioners don’t get the sprinkler variance, Oswego Fire Protection District would have to seek enforcement.

The nearest house is a half mile (1/2) away from the subject property.

Ms. Clementi asked if the property would be subdivided. Mr. Asselmeier responded that the Petitioners are chopping the southern ten (10) acres off of the existing property. Ms. Clementi asked if the division was pending approval of the petition. Mr. Asselmeier responded that it was his understanding that purchase was pending applicable zoning approval.

Mr. Kramer stated that the trees will be setback to allow for overflow parking. No parking on either side of Schlapp Road would be allowed. The tent is for weddings during inclement weather. The tent will not be used for any part of the reception whatsoever. The concrete pads outside the barn would be used for the cocktail area, with the music all being in the barn. If it is perfect weather, the tent will not be used at all. The Petitioners are going to put in new grain bins and those will be for the bride and groom prep room.

Mr. Kramer noted that, when the Kendall County Regional Plan Commission met last week, Mr. Anderson was in attendance. Mr. Anderson does not live on the property but he does have a pond on the property approximately two hundred or three hundred feet (200'-300') from the eastern property line of the subject property. Mr. Anderson was concerned about attractive nuisance law in Illinois and his concerns are unfounded. The Petitioners agreed to plant a thirty-five foot (35') strip of tall wildflowers and prairie grass plantings to discourage anybody from going near the eastern property line of the subject property. The Petitioners also agreed to place "No Trespassing" signs on their side of the property line.

Mr. Kramer also stated that the other person that spoke at the Kendall County Regional Planning Commission, Tom Gargrave, misunderstood the location of the proposed facility. Mr. Gargrave thought that the Petitioners were purchasing the entire parcel. At one point in time, there was the potential for the Village of Oswego bringing water and sewer to the site for a strip mall and homes. Then, in 2006, the economy crashed and those plans did not materialize.

Mr. Kramer explained that, under the Plat Act, an owner can split off five (5) acres or more without going through the subdivision process.

Mr. Kramer discussed strategies for keep noise levels below the legal requirements and that none of the banquet facilities that he was aware of violated the noise restrictions.

Mr. Kramer explained that Plainfield Road is a very busy road and he thought traffic will be equally split on Schlapp Road from both directions.

Mr. Asselmeier stated that it should be noted that Oswego Township is a dry township except for package sales. If the Petitioners ever wanted to do cash bars they would have to annex to the Village. Mr. Kramer noted that the liquor license was a mobile license with the caterer.

Chairman Mohr closed the public hearing at 7:50 p.m.

Ms. Clementi made a motion, seconded by Mr. LeCuyer, to approve the Findings of Fact for the special use permit and the Findings of Fact for the variance as presented by Staff.

The votes were as follows:

Ayes (4):	Clementi, Fox, LeCuyer, and Mohr
Nays (0):	None
Absent (3):	Cherry, Thompson, and Whitfield

The motion passed unanimously.

Mr. LeCuyer made a motion, seconded by Mr. Fox, to recommend approval of the proposed special use permit and variance with the conditions proposed by Staff.

The votes were as follows:

Ayes (4): Clementi, Fox, LeCuyer, and Mohr  
Nays (0): None  
Absent (3): Cherry, Thompson, and Whitfield

The motion passed unanimously.

This proposal will go the Planning, Building and Zoning Committee on February 11<sup>th</sup> at 6:30 p.m.

The Zoning Board of Appeals completed their review of Petition 19-05 at 7:54 p.m.

### **NEW BUSINESS/OLD BUSINESS**

#### **Approval of 2019 Meeting Calendar**

Ms. Clementi made a motion to approve the meeting calendar for 2019, seconded by Mr. Fox. With a voice vote of four (4) ayes, the calendar was approved unanimously.

#### **Discussion of February 2, 2019 Kendall County Regional Planning Commission Annual Meeting**

The Kendall County Regional Planning Commission Annual Meeting is February 2<sup>nd</sup>, at 9:00 a.m., in the County Board Room.

### **REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD**

Petition 17-28 Outdoor Gun Range Regulations was referred back to Committee.

Chairman Mohr stated that the question he would like the County Board to answer is do we want to encourage gun ranges or do we want to allow them. If we want to encourage them the new ordinances really encourage them. If we allow them are we to liberal.

Petition 18-03 was withdrawn by the Committee.

Petition 18-04 LRMP Update on Lisbon Township was referred back to Committee.

Petition 18-07 was withdrawn at Committee.

Petitions 18-13, 18-15, 18-20, 18-25, and 18-26 were approved by the County Board.

### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Ms. Clementi made a motion, seconded by Mr. Fox, with a voice vote of all ayes., the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 8:05 p.m.

Respectfully submitted by,  
Ruth Ann Sikes  
Part-Time Office Assistant (Zoning)

Exhibits

1. Staff Report on Petition 19-04 Dated January 24, 2019.



2. Certificate of Publication and Mailings for Petition 19-04 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. Staff Report on Petition 19-05 Dated January 24, 2019
4. Certificate of Publication and Mailings for Petition 19-05 (Not Included with Report but on file in Planning, Building and Zoning Office).

# KENDALL COUNTY ZONING BOARD OF APPEALS

## January 28, 2019

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Relate 2019-04 Don Kinn	1107 S. Bridge St Zachville, IL 60560	
" 2019-05	"	"

State of Illinois  
County of Kendall

Zoning Petition  
#19-05

**ORDINANCE NUMBER 2019-\_\_\_\_\_**

**GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A BANQUET FACILITY AND A VARIANCE TO SECTION 7.01.D.10.A OF THE KENDALL COUNTY ZONING ORDINANCE TO ALLOW A BANQUET FACILITY TO BE LOCATED OFF OF A NON-ARTERIAL OR NON-MAJOR COLLECTOR ROADWAY FOR A 10.0 ACRE +/- PARCEL LOCATED IN THE 5100 BLOCK OF SCHLAPP ROAD ON THE EAST SIDE OF SCHLAPP ROAD APPROXIMATELY 0.48 MILES SOUTH OF PLAINFIELD ROAD ON THE SOUTH TEN ACRES OF THE PROPERTY IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 03-34-100-024 IN OSWEGO TOWNSHIP**

