# MINUTES – UNOFFICIAL UNTIL APPROVED KENDALL COUNTY

#### **ZONING BOARD OF APPEALS MEETING**

110 WEST MADISON STREET (109 WEST RIDGE STREET), THIRD FLOOR COURTROOM YORKVILLE, IL 60560

#### September 28, 2020 – 7:00 p.m.

#### **CALL TO ORDER**

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

#### **ROLL CALL:**

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick

Whitfield

Members Absent: Karen Clementi

<u>Staff Present:</u> Matthew Asselmeier, AICP, CFM, Senior Planner <u>Others Present:</u> Greg Dady, Gregg Ingemunson, and Michael Ballas

Chairman Mohr swore in Greg Dady, Gregg Ingemunson, and Michael Ballas.

#### **PETITIONS**

The Zoning Board of Appeals started their review of Amended Petition 20-05 at 7:30 p.m.

#### Amended Petition 20 – 05 – Greg Dady on Behalf of DTG Investments, LLC

Request: Special Use Permit for a Truck Parking Area or Yard

PIN: 06-09-400-005

Location: 3485 Route 126, Na-Au-Say Township

Purpose: Petitioner Wants to Be Able to Operate a Truck Parking Area or Yard with Related

Offices and Maintenance Facilities on the Property

Mr. Asselmeier summarized the request.

Greg Dady, on behalf of DTG Investments, LLC would like to operate a trucking company, specifically offices related to a trucking company, minor repair facilities for company trucks, and company truck parking at the subject property.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

The proposed text amendment (Amended Petition 20-02) would add the following to the list of special uses in the A-1 District:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The application materials, aerial of the property, aerial with the flood zone, plat of survey, and site were provided.

The subject property is approximately five point five (5.5) acres in size.

Route 126 is a State maintained arterial; there is a trail planned along Route 126.

There is a floodplain on the north end of the property (Zone A-no base flood elevation determined).

The adjacent uses are agricultural or agricultural related.

The adjacent zonings are A-1. The zonings in the area are A-1, R-1, and A-1 with special use permits.

The Future Land Use Map calls for the area to be Rural Residential and Public Institutional.

The A-1 SU to the east is for a farm market, garden shop, winery, corn maze, and fall festival. The A-1 SU to the west is for a farm equipment sales and service business.

Oswego School District 308 owns the property southwest of the subject property.

Ten (10) existing houses are within one half (1/2) mile of the subject property.

Pictures of the property and area were provided.

EcoCAT Report submitted and consultation was terminated.

The LESA Score was 189 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Na-Au-Say Township on August 25, 2020.

Petition information was sent to the Village of Oswego on August 25, 2020. The property is inside Oswego's planning boundary.

Petition information was sent to the Village of Plainfield on August 25, 2020. The property is within one point five (1.5) miles of Plainfield.

The Oswego Fire Protection District was sent information on August 25, 2020. On August 27, 2020, the Oswego Fire Protection District submitted an email stating that they had no specific concerns. They did note that the fire alarm system at the property was not in operation. The Oswego Fire Protection District email was provided.

ZPAC reviewed this proposal at their meeting on September 1, 2020. The Health Department asked about the septic system and catching spills in the maintenance bays. The Petitioner indicated that a triple catch basin exists in the bays. A change in occupancy permit for the business will be required. A permit for the sign will be required. The Petitioner was agreeable to paving the south parking lot with asphalt within ninety (90) days of the approval of the special use permit. The Petitioner said signage would be installed directing people not to park in the front yard setback or in locations that restricted access to the rear of the property through the drive on the east side of the property. The Petitioner was

agreeable to the hours of operation and would obtain information regarding the height of the berm and number of trees on the berm. ZPAC recommended approval of the requested special use permit with a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 23, 2020. Because the Commission recommended denial of the Petition 20-02, the Commission did not take any action on Petition 20-05; the proposal was moot. The minutes of the meeting were provided.

The subject property has been used as a landscaping business and repair and restoration business. The order and special use permit that allowed these businesses were provided. The Petitioner would like to retain the special use permit for a cleanup and restoration business at the property.

According to the business plan, the property is leased to United Group Logistics. United Group Logistics is a trucking company that hauls freight throughout the State. They use the property for office space, minor truck repair/maintenance and a truck depot. The office space is used for accounting and dispatch and the bays are used for maintenance. Ten (10) employees are at the site and the hours of operation are Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m.

No maintenance of vehicles will occur outside the main building.

According to the site plan, there is one (1) approximately fourteen thousand (14,000) square foot metal building on the property that is used for office operations and maintenance. The site plan also shows one (1) metal silo and one (1) corn crib in the planned truck parking area. One (1) approximately one thousand six hundred (1,600) square foot wood frame machine shed is located on the northeast corner of the truck parking area. One (1) single-family home with a detached garage is located on the west side of the property.

Any new structures would require applicable building permits.

The property is served by well and septic.

There is floodplain as part of the Little Slough Creek on the property. This area is considered Zone A which means no flood elevation has been determined; therefore, this area is considered Floodway. No storage or parking should take place in the floodway.

Depending on the nature of new construction, which is not planned as part of this special use permit, stormwater management permits could be required.

The property has two accesses off of Route 126. The western access would be used by the existing house and the eastern access would be used by the business operating out of the metal barn.

According to the site plan, a parking area for trucks is shown north of the metal building. The parking area is gravel. No dimension information was provided.

The site plan shows fifteen (15) additional parking spaces to the north of the metal building and ten (10) parking spaces south of the metal building, including two (2) handicapped accessible spaces. A proposed asphalt addition is shown on the site plan. Within ninety (90) days of the approval of the special use permit ordinance, the property owner or operators of the business allowed by this special use permit shall install the asphalt parking spaces.

The Petitioner was agreeable to a condition stating that no work on vehicles would occur outside of the main building. Therefore, no issues related to spills or other motor vehicle related leaks were foreseen. The Petitioner was also agreeable to a condition to monitor the site for leaks.

No additional lighting beyond the existing lighting on the building and light near the entrance is planned at this time. Section 11:02.F.12.A requires an illumination plan for parking lots with thirty (30) or more parking spaces.

The site plan shows a sign. The sign is four feet by eight feet (4'X8') in size. A light exists next to the sign.

The site plan shows a wooden fence around the property and a single gate east of the metal building. No information was provided regarding the size of the fence or gate.

A berm and several mature trees are between the metal building and Route 126. To date, no specific landscaping information was provided.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

The proposed Findings of Fact are as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare provided that the operator of the business allowed by this special use permit develops the site according to the submitted site plan, follows the agreed upon hours of operation, and follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances.

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. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities exist on the site based upon the number of proposed employees at the property. No parking shall occur in the floodplain. No additional buildings are planned for the site. The Petitioners are aware that parking cannot occur in the front yard setback. Route 126 is a State maintained road and should be able to handle the traffic.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided the text amendment adding truck parking area and yard are added to the list of special uses in the A-1 District, this is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement "... of locally owned businesses."

Provided the proposed text amendment related to truck parking and area and yard is approved, Staff recommends approval of the requested special use permit subject to the following conditions and restrictions:

- 1. The site shall be developed substantially in accordance with the submitted plat of survey and site plan. The property owner or operators of the business allowed by this special use permit may remove the frame residence, garage, concrete, metal silo, wood frame machine shed, and corn crib without amending the site plan.
- 2. Within ninety (90) days of the approval of the special use permit ordinance, the property owner or operators of the business allowed by this special use permit shall install the asphalt parking spaces shown on the submitted site plan.
- 3. No parking or storage shall occur within the floodplain at the north end of the property.
- 4. Mr. Asselmeier noted that additional information about the berm and plantings was needed for this condition. The property owner or operators of the business allowed by this special use permit shall maintain the existing undefined foot tall berm and unknown number trees on the berm. Dead or damaged vegetation shall be replaced on a timetable approved by the Kendall County Planning, Building and Zoning Department.
- 5. One (1) four foot by eight foot (4'X8') sign may be installed on the subject property in substantially the location shown on the site plan. The property owner or operators of the business allowed by this special use permit may install additional directional and no parking signage in order to ensure that no parking occurs in the required front yard setback and that the access to the rear (north) of the property is not blocked via the existing asphalt drive.
- 6. None of the vehicles parked on premises shall be considered agricultural equipment as they relate to the business allowed by the special use permit.
- 7. All of the vehicles parked on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.

- 8. No maintenance may occur on any vehicle outside of the fourteen thousand (14,000) square foot building.
- The property owner or operators of the business allowed by this special use permits shall diligently monitor the property for vehicle related leaks and shall promptly clean up the site if leaks occur.
- 10. The hours of operation for the business allowed by this special use permit shall be Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m. Drivers may drop-off trucks outside these hours of operations. No one associated with the business allowed by the special use permit shall spend the night at the property. The property owner or operators of the business allowed by this special use permit may reduce these hours of operation.
- 11. The total maximum number of employees for the business allowed by this special use permit shall be ten (10).
- 12. The property owner and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 13. The conditions and restrictions contained in Ordinance 2014-29 pertaining to the operation of a clean-up restoration service/business shall remain valid, enforceable, and separate from the conditions and restrictions for the special use permit for a truck parking area or yard.
- 14. The property owner and operators of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
- 15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- 16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Discussion occurred regarding the recommendation pertaining to the installation of the asphalt parking lot. The consensus of the Board was to set the deadline at May 15<sup>th</sup> for the installation of the asphalt parking lot. The Petitioner was agreeable to that deadline.

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

Greg Dady stated the berm was ten feet (10') feet tall and twenty (20) trees at least twenty feet (20') in height were located on the berm.

Chairman Mohr requested that the licenses be valid in Condition 7.

Chairman Mohr wanted to see that the Health Department inspected the septic system. Mr. Asselmeier noted that Condition 14 requires the Petitioner to obtain a new certificate of occupancy.

Mr. Asselmeier asked if the parking lot will be full of cars when the business is closed. Gregg Ingemunson responded that truck drivers could leave their vehicles overnight at the property.

Mr. Asselmeier asked if the tenant was aware and agreeable to the proposed conditions. Mr. Dady responded yes.

Chairman Mohr asked who owns the trailers. No private, non-company owned trucks are stored at the property and all mechanics are employees of the company leasing the building. No outdoor maintenance on the trucks will occur.

Chairman Mohr closed the public hearing at 7:47 p.m.

Member Thompson made a motion, seconded by Member Fox, to approve the Findings of Fact as presented.

The votes were as follows:

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

Nays (0): None Absent (1): Clementi

The motion passed.

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

- 1. Condition 2 was amended to require the property owner or operator of the business allowed by the special use permit install the asphalt parking lot by May 15, 2021.
- 2. Condition 4 was amended to specify the berm at ten feet (10') tall and to specify twenty (20) trees with a minimum of twenty feet (20') feet in height on the berm.
- 3. Condition 7 was amended to state that vehicles shall have valid licenses if required by law.

The votes were as follows:

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

Nays (0): None Absent (1): Clementi

The motion passed.

This proposal will go to the Kendall County Planning, Building and Zoning Committee on November 9, 2020.

The Zoning Board of Appeals completed their review of Amended Petition 20-05 at 7:52 p.m.

#### **PUBLIC COMMENTS**

Mr. Asselmeier reported that the County received a request from Grainco FS to amend the Future Land Use Map for their property on Wabena Avenue. Grainco FS would also like to rezone the property to M-1 Limited Manufacturing.

#### ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Cherry, to adjourn. With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:18 p.m.

The next hearing/meeting will be on November 2, 2020.

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

#### **Exhibits**

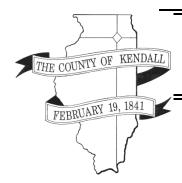
- 1. Memo on Amended Petition 20-05 Dated September 25, 2020
- 2. Certificate of Publication and Mailings for Amended Petition 20-05 (Not Included with Report but on file in Planning, Building and Zoning Office).



## KENDALL COUNTY ZONING BOARD OF APPEALS SEPTEMBER 28, 2020

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.

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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

# Amended Petition 20-05 Greg Dady on Behalf of DTG Investments, LLC Special Use Permit for Truck Parking Area

#### INTRODUCTION

Greg Dady, on behalf of DTG Investments, LLC would like to operate a trucking company, specifically offices related to a trucking company, minor repair facilities for company trucks, and company truck parking at the subject property.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

The proposed text amendment (Amended Petition 20-02) would add the following to the list of special uses in the A-1 District:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The application materials are included as Attachment 1. The aerial of the property is included as Attachment 2. The aerial with the flood zone is included as Attachment 3. The plat of survey is included as Attachment 4. The site plan is included as Attachment 5.

#### SITE INFORMATION

PETITIONERS: Greg Dady on Behalf of DTG Investments, LLC

ADDRESS: 3485 Route 126, Oswego

LOCATION: North Side of Route 126 Approximately 0.45 Miles West of Schlapp Road



TOWNSHIP: Na-Au-Say

PARCEL #: 06-09-400-005

LOT SIZE: 5.6 +/- Acres

EXISTING LAND Former Cleanup and Restoration Business

USE:

LRMP:

ZONING: A-1 Agricultural District with a Special Use Permit

Future	Rural Residential (0.65 DU/Acre)
Land Use	
Roads	Route 126 is a State maintained arterial.
Trails	There is a trail planned along Route 126
Floodplain/	There is a floodplain on the north end of the property (Zone A-no
Wetlands	base flood elevation determined).

**REQUESTED** 

ACTION: Special Use Permit for Truck Parking Area or Yard

APPLICABLE Section 13.08 – Special Use Procedures

**REGULATIONS:** 

#### **SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Residential	A-1
South	Agricultural	A-1	Public/Institutional and Rural Residential	A-1
East	Agricultural	A-1	Rural Residential	A-1, A-1 SU, and R-1
West	Farm Equipment Sales and Service Business	A-1 SU	Rural Residential	A-1 and A-1 SU

Pictures of the property are included as Attachments 7-13.

The A-1 SU to the east is for a farm market, garden shop, winery, corn maze, and fall festival.

Oswego School District 308 owns the property southwest of the subject property.

Ten (10) existing houses are within one half (1/2) mile of the subject property.

#### PHYSICAL DATA

#### **ENDANGERED SPECIES REPORT**

EcoCAT Report submitted and consultation was terminated, see Attachment 1, Pages 9-11.

#### **NATURAL RESOURCES INVENTORY**

The LESA Score was 189 indicating a low level of protection, see Attachment 6.

#### **ACTION SUMMARY**

#### **NA-AU-SAY TOWNSHIP**

Petition information was sent to Na-Au-Say Township on August 25, 2020.

#### VILLAGE OF OSWEGO

Petition information was sent to the Village of Oswego on August 25, 2020. The property is inside Oswego's planning boundary.

#### **VILLAGE OF PLAINFIELD**

Petition information was sent to the Village of Plainfield on August 25, 2020. The property is within one point five (1.5) miles of Plainfield.

#### **OSWEGO FIRE PROTECTION DISTRICT**

The Oswego Fire Protection District was sent information on August 25, 2020. On August 27, 2020, the Oswego Fire Protection District submitted an email stating that they had no specific concerns. They did note that the fire alarm system at the property was not in operation. The Oswego Fire Protection District email is included as Attachment 16.

#### 7PAC

ZPAC reviewed this proposal at their meeting on September 1, 2020. The Health Department asked about the septic system and catching spills in the maintenance bays. The Petitioner indicated that a triple catch basin exists in the bays. A change in occupancy permit for the business will be required. A permit for the sign will be required. The Petitioner was agreeable to paving the south parking lot with asphalt within ninety (90) days of the approval of the special use permit. The Petitioner said signage would be installed directing people not to park in the front yard setback or in locations that restricted access to the rear of the property through the drive on the east side of the property. The Petitioner was agreeable to the hours of operation and would obtain information regarding the height of the berm and number of trees on the berm. ZPAC recommended approval of the requested special use permit with a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of the meeting are included as Attachment 17.

#### **KCRPC**

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 23, 2020. Because the Commission recommended denial of the Petition 20-02, the Commission did not take any action on Petition 20-05; the proposal was moot. The minutes of the meeting are included as Attachment 18.

#### **GENERAL INFORMATION**

The subject property has been used as a landscaping business and repair and restoration business. The order and special use permit that allowed these businesses are included as Attachments 14 and 15 respectively. The Petitioner would like to retain the special use permit for a cleanup and restoration business at the property.

#### **BUSINESS OPERATIONS**

According to the business plan found on page 2 of Attachment 1, the property is leased to United Group Logistics. United Group Logistics is a trucking company that hauls freight throughout the State. They use the property for office space, minor truck repair/maintenance and a truck depot. The office space is used for accounting and dispatch and the bays are used for maintenance. Ten (10) employees are at the site and the hours of operation are Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m.

No maintenance of vehicles will occur outside the main building.

#### **BUILDINGS AND BUILDING CODES**

According to the site plan (Attachment 5), there is one (1) approximately fourteen thousand (14,000) square foot metal building on the property that is used for office operations and maintenance. The site plan also shows one (1) metal silo and one (1) corn crib in the planned truck parking area. One (1) approximately one

thousand six hundred (1,600) square foot wood frame machine shed is located on the northeast corner of the truck parking area. One (1) single-family home with a detached garage is located on the west side of the property.

Any new structures would require applicable building permits.

#### **ENVIRONMENTAL HEALTH**

The property is served by well and septic.

#### **STORMWATER**

There is floodplain as part of the Little Slough Creek on the property as shown on Attachments 3 and 4. This area is considered Zone A which means no flood elevation has been determined; therefore, this area is considered Floodway. No storage or parking should take place in the floodway.

Depending on the nature of new construction, which is not planned as part of this special use permit, stormwater management permits could be required.

#### **ACCESS**

The property has two accesses off of Route 126. The western access would be used by the existing house and the eastern access would be used by the business operating out of the metal barn.

#### PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan (Attachment 5), a parking area for trucks is shown north of the metal building. The parking area is gravel. No dimension information was provided.

The site plan shows fifteen (15) additional parking spaces to the north of the metal building and ten (10) parking spaces south of the metal building, including two (2) handicapped accessible spaces. A proposed asphalt addition is shown on the site plan. Within ninety (90) days of the approval of the special use permit ordinance, the property owner or operators of the business allowed by this special use permit shall install the asphalt parking spaces.

The Petitioner was agreeable to a condition stating that no work on vehicles would occur outside of the main building. Therefore, no issues related to spills or other motor vehicle related leaks were foreseen. The Petitioner was also agreeable to a condition to monitor the site for leaks.

#### LIGHTING

No additional lighting beyond the existing lighting on the building and light near the entrance is planned at this time. Section 11:02.F.12.A requires an illumination plan for parking lots with thirty (30) or more parking spaces.

#### **SIGNAGE**

The site plan shows a sign. The sign is four feet by eight feet (4'X8') in size. A light exists next to the sign.

#### **SECURITY**

The site plan shows a wooden fence around the property and a single gate east of the metal building. No information was provided regarding the size of the fence or gate.

#### **LANDSCAPING**

A berm and several mature trees are between the metal building and Route 126. To date, no specific landscaping information was provided.

#### **NOISE CONTROL**

No information was provided regarding noise control.

#### **ODORS**

No new odors are foreseen by the proposed use.

#### FINDINGS OF FACT

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare provided that the operator of the business allowed by this special use permit develops the site according to the submitted site plan, follows the agreed upon hours of operation, and follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances.

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. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities exist on the site based upon the number of proposed employees at the property. No parking shall occur in the floodplain. No additional buildings are planned for the site. The Petitioners are aware that parking cannot occur in the front yard setback. Route 126 is a State maintained road and should be able to handle the traffic.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided the text amendment adding truck parking area and yard are added to the list of special uses in the A-1 District, this is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement "... of locally owned businesses."