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 13.04 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue variations and place conditions on variations and provides the procedure through which variations are granted; and

WHEREAS, Section 7.01.D.10 of the Kendall County Zoning Ordinance permits the operation of banquet facilities as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, Section 7.01.D.10.a of the Kendall County Zoning Ordinance requires banquet facilities located in the A-1 Agricultural Zoning District to have direct access to an arterial roadway or major collector road as defined in the Land Resource Management Plan; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 10.0 acres located on the east side of Schlapp Road approximately 0.48 miles south of Plainfield Road (PIN: 03-34-100-024) in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, the subject property is currently owned by Specialty Oswego, LLC and Stuart and Paula Weihler are under contract to purchase the property and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about December 21, 2018, Petitioner filed a petition for a Special Use Permit allowing the operation of a banquet facility at the subject property and a variance to Sections 7.01.D.10.a of the Kendall County Zoning Ordinance; and

WHEREAS, following due and proper notice by publication in the Beacon News not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on January 28, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s attorney presented evidence, testimony, and exhibits in support of the requested special use permit and variance and zero members of the public testified in favor or in opposition; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permit and variance with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated January 28, 2019, a true and correct copy of which is attached hereto as Exhibit B; and

State of Illinois  
County of Kendall

Zoning Petition  
#19-05

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested special use permit and variance with conditions; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use permit and variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a special use permit and variance allowing the operation of a banquet facility on the subject property subject to the following conditions:
  - A. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C, the attached landscaping plan attached hereto as Exhibit D, and the attached lighting plan attached hereto as Exhibit E. The previously listed plans may be altered to meet the right-of-way dedication mentioned in condition B.
  - B. Within sixty (60) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire western portion of the property to Oswego Township to be used as Schlapp Road right-of-way. This dedication shall have a depth of fifty feet (50') as measured from the centerline of Schlapp Road.
  - C. A maximum of two hundred eighty-five (285) guests in attendance at a banquet center related event may be on the subject property at a given time.
  - D. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance.
  - E. The subject parcel must maintain a minimum of five (5) acres.
  - F. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.
  - G. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance except where variances are granted. In particular, lighting will not be allowed to cross property lines. Parking lot lights shall not be illuminated on evenings when no events are held.

State of Illinois  
County of Kendall

Zoning Petition  
#19-05

- H. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The owners of the business allowed by this special use permit may install two (2) directional signs along Schlapp Road. Any signage provided will not be illuminated.
- I. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- J. The noise regulations are as follows:  
  
 Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.  
  
 Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.  
  
**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
- K. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings.
- L. The hours of operation shall be between 9:00 a.m. and Midnight on weekends and between 9:00 a.m. and 10:00 p.m. on weekdays. The owners of the business allowed by this special use permit shall be allowed an additional one (1) hour after each event for the purposes of cleanup. Setup for events shall occur during the hours of operation. For the purposes of this special use permit ordinance, the term "weekend" shall mean Fridays, Saturdays, the day prior to any Federal or State holiday, and any Federal or State holiday that falls on a Thursday. The term "weekday" shall mean the other days of the week not included in the definition of "weekend."  
**(Petitioners will request additional hour from Planning, Building and Zoning Committee.)**
- M. A new certificate of occupancy must be issued for all buildings.
- N. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
- O. The special use permit for the residential unit of a stable employee, previously granted by Ordinance 1999-10 and amended by Ordinance 1999-20, shall be repealed.
- P. No patrons, employees, or other individuals associated with events at the banquet facility allowed by this special use permit may park along Schlapp Road.
- Q. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall plant a thirty foot (30') strip of wild flowers and prairie grasses along the entire eastern property line.
- R. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall erect "No Trespassing" signs near the eastern property line.
- S. The operator(s) of the banquet facility allowed by this special use permit shall follow all



State of Illinois  
County of Kendall

Zoning Petition  
#19-05

applicable Federal, State, and Local laws related to the operation of this type of business.

T. 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.

U. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 11<sup>th</sup> day of February, 2019.

Attest:

---

Kendall County Clerk  
Debbie Gillette

---

Kendall County Board Chairman  
Scott R. Gryder

Exhibit A

Legal Description

That Part of the Northwest Quarter of Section 34, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Southwest Corner of said Northwest Quarter; thence Easterly, along the South Line of said Northwest Quarter, 660.0 feet; thence Northeasterly along a line which forms an angle of  $116^{\circ}06'03''$  with the last described course, measured clockwise therefrom, (said Northeasterly Line which if extended would intersect the North Line of said Northwest Quarter at a point which is 660.0 feet Westerly of the Northeast Corner of said Northwest Quarter), 609.24 feet; thence Westerly, parallel with the South Line of said Northwest Quarter, 932.37 feet to the West Line of said Northwest Quarter; thence Southerly, along said West Line, 547.13 feet to the point of beginning in Oswego Township, Kendall County, Illinois.

### FINDINGS OF FACT-SPECIAL USE

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan, landscaping plan, and lighting plan. Proper buffering and noise controls will be necessary to prevent noise from negatively impacting neighboring properties. The Petitioners plan to seek a variance from the Oswego Fire Protection District for sprinkler requirements. The Petitioners are agreeable to dedicating land for Schlapp Road right-of-way. The Kendall County Sheriff's Department has not submitted comments expressing concerns for public health and safety.*

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours of operation, number of events, and buffering within the ordinance granting the special use permit.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner plans to work with the Kendall County Health Department, the Kendall County Planning, Building and Zoning Department and Oswego Township to address utilities, drainage, and points of ingress and egress.*

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided that the variance is approved regarding distance to arterial and collector roads, the special use would conform to the applicable regulations of the district.*

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."*

### FINDINGS OF FACT-VARIANCE

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The proposed banquet facility is approximately one half (1/2) mile from an arterial or major collector (Plainfield Road). In 2018, the County granted a similar variance for a banquet facility located approximately one point two (1.2) miles from an arterial roadway.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is not true. Other banquet facilities in the rural areas could face similar concerns. The specific number of properties sharing similar characteristics is unknown.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The Petitioners created the hardship by desiring to have a banquet facility at the subject property.***

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **True, the Kendall County Sheriff's Department, Oswego Township, and the Oswego Fire Protection District have not expressed any concerns regarding the proposed use being materially detrimental to the public welfare or injurious to other property in the neighborhood provided the right-of-way dedication occurs and provided that the Petitioners secure applicable variances from the Oswego Fire Protection District.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **True, the proposed use will not block light or air from adjacent properties. The proposed use will not cause an increase in congestion on public streets because events will not be held every day. Provided the business allowed by the special use permit follows the restrictions placed on the special use permit, no increase to the danger of fire or the endangerment of public safety should occur. Data does not exist as to whether the placement of the proposed use will diminish or impair the property value of the property located southeast of the subject property.***

#### **RECOMMENDATION**

The Kendall Zoning Board of Appeals unanimously recommends approval of the special use permit and variance subject to the following conditions and restrictions.

1. The site shall be developed substantially in accordance with the attached site plan, landscaping plan, and lighting plan. The previously listed plans may be altered to meet the right-of-way dedication mentioned in condition 2.
2. Within sixty (60) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire western portion of the property to Oswego Township to be used as Schlapp Road right-of-way. This dedication shall have a depth of fifty feet (50') as measured from the centerline of Schlapp Road.
3. A maximum of two hundred eighty-five (285) guests in attendance at a banquet center related event may be on the subject property at a given time.
4. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance.
5. The subject parcel must maintain a minimum of five (5) acres.
6. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
7. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance except where variances are granted. In particular, lighting will not be allowed to cross property lines. Parking lot lights shall not be illuminated on evenings when no events are held. **(Second and third sentences added at RPC.)**
8. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The owners of the business allowed by this special use permit may install two (2) directional signs along Schlapp Road. Any signage provided will not be illuminated. **(Signage size could be clarified.)**
9. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.

10. The noise regulations are as follows:

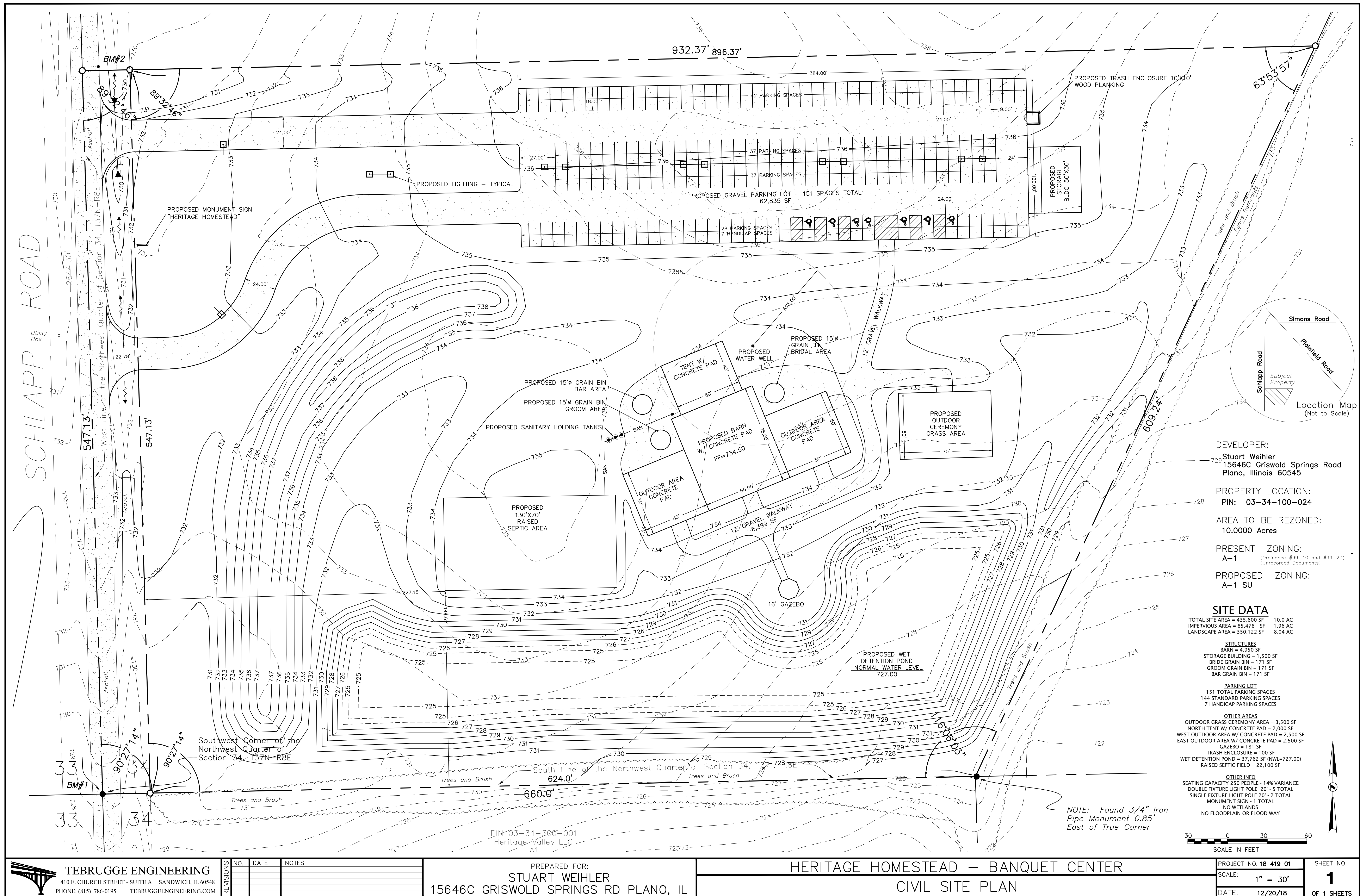
Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