#### **RECOMMENDATION**

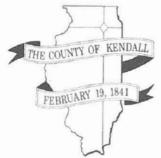
Provided the proposed text amendment related to truck parking and area and yard is approved, Staff recommends approval of the requested special use permit subject to the following conditions and restrictions:

- 1. The site shall be developed substantially in accordance with the attached plat of survey (Attachment 4) and site plan (Attachment 5). The property owner or operators of the business allowed by this special use permit may remove the frame residence, garage, concrete, metal silo, wood frame machine shed, and corn crib without amending the site plan.
- 2. Within ninety (90) days of the approval of the special use permit ordinance, the property owner or operators of the business allowed by this special use permit shall install the asphalt parking spaces shown on the attached site plan (Attachment 5).
- 3. No parking or storage shall occur within the floodplain at the north end of the property.
- 4. The property owner or operators of the business allowed by this special use permit shall maintain the existing **XXX** foot tall berm and **XXX** trees on the berm. Dead or damaged vegetation shall be replaced on a timetable approved by the Kendall County Planning, Building and Zoning Department.

- 5. One (1) four foot by eight foot (4'X8') sign may be installed on the subject property in substantially the location shown on the site plan (Attachment 5). The property owner or operators of the business allowed by this special use permit may install additional directional and no parking signage in order to ensure that no parking occurs in the required front yard setback and that the access to the rear (north) of the property is not blocked via the existing asphalt drive.
- 6. None of the vehicles parked on premises shall be considered agricultural equipment as they relate to the business allowed by the special use permit.
- 7. All of the vehicles parked on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
- 8. No maintenance may occur on any vehicle outside of the fourteen thousand (14,000) square foot building.
- 9. The property owner or operators of the business allowed by this special use permits shall diligently monitor the property for vehicle related leaks and shall promptly clean up the site if leaks occur.
- 10. The hours of operation for the business allowed by this special use permit shall be Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m. Drivers may drop-off trucks outside these hours of operations. No one associated with the business allowed by the special use permit shall spend the night at the property. The property owner or operators of the business allowed by this special use permit may reduce these hours of operation.
- 11. The total maximum number of employees for the business allowed by this special use permit shall be ten (10).
- 12. The property owner and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 13. The conditions and restrictions contained in Ordinance 2014-29 pertaining to the operation of a cleanup restoration service/business shall remain valid, enforceable, and separate from the conditions and restrictions for the special use permit for a truck parking area or yard.
- 14. The property owner and operators of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
- 15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- 16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

#### **ATTACHMENTS**

- 1. Application Materials (Including Petitioner's Findings of Fact, NRI Application, and EcoCat)
- 2. Aerial
- 3. Flood Zone Aerial
- 4. Plat of Survey
- 5. Site Plan
- 6. NRI Report
- 7. Building East
- 8. Building West
- 9. East Driveway
- 10. Sign
- 11. Berm and Trees One
- 12. Berm and Trees Two
- 13. Looking South
- 14. May 8, 2001 Order
- 15. Ordinance 2014-29
- 16. August 27, 2020 Oswego Fire Protection District Email
- 17. September 1, 2020 ZPAC Minutes
- 18. September 23, 2020 Kendall County Regional Planning Commission Minutes



## **DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

# **APPLICATION**

	PROJECT NAME		FILE #:
NAME OF APPLICANT			
Greg Dady			
CURRENT LANDOWNE	R/NAME(e)		
DTG Investments,			
SITE INFORMATION			
ACRES	SITE ADDRESS OR LOCATION		ASSESSOR'S ID NUMBER (PIN)
5	3485 Route 126, Oswego, IL 6054	3	06-09-400-005
EXISTING LAND USE	CURRENT ZONING	LAND CLASS	SIFICATION ON LRMP
Special Use	A-1	Rural Resid	dential
REQUESTED ACTION (	Check All That Apply):		
SPECIAL USE	MAP AMENDMENT (Re	ezone to)	VARIANCE
ADMINISTRATIVE	VARIANCE A-1 CONDITIONAL US	E for:	SITE PLAN REVIEW
TEXT AMENDMENT	RPD (Concept; I	Preliminary; Final)	ADMINISTRATIVE APPEAL
PRELIMINARY PLA	T FINAL PLAT		OTHER PLAT (Vacation, Dedication, etc.)
X AMENDMENT TO	A SPECIAL USE ( X Major; Mino	r)	
PRIMARY CONTACT	PRIMARY CONTACT MA	ILING ADDRESS	PRIMARY CONTACT EMAIL
Greg Dady			
PRIMARY CONTACT PH	HONE # PHIMARY CONTACT FA	X #	PRIMARY CONTACT OTHER #(Cell, etc.)
<sup>2</sup> ENGINEER CONTACT	ENGINEER MAILING AD	DRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #		ENGINEER OTHER # (Cell, etc.)
COUNTY STAFF	AT BY SIGNING THIS FORM, THA	T THE PROPERTY	IN QUESTION MAY BE VISITED BY
THE PRIMARY COM	NTACT LISTED AROVE WILL BE S	THROUGHOUT TI	HE PETITION PROCESS AND THAT ORRESPONDANCE ISSUED BY THE
COUNTY.			
I CERTIFY THAT TH	HE INFORMATION AND EXHIBITS	SUBMITTED ARE	TRUE AND CORRECT TO THE
ABOVE SIGNATUR	VLEDGE AND THAT I AM TO FILE	THIS APPLICATION	N AND ACT ON BEHALF OF THE
ADOVE SIGNATUR	LG.		
SIGNATURE OF AF	PPLICANT		DATE ()
			DATE 8-17-200
	EEE DAID		, , , , , ,
	FEE PAID: CHECK #:		
	UNEUN #	A-1000 1 May 10 May	

<sup>&</sup>lt;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

#### Description of Use

The property located at 3485 State Route 126, Oswego, IL 60543 will be occupied by United Group Logistics. They operate as a trucking company hauling freight throughout the state and will be using the above named property for office space, minor truck repair/maintenance and a trucking depot. Office space will be utilized for accounting and dispatch, and bays will be used for minor repairs/maintenance and for truck parking. The business consists of 10 employees, and hours of operation are Monday - Friday from 8:00 am to 5:00 pm and Saturday from 8:00 am to 3:00 pm.

#### EXHIBIT A

### LEGAL DESCRIPTION

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 9 AND THAT PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16 ALL IN TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTHERLY OF THE CENTER LINE OF ILLINOIS ROUTE 126 BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 9; THENCE NORTH 1 DEGREE 36 MINUTES 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 260.00 FEET; THENCE NORTH 88 DEGREES 44 MINUTES 53 SECONDS EAST, 335.00 FEET; THENCE SOUTH 1 DEGREE 39 MINUTES 11 SECONDS EAST, 677.39 FEET TO THE CENTER LINE OF SAID ROUTE 126; THENCE SOUTH 80 DEGREES 28 MINUTES 31 SECONDS WEST ALONG SAID CENTER LINE, 338.17 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 1 DEGREE 40 MINUTES 39 SECONDS WEST, ALONG SAID WEST LINE, 466.05 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NA-AU-SAY, KENDALL COUNTY, ILLINOIS, EXCEPT THAT PART DEDICATED FOR ROAD PURPOSES PER DOCUMENT NUMBER 2001-24468, RECORDED DECEMBER 18, 2001.

(PERMANENT INDEX NUMBER 06-09-400-005-0000)

4



#### PREPARED BY:

Donald J. Manikas, Esq. Walker Wilcox Matousek LLP One North Franklin, Suite 3200 Chicago, Illinois 60606

#### 201400017091

DEBBIE GILLETTE KENDALL COUNTY.

RECORDED: 12/4/2014 2:03 PM WD: 1354.00 RHSPS FEE: 10.00 PAGES: 4

#### AFTER RECORDATION RETURN TO:

Kristine Larsen, Esq. 22 W. Van Buren Street Oswego, Illinois 60543





SEND SUBSEQUENT TAX

BILLS TO:

DTG Investments, LLC 3485 Route 126

Post Office Box 7453
Aurora, Illinois 60507

SPECIAL WARRANTY DEED

THIS INDENTURE, is made as of this 29th day of October, 2014 between TRIPLE B SOUTH, LLC, an Illinois limited liability company, as party of the first part, and DTG INVESTMENTS

LLC 3485 ROUTE 126 an Illinois and a south of the first part, and DTG INVESTMENTS

LLC 3485 ROUTE 126 an Illinois and a south of the first part, and DTG INVESTMENTS

LLC 3485 ROUTE 126 an Illinois and a south of the first part, and DTG INVESTMENTS C LLC 3485 ROUTE 126, an Illinois series limited liability company, as party of the second part.

WITNESSETH, that the party of the first part, for and in consideration of the sum of Ten and no/100 Dollars in hand paid, by these presents does GRANT, BARGAIN, SELL, REMISE, RELEASE, ALIEN AND CONVEY unto the party of the second part, and to its successors and assigns, FOREVER, all the following described land, situated in the County of Kendall, and State of Illinois known and legally described on Exhibit A attached hereto, subject to general real estate taxes not yet due and payable; zoning and building laws and ordinances; public and utility easements; covenants, conditions and restrictions of record (including that certain Ordinance Number 2014-29 granting a special use for 3485 Route 126 for a clean-up restoration services business, recorded October 10, 2014 as Document Number 201400014186); party wall rights and agreements, if any; matters shown or disclosed by survey prepared by Jade Surveyors LLC dated September 24, 2014; and existing leases or tenancies.

Address of Property: 3485 Route 126, Kendall County, Oswego, Illinois

Permanent Index Number: 06-09-400-005-0000

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of the party of the first part, either in law or in equity, of, in and to the above described premises, with

, i i .

the hereditaments and appurtenances: TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the party of the second part, its heirs and assigns forever.