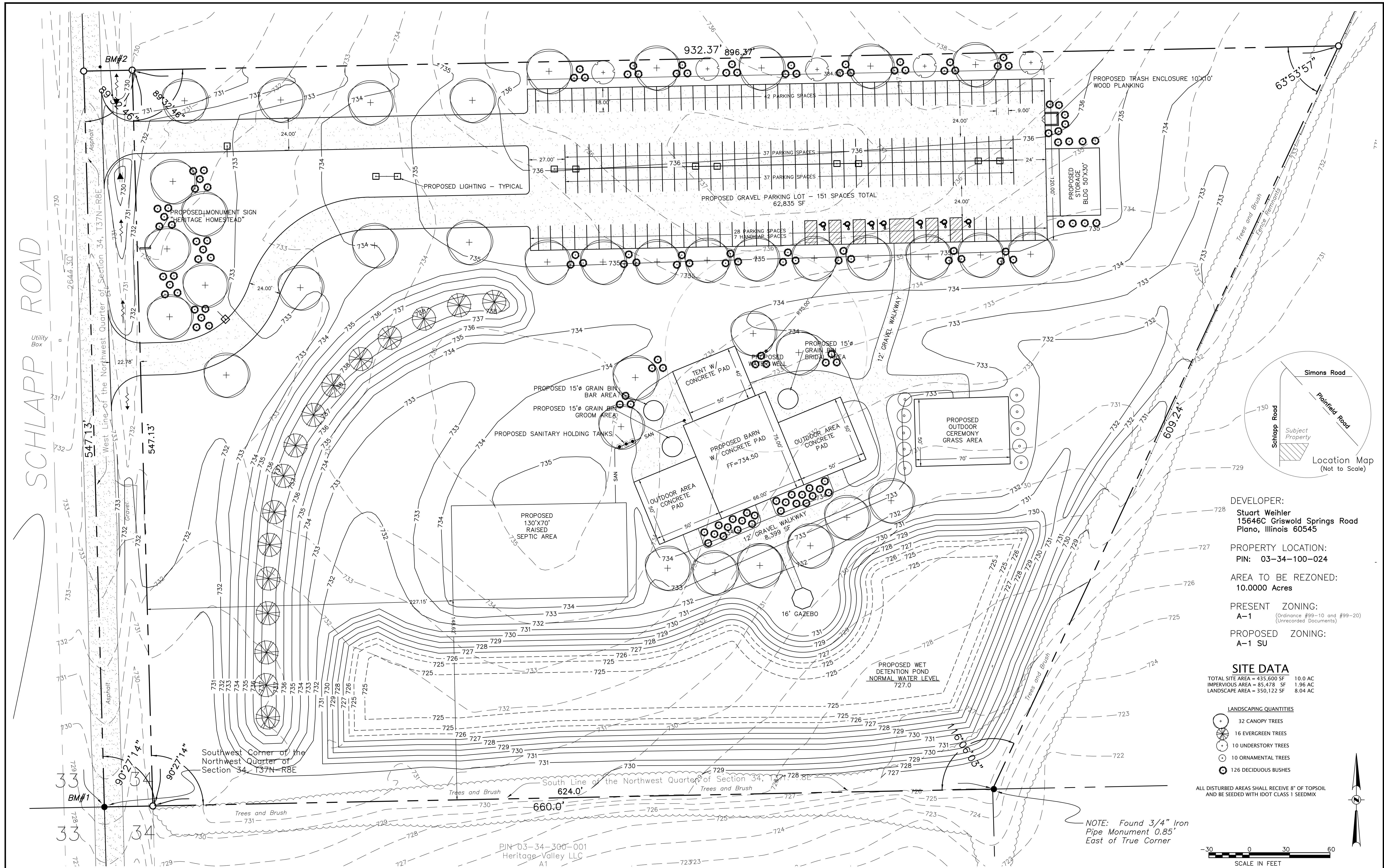
**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

11. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings.
12. The hours of operation shall be between 9:00 a.m. and Midnight on weekends and between 9:00 a.m. and 10:00 p.m. on weekdays. The owners of the business allowed by this special use permit shall be allowed an additional one (1) hour after each event for the purposes of cleanup. Setup for events shall occur during the hours of operation. For the purposes of this special use permit ordinance, the term "weekend" shall mean Fridays, Saturdays, the day prior to any Federal or State holiday, and any Federal or State holiday that falls on a Thursday. The term "weekday" shall mean the other days of the week not included in the definition of "weekend." **(Petitioners will request additional hour from Planning, Building and Zoning Committee.)**
13. A new certificate of occupancy must be issued for all buildings.
14. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The special use permit for the residential unit of a stable employee, previously granted by Ordinance 1999-10 and amended by Ordinance 1999-20, shall be repealed.
16. No patrons, employees, or other individuals associated with events at the banquet facility allowed by this special use permit may park along Schlapp Road. **(Added by ZBA)**
17. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall plant a thirty foot (30') strip of wild flowers and prairie grasses along the entire eastern property line. **(Added by ZBA)**
18. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall erect "No Trespassing" signs near the eastern property line. **(Added by ZBA)**
19. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
20. 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.
21. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.









DEVELOPER:  
Stuart Wehler  
15646C Griswold Springs Road  
Plano, Illinois 60545

PROPERTY LOCATION:  
PIN: 03-34-100-024

AREA TO BE REZONED:  
10.0000 Acres

PRESENT ZONING:  
A-1 (Ordinance #99-10 and #99-20)  
(Unrecorded Documents)

PROPOSED ZONING:  
A-1 SU

#### SITE DATA

TOTAL SITE AREA = 435,600 SF 10.0 AC  
IMPERVIOUS AREA = 85,478 SF 1.96 AC  
LANDSCAPE AREA = 350,122 SF 8.04 AC

#### LANDSCAPING QUANTITIES

- 32 CANOPY TREES
- 16 EVERGREEN TREES
- 10 UNDERSTORY TREES
- 10 ORNAMENTAL TREES
- 126 DECIDUOUS BUSHES

ALL DISTURBED AREAS SHALL RECEIVE 8" OF TOPSOIL  
AND BE SEEDED WITH IDOT CLASS 1 SEEDMIX

NOTE: Found 3/4" Iron  
Pipe Monument 0.85'  
East of True Corner



**TEBRUGGE ENGINEERING**  
410 E. CHURCH STREET - SUITE A SANDWICH, IL 60548  
PHONE: (815) 786-0195 TEBRUGGEENGINEERING.COM

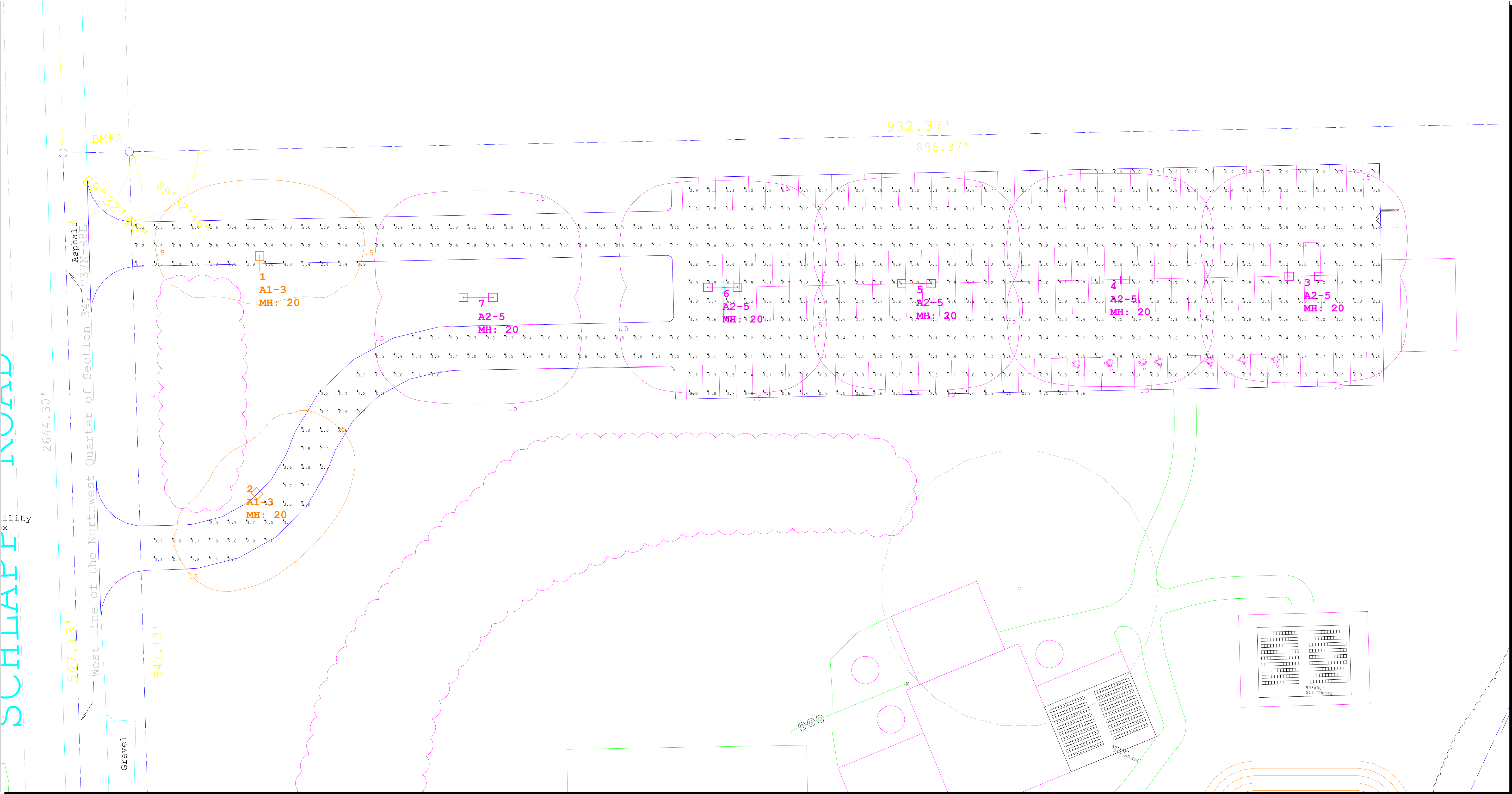
NO.	DATE	NOTES

PREPARED FOR:  
**STUART WEHLER**  
15646C GRISWOLD SPRINGS RD PLANO, IL



**HERITAGE HOMESTEAD - BANQUET CENTER**  
**LANDSCAPE PLAN**

PROJECT NO. 18 419 01  
SCALE: 1" = 30'  
DATE: 12/20/18  
SHEET NO. 1  
OF 1 SHEETS





Scale: 1 inch= 25' Pr.

Luminaire Schedule										
Symbol	Qty	Label	Arrangement	Lum. Watts	Arr. Watts	Lum. Lumens	Arr. Lum. Lumens	LLF	Description	Manufacturer
	2	A1-3	SINGLE	132	132	15269	15269	0.900	AR18-20M2-MV-NW-3-XX-530 S	Leotek Electronics USA LLC., 1955 Lundy Ave.,
	5	A2-5	BACK-BACK	132	264	15209	30418	0.900	AR18-20M2-MV-NW-5-XX-530 S	Leotek Electronics USA LLC., 1955 Lundy Ave.,

Calculation Summary									
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Readings Taken @	
PARKING LOT_Planar	Illuminance	Fc	2.07	6.3	0.1	20.70	63.00	GRADE LEVEL	

Luminaire Location Summary						
LumNo	Label	X	Y	Z	Orient	Tilt
1	A1-3	8145.5	5616	20	90	0
2	A1-3	8138.5	5501	20	315	0
3	A2-5	8711.5	5613	20	0	0
4	A2-5	8606.5	5611	20	0	0
5	A2-5	8501.5	5609	20	0	0
6	A2-5	8396.5	5607	20	0	0
7	A2-5	8264	5601.5	20	0	0