And the party of the first part, for itself, and its successors, does covenant, promise and agree, to and with the party of the second part, its successors and assigns, that, except as set forth above and expressly excluding all matters not done by the party of the first part, it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, and it will defend same against the lawful claims of all persons claiming by, through or under it, but not otherwise.

IN WITNESS WHEREOF, said party of the first part has caused its name to be signed to these presents, the day and year first written above.

an Illinois limited liability company
William F. Adelizzi, Managing Member
State of Illinois ) SSS. County of COOK )
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that WILLIAM F. ADELLEL , as Managing Member of Triple B South, LLC, an Illinois limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.
Given under my hand and official seal, this 29th day of October, 2014.
Commission expires 1 ovember 20, 2016
Notary Public

"OFFICIAL SEAL"

Melissa Y March

Notary Public, State of Illinois
My Commission Expires 11/20/2016

# PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF	V.		
COLDITY	) SS		
	OF KENDALL )		
Kaker	1. All/221, being duly swom on oath, and further states that		
1.0000	the state of the s		
	(please check the appropriate box)		
A. D	That the arrest of the second		
Jun 4.3			
B. [ ]	of an entire tract of land not being a part of a larger tract of land; or		
	That the attached deed is not in violation of 765 ILSC 205/1(b) for one of the following case circle the appropriate number)		
reasons. (pre	ascence the appropriate number)		
1.	The division or subdivision of land into		
	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) agents in the division of less than one (1) agents in the division of le		
	The division of lots or blocks of less than one (1) acres 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 interest 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 of easements of access;		
5.	The conveyance of land owned by a railroad or other public utility which does not		
	my or early new success 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 1050 and not		
0	myolving 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 infinitis 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.			
0.040	This conveyance is of land described in the same manner as title was taken by grantor(s).		
AFFIANT furt	her states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of		
Kendall County	y, Illinois, to accept the attached deed for recording.		
	and the recording.		
SUBSCRIBED	AND SWORN TO BEFORE ME		
	Signature of Affiant		
m: 2011	/		
This 29"day	of October, 2014.		
	· · · · · · · · · · · · · · · · · · ·		
Signature			
Signature of Notary Public   "OFFICIAL SEAL"			
	Welissa Y March Notary Public, State of Illinois		
(File: 00887800.DOCX	2 MW Commission Funites 11/20/2016 2		
I UUDO/BUU.DUCX	/ /		

{File: 00887800.DOCX / }

#### KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1.	Applicant Greg Dady - DTG Investment	ts, LLC
	Address 3485 Route 126	
	City Oswego	State IL Zip 60543
2.	Nature of Benefit Sought	
3.	Nature of Applicant: (Please check one)  Natural Person (a)  Corporation (b)  Land Trust/Trustee(c)  Trust/Trustee (d)  Partnership (e)  Joint Venture (f)	
4.	If applicant is an entity other than described applicant:	in Section 3, briefly state the nature and characteristics of the
5.	person of entity who is a 5% shareholder in o	
	Greg Dady -	INTEREST
	Tia Dady -	
6.	Name, address, and capacity of person makin	ng this disclosure on behalf of the applicant:
	Great Dady 15 the ag	plicant.
tile abo	this disclosure on behalf of the applicant, that	RIFICATION, being first duly sworn under oath that I am the person I am duly authorized to make the disclosure, that I have red and that the statements contained therein are true in both
Subscr	ibed and sworn to before me this day of	of Colover .A.D. 2019
(seal)		
Chromones	OFFICIAL SEAL LAURA L TOMSA-BLACK NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:04/04/22	tary Public



7775A Poute 47, Yorkville, Illings 60560 • (630)553-5821 extension 3



www.kendallswcd.org

BY: Mandrews

	7 ° m m m m in the his one in his La di		
NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION			
Petitioner: DTG Investments, LLC Address:	Contact Person: Greg Dady		
City, State, Zip:			
Phone Number:			
Email: _			
Please select: How would you like to receive a	copy of the NRI Report? Email Mail		
Site Location & Proposed Use			
Township Name NA-AU-SAY	Township N, Range E, Section(s)		
Parcel Index Number(s) 0609400005	t, Nange t, Section(s)		
Project or Subdivision Name	Number of Acres		
Current Use of Site	Proposed Use		
Proposed Number of Lots	Proposed Number of Structures		
Proposed Water Supply	Proposed type of Wastewater Treatment		
Proposed type of Storm Water Management			
Type of Request			
Change in Zoning fromto			
☐ Variance (Please describe fully on separate page)			
Special Use Permit (Please describe fully on separate	lenen		
Name of County or Municipality the request is being filed	with: Kolado Con vt s		
NRI fee (Please make checks payable to Kendall Count The NRI fees, as of July 1, 2010, are as follows:  Full Report: \$375.00 for five acres and under, plus \$3	s, buildings, roads, stormwater detention, open areas, etc. bil boring and/or wetland studies		
Fee for first five acres an			
Total NRI Fee	at \$18.00 each \$		
NOTE: Applications are due by the 1 <sup>st</sup> of each month to be application is submitted, please allow 30 days for inspection	on that month's SWCD Board Meeting Agenda. Once a completed		
(We) understand the filing of this application allows the	authorized representative of the Kendall County Soil and Water uation of the site described above. The completed NRI report		
	11/2 10		
Petitioner or Authorized Agent	Date		
This report will be issued on a nondiscriminatory basis without regard	ard to race, color, religion, national origin, age, sex, handicap or marital status.		
OR OFFICE USE ONLY  IRI#_200  Date initially rec'd   13/20 Date all re ee Due \$ Fee Paid \$ Check #	c'd Board Meeting Over/Under Payment Refund Due		





01/03/2020

2004942

IDNR Project Number: 2005266

Date:

Alternate Number:

Applicant:

DTG Investments, LLC

Contact: Address:

Project:

Address:

Rt 126- Truck Parking 3485 Rt. 126, Oswego

Description: to obtain a special use permit for existing property

#### Natural Resource Review Results

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

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

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

#### Location

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

County: Kendall

Township, Range, Section:

36N, 8E, 9 36N, 8E, 16

IL Department of Natural Resources Contact Adam Rawe

217-785-5500 Division of Ecosystems & Environment

Government Jurisdiction

Kendall County Planning Building and Zoning

Matthew Asselmeier

111 West Fox Street

Yorkville, Illinois 60560 -1498

#### Disclaimer

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

IDNR Project Number 2005266

#### 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, 2005266





EcoCAT Receipt

Project Code 2005266

APPLICANT

DATE

DTG Investments, LLC Greg Dady

1/3/2020



DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID

EcoCAT Consultation \$ 125.00

\$ 2.81

\$127.81

TOTAL PAID \$127.81

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

#### Attachment 1, Page 12

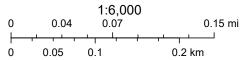
Please fill out the following findings of fact to the best of your capabilities. §13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. 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.  Special use will not affect the public health, safety, morals, comfort or general welfare.				
properties diminish a of propert determinir provisions open spac not advers	special use will not be substantially injurious to the use and enjoyment of other in the immediate vicinity for the purposes already permitted, nor substantial and impair property values within the neighborhood. The Zoning classification within the general area of the property in question shall be considered and consistency with this standard. The proposed use shall make adequate for appropriate buffers, landscaping, fencing, lighting, building material area and other improvements necessary to insure that the proposed use does sely impact adjacent uses and is compatible with the surrounding area and/or ty as a whole.			
Special use will	not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.			
other nece	uate utilities, access roads and points of ingress and egress, drainage, and/oessary facilities have been or are being provided.			
the distric	special use shall in all other respects conform to the applicable regulations to in which it is located, except as such regulations may in each instance by the County Board pursuant to the recommendation of the Zoning Board of Special use will conform with all the above.			
Managem	special use is consistent with the purpose and objectives of the Land Resource pent Plan and other adopted County or municipal plans and policies.  So consistent with the Land Resource Management Plan and adopted County plans and policies.			



Ownership Parcels Zoning A1-SU

Street Centerlines





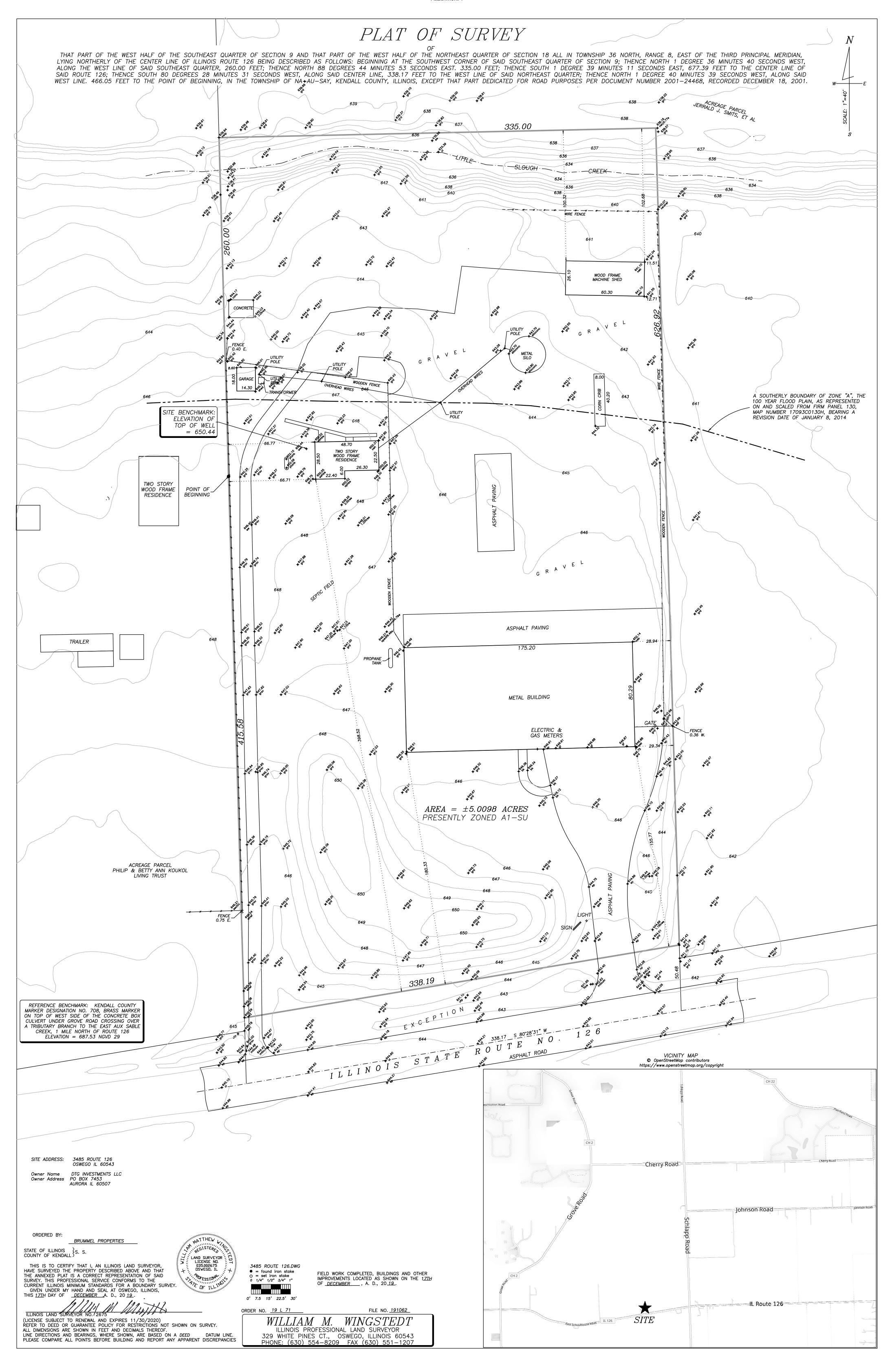
January 30, 2020

Kendall County FEMA FIRM Panels

Street Centerlines

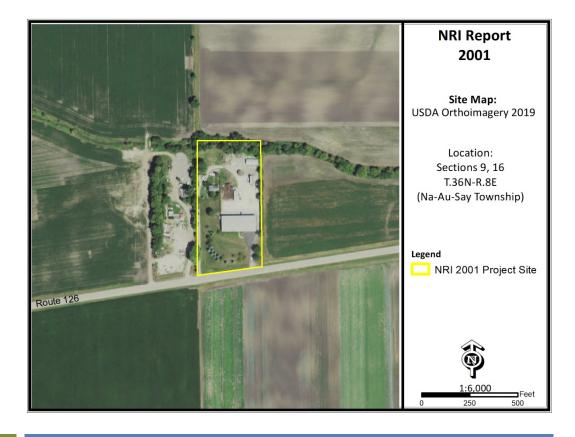
USA Flood Hazard Areas

1% Annual Chance Flood Hazard



WAR **CWR** 

# NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 2001



January 2020

Petitioner: DTG Investments, LLC

Contact: Greg Dady

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

2001 Executive Summary January 2020

<u>Petitioner:</u> DTG Investments, LLC <u>Contact Person:</u> Greg Dady

County or Municipality the petition is filled with: Kendall County

Location of Parcel: SE 1/4 Section 9; NE 1/4 Section 16 T.36N.-R.8E. (Oswego Township), 3rd Principal Meridian in

Kendall Co., IL

Project or Subdivision Name: N/A

Existing Zoning & Land Use: A-1; Buildings, Parking, Outdoor Storage, Creek

Proposed Zoning & Land Use: A-1 Special Use

**Proposed Water Source:** Well

**Proposed Type of Sewage Disposal System:** Septic

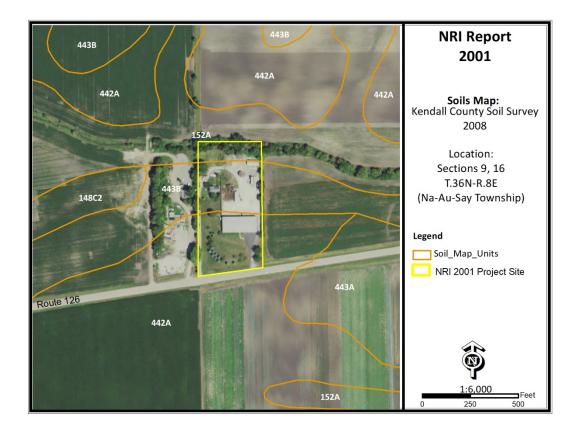
**Proposed Type of Storm Water Management:** Not Provided

Size of Site: 5.0 acres

Land Evaluation Site Assessment Score: 189 (Land Evaluation: 92; Site Assessment: 97)

#### **Natural Resource Considerations**

#### 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
152A	Drummer silty clay loam, 0-2% slopes	Poorly drained	B/D	Hydric Soil	Prime Farmland (if drained)
442A	Mundelein silt loam, 0- 2% slopes	Somewhat poorly drained	B/D	Hydric Inclusions Likely	Prime Farmland
443B	Barrington silt loam, 2- 4% slopes	Moderately well drained	С	Non-hydric	Prime Farmland

<u>Hydrologic Soil Groups</u>: 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.

<u>Hydric Soils</u>: 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, one soil, 152A Drummer silty clay loam, is classified as a hydric soil and one, 442A Mundelein silt loam, is designated as having the potential for hydric inclusions.

<u>Prime Farmland</u>: 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
152A	Negligible	January - May Upper Limit: 0.0'-1.0' Lower Limit: >6.0'	January - May Surface Water Depth & Duration: 0.0'-0.5' Frequency: Brief, Frequent	January – May None
442A	Negligible	January - May Upper Limit: 1.0'-2.0' Lower Limit: >6.0'	January - May Surface Water Depth & Duration: Frequency: None	January – May None
443B	Low	February - April Upper Limit: 2.0'-3.5' Lower Limit: >6.0'	February - April Surface Water Depth & Duration: Frequency: None	February - April None

<u>Surface Runoff</u>: 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).

#### Attachment 6, Page 4

<u>Ponding</u>: 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.

- ✓ <u>Not Limited</u>: Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- ✓ <u>Somewhat Limited</u>: 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.
- ✓ <u>Very Limited</u>: 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.

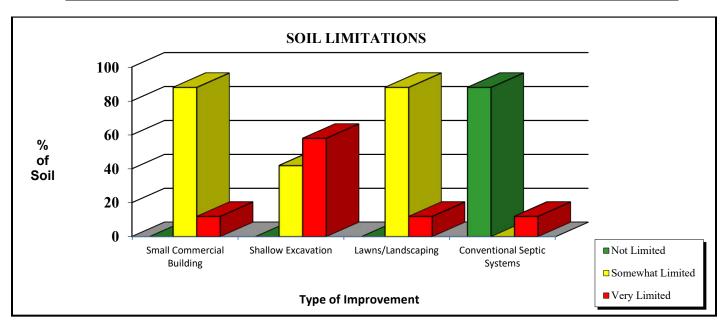
Limitations are listed below for dwellings with basements, dwellings without basements, small commercial building, and onsite conventional sewage disposal systems. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County,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

**Table 3a: Building Limitations** 

Soil Type	Dwellings without	Dwellings with Basements	Small Commercial	Onsite Conventional
	Basements		Building	Sewage Disposal System
152A	Very Limited:	Very Limited:	Very Limited:	Unsuitable: wet
	Ponding, Depth to saturated	Ponding, Depth to saturated	Ponding, Depth to saturated	
	zone, Shrink-swell	zone, Shrink-swell	zone, Shrink-swell	
442A	Somewhat Limited:	Very Limited:	Somewhat Limited:	Suitable
	Depth to saturated zone	Depth to saturated zone	Depth to saturated zone	
443B	Somewhat Limited:	Somewhat Limited:	Somewhat Limited:	Suitable
	Shrink-swell	Depth to saturated zone	Shrink-swell	

**Table 3b: Building Limitations** 

Soil Type	Shallow Excavations	Lawns & Landscaping	
152A	Very Limited:	Very Limited:	
	Ponding, Depth to saturated zone, Dusty, Unstable	Ponding, Depth to saturated zone, Dusty	
	excavation walls		
442A	Very Limited:	Somewhat Limited:	
	Depth to saturated zone, Dusty, Unstable	Depth to saturated zone, Dusty	
	excavation walls		
443B	Somewhat Limited:	Somewhat Limited:	
	Depth to saturated zone, Dusty, Unstable	Dusty	
	excavation walls		



#### **Building Limitations Maps:**

Figure 2a: Small Commercial Building

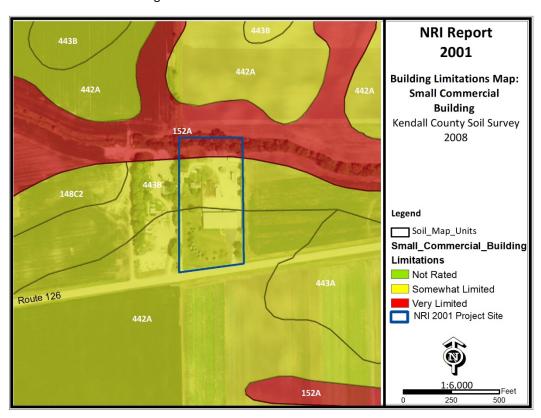


Figure 2b: Shallow Excavations

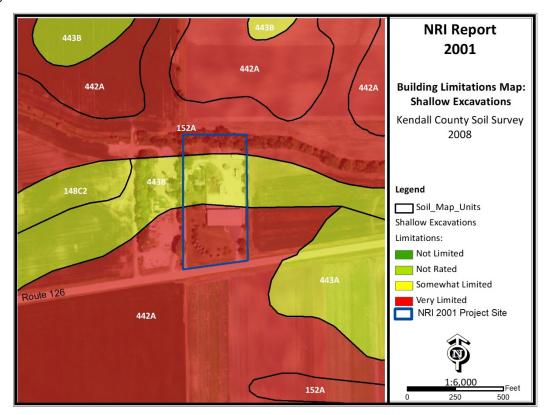
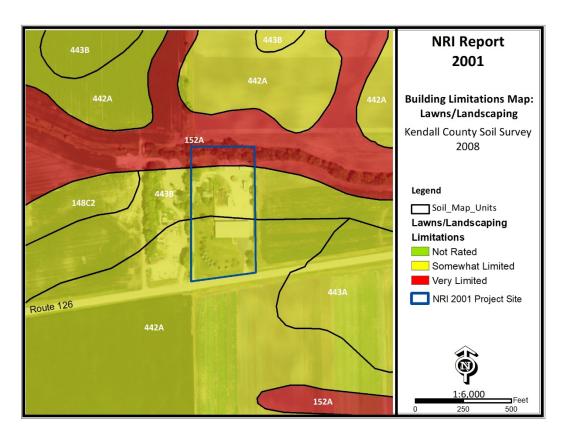


Figure 2c: Lawns/Landscaping



#### 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)
152A	1	100	0.6	60.0
442A	2	94	2.3	216.2
443B	3	87	2.1	182.7
Totals			5.0	458.9
LE Score		LE= 458.9/5.0		LE = 92

The Land Evaluation score for this site is **92**, indicating that this site is predominately prime farmland well suited for agricultural production.