Parking Lot Design Guide	Basic (for typical conditions)	Basic Enhanced Security (in consideration of personal security or vandalism)	Security (security lighting for public spaces)	High Security (security lighting for public spaces)
	lux/ftc	lux/ftc	lux/ftc	lux/ftc
Minimum Horizontal Illuminance (Measured on parking surface without any shadowing from any object)	2.0/0.2	5.0/0.5	10.0/1.0	30.0-60.0/3.0-6.0
Uniformity Ratio Maximum - to - Minimum	20:1	15:1	15:1	*4:1 *Avg-Min
Minimum Vertical Illuminance (for facial recognition measured at 5' above the parking surface at the point of lowest horizontal illuminance)	1.0/0.1	2.5/0.25	5.0-8.0/0.5-0.8	12-60/1.2-6.0

Recommendations based on RP-33-99, RP-20-98, 9th Edition IESNA Lighting Handbook

enlighten

PG

#	Date	Comments

Revisions

Drawn By: Jose Saucedo

Drawn By: jose.saucedo@pg-enlighten.com

Date: 12/19/2018

Scale: 1" = 25'

Project Name:

**Heritage Homestead Banquet Ctr**

Client Name:

Zach Stevens - TEBRUGGE ENGINEERING

Page 1 of 1

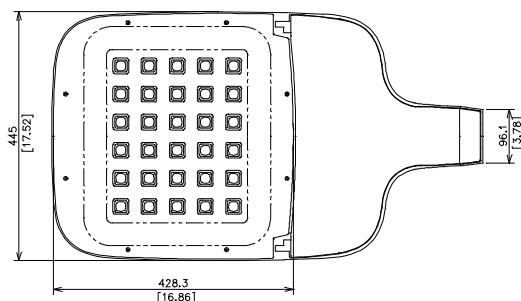
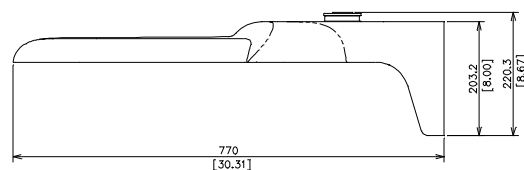
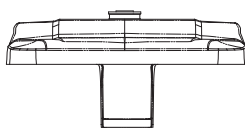
# ARIETA™ 18 Architectural LED Area Luminaire

## AR18 M2 Series Specification Data Sheet

### Luminaire Data

**Weight** 24 lbs [10.9 kg]

**EPA** 0.55 ft²



### Ordering Information

Sample Catalog No. AR18 20M2 MV NW 3 DB 700 HSS

Product	LED Code	Voltage	Nominal Color Temperature	Distribution	Finish <sup>1</sup>	Drive Current Code <sup>2</sup>	Options
<b>AR18</b>	<b>6M2</b> <b>10M2</b> <b>15M2</b> <b>18M2</b> <b>20M2</b> <b>24M2</b> <b>30M2</b>	<b>MV</b> 120-277V <b>HV</b> 347-480V	<b>WW</b> 3000K <b>NW</b> 4000K <b>CW</b> 5000K	<b>2</b> Type 2 <b>3</b> Type 3 <b>4</b> Type 4 <b>5</b> Type 5	<b>BK</b> Black <b>DB</b> Dark Bronze <b>WH</b> White <b>GY</b> Gray <b>NA</b> Natural Aluminum	<b>350</b> <b>530</b> <b>700</b>	<b>HSS</b> <sup>3</sup> House Side Shield (Factory Installed) <b>FDC</b> <sup>4</sup> Fixed Drive Current <b>FFA</b> <sup>5</sup> Full Field Adjustability <b>PCR</b> <sup>6</sup> NEMA Photocontrol Receptacle <b>PCR7</b> <sup>6</sup> ANSI 7-wire Photocontrol Receptacle <b>PCR7-CR</b> <sup>7</sup> Control Ready 7-wire Photocontrol Receptacle <b>MSL7</b> <sup>8</sup> Motion Sensor with L7 Lens <b>MSL3</b> <sup>8</sup> Motion Sensor with L3 Lens <b>PND1</b> <sup>9</sup> Part-Night Dimming <b>PND2</b> <sup>9</sup> Part-Night Dimming <b>PND3</b> <sup>9</sup> Part-Night Dimming <b>ORR</b> Optics Rotated Right <b>ORL</b> Optics Rotated Left <b>WL</b> Utility Wattage Label

#### Notes:

- 1 Black, Dark Bronze, White, Gray, or Natural Aluminum standard. Consult factory for other finishes.
- 2 Specified drive current code is the factory set maximum drive current. Field adjustable current selector enables standard dimming to lower wattage drive currents only. Consult factory if wattage limits require a special drive current.
- 3 Flush mounted shield factory installed, also available for field installation. House Side Shield cuts light off at 1/2 mounting height behind luminaire.
- 4 Non-field adjustable drive current. Specify 350mA, 530mA or 700mA setting.
- 5 The FFA option enables full field adjustability from the specified drive current code to all drive currents available. This option is not DLC qualified.
- 6 Field adjustable current selector included to enable standard dimming to lower wattage drive currents only. Field changeable connectors included to enable connection to PCR7 (wireless node dimming is disabled by default).
- 7 Control-ready wired at factory for wireless node dimming. Supplied at maximum drive current. If lower drive current is required, consult factory.
- 8 Motion Sensor available with MV or HV. See L7 or L3 Lens coverage details on page 5. Consult factory for MS specified with ANSI 7-wire Photocontrol Receptacle. PCR option is required for On/Off control using light detection.
- 9 For PND profile options see page 6. Only available with MV (120-277V).
- 10 Specify Color (GY, DB, BK, WH, NA)
- 11 Specify MV (120-277V) or HV (347V or 480V)