**Table 4b: Site Assessment Computation** 

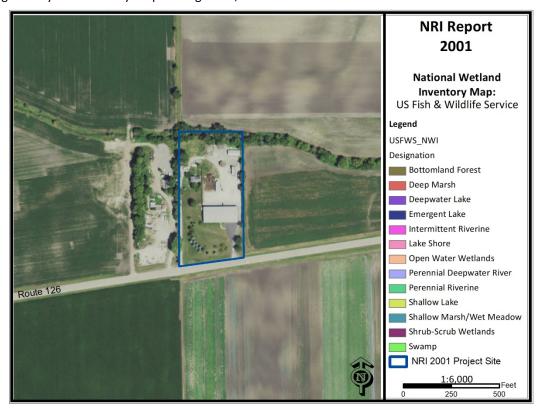
A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
В.	Compatibility / Impact on Uses	
	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	0
	municipal comprehensive land use plan. (20-10-0)	
	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)	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)	10
	Site Assessment Score:	97

Land Evaluation Value: 92 + Site Assessment Value: 97 = LESA Score: 189

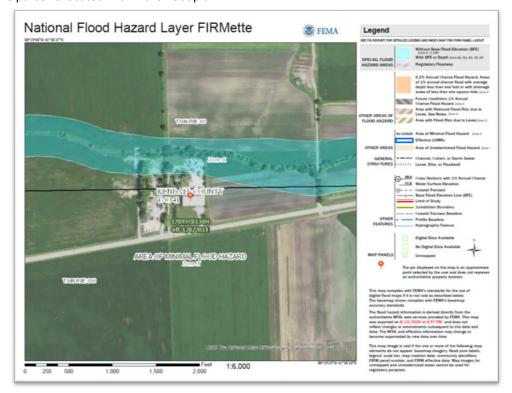
LESA SCORE	LEVEL OF PROTECTION	
<mark>0-200</mark>	<mark>Low</mark>	
201-225	Medium	
226-250	High	
251-300	Very High	

The **LESA Score for this site is 189 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.

<u>Wetlands:</u> The U.S. Fish & Wildlife Service's National Wetland Inventory map **does not indicate** the potential 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 located within the floodplain.



<u>Sediment and Erosion Control:</u> 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* ( <a href="https://illinoisurbanmanual.org/">https://illinoisurbanmanual.org/</a>) 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 DTG Investments, LLC at the request of their contact Greg Dady for the proposed A-1 Special Use petition. This parcel is located in Sections 9 & 16 of Na-Au-Say Township (T.36N.-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 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 an 92 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. The overall LESA Score for this site is 189 which indicates a low level of protection for the proposed project site. Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production and is an important resource to Kendall County; of the three soil types identified onsite, all are designated as prime farmland. 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; one of the soil types found onsite, is designated as a hydric soil and one soil type has the potential to have hydric inclusions.

For proposed land uses, soils can have potential limitations. This report indicates, if the following uses were to be included as part of future site development or expansion, that for soils located on the parcel, 58% are very limited for shallow excavations and 12% are unsuitable for onsite conventional septic systems, small commercial building, and lawns/landscaping. 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 Illinois River Watershed.

If development should occur onsite, a soil erosion sediment control plan should 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 (III. Complied Statues, Ch. 70, Par 405/22.02a).

	January 6, 2020
SWCD Board Representative	Date















	FILED
	MAY 0.8 2001
STATE OF ILLINOIS ) SS	SHIRLEY R. LEE Circuit Cierk Kendali Co.
COUNTY OF KENDALL)	
IN THE CIRCUIT COURT FOR THE SIXT KENDALL COUNTY,	
COUNTY OF KENDALL, a Body Politic,	)
Plaintiff,	) )
vs.	) GEN. NO. 99-OV-18
STEVEN FREEMAN and JEAN FREEMAN,	)
Defendants	í

#### **AGREED ORDER**

This cause comes before the Court for hearing on the Complaint filed herein by the County alleging violations of the Kendall County Zoning Ordinance and the Kendall County Soil and Erosion Control Ordinance as such Ordinances apply to the real estate owned by the Defendants, STEVEN FREEMAN and JEAN FREEMAN.

The real estate which is the subject matter of these proceedings and is the subject of this Order is described on Exhibit "A" attached hereto and made a part hereof and consists of the tract of land containing 2.4396 acres of land and presently improved with a metal building, silo and corn crib.

The Court is advised that a building permit was issued for the construction of an Equipment Storage Building on the real estate on September 3, 1997, and that subsequent thereto the building was constructed by the Defendants and was thereafter used continuously for the storage of trucks and earthmoving equipment used by the Defendants in their excavating business.

The Court is further advised that the County and the Defendants have agreed to the terms of this Order settling between the parties all matters in controversy in this proceeding,

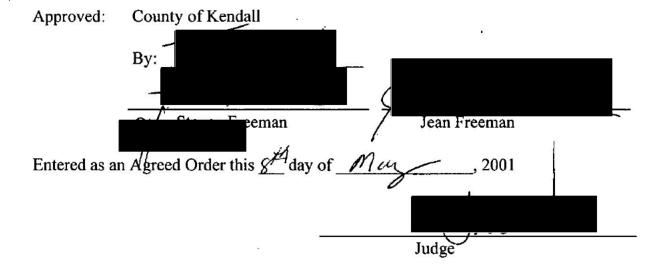
which permits the continued use of the building by the Defendants, subject, however, to the terms and restrictions contained in this Order.

#### NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

- 1. The real estate described herein shall remain classified A-1, Agricultural, under the Kendall County Zoning Ordinance. Defendants shall withdraw their pending Petition for Special Use filed on October 13, 2000.
- Defendants shall be permitted to continue to use the real estate and the improvements situated thereon for the storage of the trucks and equipment used in their excavating business, or for other uses normally permitted in the A-l Zoning District, subject, however, to the following restrictions:
  - a. All trucks and earthmoving equipment used in the Defendants' excavating business shall be stored inside the metal equipment storage building.
  - b. Nothing other than agricultural products may be stored on the 2.4396 acre parcel of real estate outside of the metal equipment storage building, the silo, and the corn crib, depicted on Exhibit "A".
  - c. No additional building or buildings shall be constructed on the real estate, nor shall the size of the metal equipment storage building be increased.
  - d. In the event that the metal equipment storage building sustains damages, due to fire or other causes, in excess of 50% of its value, then the building may only be rebuilt and restored if the structure meets all required building set back requirements for principal buildings (100 feet from the dedicated road right of way) in the A-1 Zoning District and the building, when rebuilt, shall not be greater than 10,000 square feet in size.
  - e. The maximum quantity of fuel which may be stored on-site shall be 2,000 gallons, and all fuel shall be stored in compliance with the rules and regulations of the Office of the Illinois State Fire Marshall.
  - f. No portion of the adjoining acreage owned by the Defendants and depicted on Exhibit "A", containing the frame residence and barn, shall be used for storage of any equipment used by the Defendants in their excavating business. The use of said adjoining parcel shall be limited to uses permitted in the A-1 Zoning District.

- g. The metal equipment storage building shall be maintained in accordance with the building code and building use codes and shall be subject to periodic inspection by the Kendall County Planning, Building & Zoning Department. Said building shall not be used for office purposes.
- h. Defendants shall blacktop that portion of the gravel driveway on the South side of the metal equipment storage building prior to May 1, 2002.
- i. Defendants shall comply with the County Stormwater Control Ordinances and shall make such site improvements as are required by the County in order to comply therewith.
- j. Defendants shall apply for a site development permit, including all required fees and submittal of required engineering plans, for the berms constructed on site, no later than 60 days from the date of entry of this Order.
- k. Defendants shall request a reinspection of the completed structure to ensure it meets all building code requirements. All applicable inspection fees, including the difference between a 14,000 square foot and a 9,000 square foot structure, shall be paid to the County within 60 days from the date of entry of this Order.
- 1. Defendants shall dedicate to the State of Illinois, or to the County of Kendall, as directed by the County, a 50 feet of Right of Way for roadway purposes along the South line of the entire 5.398 acres described on Exhibit "A" to accommodate future expansion of Illinois Route 126.
- m. All dirt and material piles shall be removed from the property no later than 30 days from the date of entry of this Order.
- 3. The use of the land for storage of trucks and equipment and for an excavating business shall only continue as long as the Defendants own and personally use the property. Once the property is sold, leased or transferred, the use as described must cease.
- 4. Defendants shall pay a fine and Court Costs of \$2,500.00, within 14 days from the date of entry of this Order.
- 5. The Kendall County Planning, Building & Zoning Department is authorized to monitor the use of the premises to insure compliance with the terms of this Order.