### Accessories\*

<b>HSSAR18</b> <sup>3,10</sup>	House Side Shield
<b>RPA</b> <sup>10</sup>	Round Pole Adapter
<b>PTF1</b> <sup>10</sup>	Square Pole Top Fitter Single
<b>PTF2</b> <sup>10</sup>	Square Pole Top Fitter Twin at 180°
<b>PTF4</b> <sup>10</sup>	Square Pole Top Fitter Quad
<b>WM</b> <sup>10</sup>	Wall Mount
<b>BSK</b>	Bird Deterrent Spider Kit
<b>LLPC</b> <sup>11</sup>	Long-Life Twist Lock Photocontrol
<b>SC</b>	Twist Lock Shorting Cap
<b>FSIR100</b>	Motion Sensor Configuration Tool

\*Accessories are ordered separately and not to be included in the catalog number

### Luminaire Specifications

#### Housing

Die cast aluminum housing with universal mounting design allows for attachment to existing pole without redrilling for retrofit applications. Aluminum housing provides passive heat-sinking of the LEDs and has upper surfaces that shed precipitation. Mounting provisions meet 3G vibration per ANSI C136.31-2010 Normal Application, Bridge & Overpass. Electrical components are accessed without tools and are mounted on removable power door.

#### Light Emitting Diodes

Hi-flux/Hi-power white LEDs produce a minimum of 90% of initial intensity at 100,000 hours of life based on IES TM-21. LEDs are tested in accordance with IES LM-80 testing procedures. LEDs have correlated color temperature of 3000K (WW), 4000K (NW), or 5000K (CW) and 70 CRI minimum. LEDs are 100% mercury and lead free.

#### Field Adjustability

LED drive current can be changed in the field to adjust light output for local conditions (not available with PCR7-CR option). The specified drive current code will be the factory set maximum drive current and field adjustments can only be made to available lower wattage drive currents. Select the FFA option if full field adjustability to all available drive currents (700mA max) is desired. The FFA option is not DLC qualified.

#### Quality Control

Every luminaire is performance tested before and after a 2-hour burn-in period. Assembled in the USA.

#### Optical Systems

Micro-lens optical systems produce IESNA Type 2, Type 3, Type 4 or Type 5 distributions and are fully sealed to maintain an IP66 rating. Luminaire produces 0% total lumens above 90° (BUG Rating, U=0). Optional house side shield (HSS) cuts light off at 1/2 mounting height behind luminaire. Optics may be rotated right or left with options ORR/ORL, respectively.

#### Electrical

Rated life of electrical components is 100,000 hours. Uses isolated power supply that is 1-10V dimmable. Power supply is wired with quick-disconnect terminals. Power supply features a minimum power factor of .90 and <20% Total Harmonic Distortion (THD). EMC meets or exceeds FCC CFR Part 15. Terminal block accommodates 6 to 14 gauge wire. Surge protection complies with IEEE/ANSI C62.41 Category C High, 20kV/10kA and ANSI C136.2-2015, 20kV/10kA.

#### Controls

3-Wire photocontrol receptacle (PCR) is available. ANSI C136.41 or 7-wire (PCR7) photocontrol receptacles are available. All photocontrol receptacles have tool-less rotatable bases. Wireless control module is provided by others.

#### Finish

Housing receives a fade and abrasion resistant polyester powder coat finish with 3.0 mil nominal thickness. Finish tested to withstand 5000 hours in salt spray exposure per ASTM B117. Finish meets scribe creepage rating 8 per ASTM D1654. Finish tested 500 hours in UV exposure per ASTM G154 and meets ASTM D523 gloss retention.

#### Listings/Ratings/Labels

luminaires are UL listed for use in wet locations in the United States and Canada. DesignLights Consortium™ qualified product. Consult DLC QPL for Standard and Premium Classification Listings. International Dark Sky Association listed. Luminaire is qualified to operate at ambient temperatures of -40°C to 40°C.

#### Photometry

luminaires photometrics are tested by certified independent testing laboratories in accordance with IES LM-79 testing procedures.

#### Warranty

10-year limited warranty is standard on luminaire and components. 5-year limited warranty on luminaires and components with a motion sensor.

#### Standards

Luminaire complies with:

**ANSI:** C136.2, C136.3, C136.10, C136.13, C136.15, C136.22, C136.31, C136.35, C136.37, C136.41, C62.41, C78.377, C82.77

**Other:** FCC 47 CFR, IEC 60598, ROHS II, UL 1449, UL 1598



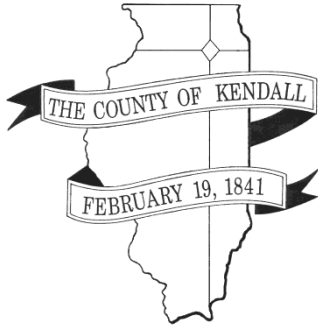
### Performance Data 3000K (WW)

All data nominal. IES files are available at leotek.com.

LED Code	Current Code	System Wattage (W)	Type 2, 3, 4		Type 5	
			Delivered Lumens (Lm) <sup>1</sup>	Efficacy (Lm/W)	Delivered Lumens (Lm) <sup>1</sup>	Efficacy (Lm/W)
<b>6M2</b>	350	29	2930	101	2750	95
	530	41	4110	99	3860	93
	700	54	5040	94	4950	92
<b>10M2</b>	350	41	4600	112	4500	109
	530	63	6700	106	6600	104
	700	87	8500	97	8400	96
<b>15M2</b>	350	63	7400	117	7300	116
	530	90	9600	107	9500	106
	700	124	12900	104	12700	102
<b>18M2</b>	350	81	9000	111	9100	112
	530	122	12800	105	13000	107
	700	160	16400	103	16700	104
<b>20M2</b>	350	84	10700	127	10800	129
	530	132	15300	116	15500	117
	700	172	18200	106	18500	108
<b>24M2</b>	350	98	10700	109	10800	110
	530	152	15300	100	15500	102
	700	209	19500	93	19900	95
<b>30M2</b>	350	133	14300	107	14500	109
	530	202	20400	101	20600	102
	700	262	24500	93	24800	95

Notes:

1 Normal tolerance  $\pm 10\%$  due to factors including distribution type, LED bin variance, driver variance, and ambient temperatures.



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

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**MEMORANDUM**

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To: Kendall County Planning, Building & Zoning Committee  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: January 29, 2019  
Re: Proposed Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance  
Pertaining to the Parking of Trailers

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

A redline version of the proposal is attached to this memo.

Thanks,

MHA

ENC: Redlined Version of Section 11.05A of the Kendall County Zoning Ordinance

## **11.05 PARKING AND STORAGE OF RECREATIONAL VEHICLES, RECREATIONAL TRAILERS, TRAILERS AND MOBILE HOMES. (Amended 7/18/2006)**

### **A. Storage of Unoccupied Recreational Vehicles, Trailers and Mobile Homes (Amended 7/18/2006)**

1. Unoccupied recreational vehicles, trailers and their contents may be located on lots in any district provided they comply with the following regulations:

a. The number of recreational vehicles and trailers on a lot shall not be restricted when such recreational vehicles or trailers are located within the interior of a permitted structure or when fully screened from adjacent property. Screening shall consist of permitted solid fencing, structures, or evergreen landscaping such that the vehicle does not exceed the height of the permitted screening and so that the vehicle is not directly visible from adjacent properties when viewed at ground level.

b. Recreational vehicles trailers and their contents not stored within a permitted structure shall comply with the following parking requirements:

i. Except for the A-1, R-1, R-2 and R-3 districts, unless otherwise permitted in Section 11.02, such vehicles shall be parked on a hard surfaced all weather pad constructed of concrete, asphalt, brick or stone pavers or comparable material.

ii. **Except in the R-4, R-5, R-6, and R-7 districts**, recreational vehicles, trailers and their contents may not encroach into a required front or corner side yard setback, shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.

iii. **In the R-4, R-5, R-6, and R-7 districts**, recreational vehicles, trailers and their contents may **not** encroach into a required front or corner side yard setback, **but** shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.

iv. **iii.** Recreational vehicles may be stored or parked within a required rear or interior side yard setback.

**~~Exception: An owner of a recreational vehicle located on property in the R-4, R-5, R-6 or R-7 Residential District which cannot comply with the front yard setback provisions of Section 4.08.A.1.b.ii above as of June 20, 2006 and that has registered said vehicle with the Kendall County Planning Building and Zoning Department, may be permitted to store such vehicle within the front yard setback provided said encroachment does not obstruct the required sight distance triangle, in the case of a corner lot, or create an obstruction so as to compromise the safety of pedestrians or other vehicles operating within the road right-of-way (R.O.W.) Said exemption shall apply to the original recreational vehicle registered and any replacement of said recreational vehicle. This exception shall be non-transferable to any subsequent owner(s) or occupants of the property and shall terminate upon either the sale of the property or change in occupancy of the dwelling unit should the owners chose to maintain it as a rental property. Owners shall be required to register their properties with the Planning, Building and Zoning Department on a form approved by the Department prior to December 29, 2006. In addition, the owner shall supply a copy of the plat of survey indicating the approved location for the storage of the vehicle and shall be~~**

~~required to pay a one time registration fee of \$75.00. The Planning Building and Zoning Department shall keep a copy of the registration form and approved parking plan on file. Upon sale of the property, the owner shall be required to notify the Planning, Building and Zoning Department in writing and shall note in the file that the exemption has been terminated.~~

c. When recreational vehicles or trailers and their contents are not fully screened from adjacent properties, the maximum number of unscreened recreational vehicles or trailers permitted to be parked or stored on a zoning lot shall be in accordance with the following table:

Zoning	Permitted RV's or Trailers
Agriculture	Unlimited, provided such recreational vehicles or trailers are for use by the property owner or tenant
R1, R2, R3	2, provided such recreational vehicles or trailers are for use by the property owner or tenant
All other residential districts	1 provided such recreational vehicles or trailers are for use by the property owner or tenant
Commercial or Industrial Districts	No restriction on trailers, recreational vehicles provided they are part of a permitted trailer storage or sales business.

(Amended 7/18/2006)

2. Exception: The number of unscreened recreational vehicles, trailers and their contents parked or stored on a lot in a residential district may exceed the number presented in the table above only under the following circumstances:

~~a) For purposes of conducting maintenance on, or the loading and unloading of a recreational vehicle or trailer in preparation for a trip or similar recreational use provided the duration does not exceed 72 hours within a one week period.~~

~~b)~~ When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be parked or stored on the lot shall be limited to 14 consecutive days within a one year period or 21 days (non-consecutive) within a one year period unless otherwise approved in writing by the Zoning Administrator.

3. Unoccupied mobile homes can be stored only in commercial and industrial districts and only as part of a permitted trailer storage or sales business. (Amended 7/18/2006)

## Matt Asselmeier

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**From:** Michael Hoffman [MHoffman@TeskaAssociates.com]  
**Sent:** Tuesday, February 05, 2019 12:10 PM  
**To:** Matt Asselmeier  
**Subject:** RE: Zoning Citation Question

I'm targeting to have it to you by Feb. 15<sup>th</sup>....figure you will need a little time to review, then maybe to them in March.



**Mike Hoffman, AICP, PLA**  
Vice President  
**Teska Associates, Inc.**

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Building Community | Creating Place

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**From:** Matt Asselmeier <masselmeier@co.kendall.il.us>  
**Sent:** Tuesday, February 5, 2019 11:59 AM  
**To:** Michael Hoffman <MHoffman@TeskaAssociates.com>  
**Subject:** RE: Zoning Citation Question

Mike:

The PBZ Committee meets next Monday, February 11<sup>th</sup>. What target date do you want me to give them regarding the Zoning Ordinance project?

Thanks,

Matthew H. Asselmeier, AICP  
Senior Planner  
Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60560-1498  
PH: 630-553-4139  
Fax: 630-553-4179

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**From:** Michael Hoffman [<mailto:MHoffman@TeskaAssociates.com>]  
**Sent:** Friday, February 01, 2019 3:08 PM  
**To:** Matt Asselmeier  
**Subject:** RE: Zoning Citation Question

Absolutely.



**Mike Hoffman, AICP, PLA**  
Vice President