6. This Court shall retain jurisdiction of the subject matter hereof and the parties hereto for the purpose of enforcing the terms and provisions hereof.



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THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 9 AND THAT PART OF THE WEST HALF OF THE QUARTER OF SECTION 16 LYING NORTHERLY OF THE NORTHEAST CENTERLINE OF ILLINOIS ROUTE #126 ALL IN TOWNSHIP 36 RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, NORTH, FOLLOWS: COMMENCING AT THE BEING DESCRIBED AS SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION NORTH 1 DEGREE 36 MINUTES 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 260 NORTH 88 DEGREES 44 MINUTES 53 SECONDS FEET; THENCE EAST, 335 FEET; THENCE SOUTH 01 DEGREE 39 MINUTES 11 SECONDS EAST 148.39 FEET FOR THE POINT OF BEGINNING; THENCE 01 DEGREE 39 MINUTES 11 SECONDS EAST, SOUTH 529.00 FEET TO SAID CENTER LINE OF ROAD; THENCE SOUTH 80 DEGREES 28 MINUTES 31 SECONDS WEST ALONG SAID 211.04 FEET; THENCE NORTH 01 DEGREE 39 CENTERLINE, SECONDS WEST, 392.85 FEET; THENCE NORTH 88 MINUTES 11 40 MINUTES 35 SECONDS EAST, 60.0 FEET; THENCE NORTH 01 DEGREE 39 MINUTES 11 SECONDS WEST, 200.0 FEET; THENCE SOUTH 78 DEGREES 36 MINUTES 35 SECONDS EAST, 153.0 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NA-AU-SAY, KENDALL COUNTY, ILLINOIS.

State of Illinois County of Kendall Zoning Petition #14-23

## ORDINANCE NUMBER 2014 - 29

# GRANTING A SPECIAL USE FOR 3485 ROUTE 126 FOR A CLEAN-UP RESTORATION SERVICE/ BUSINESS

<u>WHEREAS</u>, DTG Investments LLC, has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 5.93 acre property located on the north side of Route 126, 0.45 miles west of Schlapp Road, commonly known as 3485 Route 126 (PIN#06-09-400-005), in NaAuSay Township, and;

WHEREAS, said petition is to allow the operation of a clean-up restoration service/business; and

<u>WHEREAS</u>, petition #14-22 was approved on September 16, 2014 as Ordinance 2014-27 as the text amendment to allow such a use as a special use in the A-1 Agricultural district; and

<u>WHEREAS</u>, said property is currently zoned A-1 Agricultural with an existing Special Use for the operation of a landscape business; and

<u>WHEREAS</u>, the County Board of Kendall County, Illinois did grant the petitioner said request as Ordinance 2007-10 on March 20, 2007; and

WHEREAS, said property is legally described as:

THAT PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 9 AND PART OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 16 ALL IN TOWNSHIP 36N, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF THE CENTERLINE OF ILLINOIS ROUTE NO. 126 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST ¼ OF SECTION 9; THENCE NORTH 01 DEGREES, 36 MINUTES, 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST ¼, 260 FEET; THENCE NORTH 88 DEGREES, 44 MINUTES, 53 SECONDS EAST, 335 FEET; THENCE SOUTH 01 DEGREES, 39 MINUTES, 11 SECONDS EAST, 677.39 FEET TO THE CENTERLINE OF SAID ROAD; THENCE SOUTH 80 DEGREES, 28 MINUTES, 31 SECONDS, WEST ALONG SAID CENTERLINE, 338.17 FEET TO THE WEST LINE OF SAID NORTHEAST ¼; THENCE NORTH 01 DEGRES, 40 MINUTES, 39 SECONDS WEST ALONG SAID WEST LINE, 466.05 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NAAUSAY, KENDALL COUNTY, ILLINOIS.

<u>WHEREAS</u>, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on September 3, 2014 & on September 29, 2014; and

WHEREAS, the findings of fact were approved as follows (on both dates):

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 property was previously used for a landscaping business and this new use will be less noticeable as everything takes place inside the buildings including storage of the vehicles.

State of Illinois County of Kendall Zoning Petition #14-23

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 site will not be modified in any way and is surrounded by farmland and a special use for ag implement sales next door to the east.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Nothing is being modified on this site and access already exists.

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. Assuming the text amendment passes to allow this type of use in the A-1 district it will conform to all applicable regulations.

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

<u>WHEREAS</u>, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, this special use 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

<u>NOW, THEREFORE, BE IT ORDAINED</u>, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a clean-up restoration service/business in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

- 1. Must meet all the conditions of the text amendment:
  - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
  - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
  - c. All operations are to take place inside an enclosed structure.
  - d. A waste management plan must be submitted and an exhibit to the approving ordinance. (Exhibit B)
  - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings. (Exhibit C)
  - f. No materials that are brought in can be burned on this site.
  - g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
  - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

State of Illinois County of Kendall Zoning Petition #14-23

- 2. No outdoor storage except employee's cars.
- 3. No activity including parking or storage is permitted in the floodplain.
- 4. If any future expansion is proposed a major amendment to the special use will need to be filed.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

<u>IN WITNESS OF</u>, this Ordinance has been enacted by the Kendall County Board this 7<sup>th</sup> day of October, 2014.

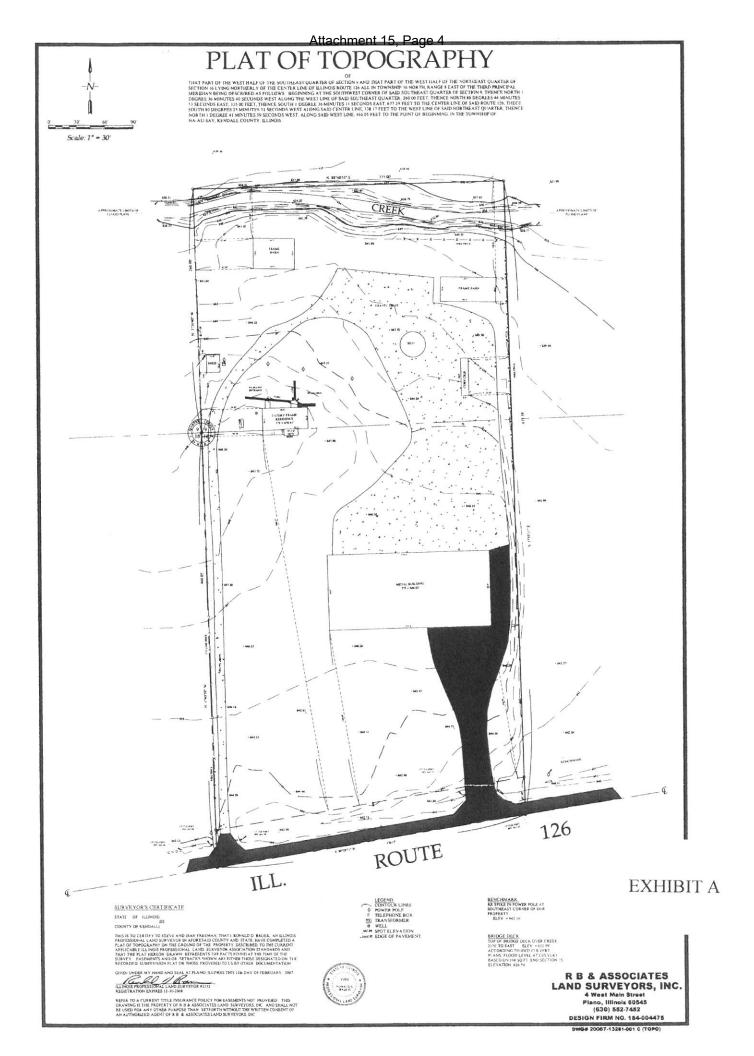
Attest:

Debbie Gillette

Kendall County Clerk

John Shaw

Kendall County Board Chairman



#### **EXHIBIT B**

#### Waste Management Plan

1) All debris from operating a business, including any debris that is brought back from a job site, will be disposed of by a commercial garbage company that will remove it on an as needed basis. The garbage will be stored in a dumpster until it is removed.

EXHIBIT C

#### Material Management Plan

2) If there are any household items brought back to the facility, they will be stored inside. If any chemicals are used, they will be used inside of the building and they will also be stored inside.

#### Attachment 16

#### **Matt Asselmeier**

From: Alec Keenum <akeenum@oswegofire.com>

Sent: Thursday, August 27, 2020 7:13 AM

To: Matt Asselmeier Cc: Mike Veseling

Subject: [External]RE: Kendall County Zoning Petition 20-05

Matt,

Comments from the Oswego Fire Protection District:

- No specific concerns with requested amended petition
- If this hearing hasn't yet taken place, how is it that the business is already operating
- Regardless of use, owner/representative of location is expected to maintain good housekeeping, including the
  operation and service of the existing fire alarm system. As of earlier this week, it has been learned that the fire
  alarm system at this location was not in operation

Regards,

Capt. Alec J Keenum Fire Marshal Oswego Fire Protection District



### ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC) September 1, 2020 – Unapproved Meeting Minutes

PBZ Chairman Matthew Prochaska called the meeting to order at 9:03 a.m.

#### Present:

Matt Asselmeier – PBZ Department
Brian Holdiman – PBZ Department (Attended Remotely)
Commander Jason Langston – Sheriff's Department (Attended Remotely)
Alyse Olson – Soil and Water Conservation District (Attended Remotely)
Matthew Prochaska – PBZ Committee Chair
Aaron Rybski – Health Department

#### Absent:

Meagan Briganti – GIS Greg Chismark – WBK Engineering, LLC David Guritz – Forest Preserve Fran Klaas – Highway Department

#### Audience:

Greg Dady and Mary Murray

#### **AGENDA**

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

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

#### MINUTES

Mr. Rybski made a motion, seconded by Chairman Prochaska, to approve the August 4, 2020, meeting minutes.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

#### **PETITIONS**

#### Amended Petition 20-02 Greg Dady on Behalf of DTG Investments, LLC

Mr. Asselmeier summarized the request.

DTG Investments, LLC owns the property at 3485 Route 126 (PIN 06-09-400-005) in Na-Au-Say Township. This property is presently zoned A-1 Agricultural District, but the Petitioner would like to operate a trucking company, specifically for offices related to the trucking company, minor repair facilities for company trucks, and company truck parking.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

According to Section 3:02 of the Zoning Ordinance, a truck parking area or yard is defined as follows:

"TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity."

This use is not listed as a permitted or special use in any zoning district.

Staff believes that truck parking area or yard use most closely matches the Petitioners proposed use and offers the following text amendment to Section 7:01.D of the Kendall County Zoning Ordinance:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The list of special uses in the A-1 District should be renumbered to reflect the addition of this use to the list of special uses.

The Agricultural Zoning Map with road classifications was provided.

Mr. Asselmeier noted that Fran Klaas requested that proposed use be restricted to roads classified as Minor Arterials of higher as designated by the Illinois Department of Transportation's Five (5) Year Functional Classification Map. Mr. Klaas had no objection to the proposed use going in at 3485 Route 126.

Mr. Rybski made a motion, seconded by Mr. Holdiman, to recommend approval of the request text amendment with the restriction that use be placed on roads classified as Minor Arterials of higher as designated by the Illinois Department of Transportation's Five (5) Year Functional Classification Map.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on September 23, 2020.

#### Amended Petition 20-05 Greg Dady on Behalf of DTG Investments, LLC

Mr. Asselmeier summarized the request.

Greg Dady, on behalf of DTG Investments, LLC would like to operate a trucking company, specifically offices related to a trucking company, minor repair facilities for company trucks, and company truck parking at the subject property.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

The proposed text amendment (Amended Petition 20-02) would add the following to the list of special uses in the A-1 District:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The application materials, aerial of the property, aerial with the flood zone, plat of survey, and site were provided.

The subject property is approximately five point five (5.5) acres in size.

Route 126 is a State maintained arterial; there is a trail planned along Route 126.

There is a floodplain on the north end of the property (Zone A-no base flood elevation determined).

The adjacent uses are agricultural or agricultural related.

The adjacent zonings are A-1. The zonings in the area are A-1, R-1, and A-1 with special use permits.

The Future Land Use Map calls for the area to be Rural Residential and Public Institutional.

The A-1 SU to the east is for a farm market, garden shop, winery, corn maze, and fall festival. The A-1 SU to the west is for a farm equipment sales and service business.

Oswego School District 308 owns the property southwest of the subject property.

Ten (10) existing houses are within one half (1/2) mile of the subject property.

Pictures of the property and area were provided.

EcoCAT Report submitted and consultation was terminated.

The LESA Score was 189 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Na-Au-Say Township on August 25, 2020.

Petition information was sent to the Village of Oswego on August 25, 2020. The property is inside Oswego's planning boundary.

Petition information was sent to the Village of Plainfield on August 25, 2020. The property is within one point five (1.5) miles of Plainfield.

The Oswego Fire Protection District was sent information on August 25, 2020. The Oswego Fire Protection District noted that the fire alarm system at the property was not functioning. Other than that concern, they had no objections to the proposal.

The subject property has been used as a landscaping business and repair and restoration business. The order and special use permit that allowed these businesses were provided. The Petitioner would like to retain the special use permit for a cleanup and restoration business at the property.

According to the business plan, the property is leased to United Group Logistics. United Group Logistics is a trucking company that hauls freight throughout the State. They use the property for office space, minor truck repair/maintenance and a truck depot. The office space is used for accounting and dispatch and the bays are used for maintenance. Ten (10) employees are at the site and the hours of operation are Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m.

According to the site plan, there is one (1) approximately fourteen thousand (14,000) square foot metal building on the property that is used for office operations and maintenance. The site plan also shows one (1) metal silo and one (1) corn crib in the planned truck parking area. One (1) approximately one thousand six hundred (1,600) square foot wood frame machine shed is located on the northeast corner of the truck parking area. One (1) single-family home with a detached garage is located on the west side of the property.

Any new structures would require applicable building permits.

The property is served by well and septic.

There is floodplain as part of the Little Slough Creek on the property. This area is considered Zone A which means no flood elevation has been determined; therefore, this area is considered Floodway. No storage or parking should take place in the floodway.

Depending on the nature of new construction, which is not planned as part of this special use permit, stormwater management permits could be required.

The property has two accesses off of Route 126. The western most access would be used by the existing house and the eastern most access would be used by the business operating out of the metal barn.

According to the site plan, a parking area for trucks is shown north of the metal building. The parking area is gravel. No dimension information is provided.

The site plan shows fifteen (15) additional parking spaces to the north of the metal building and ten (10) parking spaces south of the metal building, including two (2) handicapped accessible spaces. A proposed asphalt addition is shown on the site plan. No information was provided regarding a timetable for installing the parking addition.

No information was provided regarding a plan to address spills or other motor vehicle related leaks.

No additional lighting beyond the existing lighting on the building and light near the entrance is planned at this time. Section 11:02.F.12.A requires an illumination plan for parking lots with thirty (30) or more parking spaces.

The site plan shows a sign. The sign is four feet by eight feet (4'X8') in size. A light exists next to the sign. A sign permit will be required.

The site plan shows a wooden fence around the property and a single gate east of the metal building. No information was provided regarding the size of the fence or gate.

A berm and several mature trees are between the metal building and Route 126. No specific landscaping information was provided.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

Before issuing a recommendation, Staff would like comments from Na-Au-Say Township, the Village of Oswego, the Village of Plainfield, and ZPAC members.

Mr. Rybski asked about the septic assessment and catching spills in the maintenance bays. Greg Dady responded that a triple catch basin exists in the maintenance bays and then into the tank. A soil analysis may be necessary.

Mr. Holdiman noted that a change of occupancy is required for the office and maintenance building.

Mr. Asselmeier noted that parking is not allowed in the front yard setback. Mr. Dady stated that no parking signs would be installed on the east side of the parking lot, rear of the property, and in front of the building. Mr. Dady was agreeable to have the parking lot asphalted within ninety (90) days of approval of the special use permit.

Mr. Dady said that the hours of operation could be impacted if an emergency breakdown occurred.

Mr. Dady will provide information on the berm and number of trees on the berm.

Mr. Dady noted that nobody will sleep at the site.

Chairman Prochaska noted that flyovers have increased and Mr. Asselmeier noted that Mr. Dady needs to make sure that the conditions in the special use permit were workable.

Mr. Asselmeier made a motion, seconded by Mr. Rybski, to recommend approval of the special use permit.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on September 23, 2020.

#### Amended Petition 20-01 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

At the end of 2019, the Kendall County Planning, Building and Zoning Committee started reviewing the existing 1983 Recreational Vehicle Park and Campground Regulations.

After review by the Committee and the State's Attorney's Office, the suggestion was made to incorporate the amended regulations into the Zoning Ordinance.

On August 26, 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee reviewed the proposal and offered their suggested changes.

On August 31, 2020, the Kendall County Planning, Building and Zoning Committee initiated the text amendment to the Zoning Ordinance.

In summary, the proposed changes are as follows:

- 1. Repeals the 1983 Recreational Vehicle Park and Campground regulations in their entirety.
- 2. The purpose section from 1983 regulations was not incorporated into the Zoning Ordinance because a purpose section already exists in the Zoning Ordinance.
- 3. The definitions of Camper, Sanitary Station, Service Buildings, and Tent were added to the Zoning Ordinance from the 1983 regulations.
- 4. The definition of Collector Streets or Collector Roads was added to the Zoning Ordinance, but requires discussion.
- 5. The definition of Minor Streets was added to the Zoning Ordinance, but requires discussion.
- 6. The definition of Picnicker was added to the Zoning Ordinance.
- 7. The definition of Recreational Vehicle Park or Campground was added from the 1983 regulations and additional language was added regarding permanent place of abode.
- 8. The definition of Register was added to the Zoning Ordinance.
- 9. The definition of Accessory Building or Use was amended.
- 10. The definition of Lot was amended.
- 11. The definition of Recreational Areas was amended.
- 12. The definition of Recreational Vehicles was amended by incorporating the language from the 1983 regulations combined with the existing definition found in the Zoning Ordinance. Also, the reference to pickup campers was deleted. Finally, the reference to jet skis, boats, snowmobiles, and other similar vehicles was clarified to apply to the parking regulations only.
- 13. Section 2 from the 1983 regulations was placed inside the Zoning Ordinance with an amendment that the reference to the Kendall County ACSC office was changed to the Soil and Water Conservation District (Section a.6.xv).
- 14. Throughout the regulation, reference to the Zoning Department was changed to the Planning, Building and Zoning Department.
- 15. Throughout the regulation, numbers are spelled out completely.
- 16. Section 3 from the 1983 regulation was placed inside the Zoning Ordinance.

- 17. The minimum lot size of twenty (20) acres was changed to minimum parcel size of twenty (20) acres (Section e).
- 18. The twenty percent (20%) maximum forest clearance was changed to exempt the clearing of invasive species. The definition of invasive species would be set by the Illinois Department of Natural Resources (Section k).
- 19. The reference to the Kendall County Soil and Erosion Ordinance was changed to Stormwater Management Ordinance (Section n).
- 20. Lots in park or campground would need to be clearly marked on the ground with landmarks on the lot corners and lot signage would be approved by the local fire protection district (Section dd).
- 21. The requirement that campgrounds and parks not cause demands that increase additional public funds to be expended for fire or police services was deleted because this requirement was difficult to quantify (Section hh). The subsequent sections of would be re-lettered to reflect this deletion.
- 22. The requirement that no permanent resident is allowed to live at a campground or recreational vehicle park was added and a recreational vehicle or tent would not be considered a location within a recreational vehicle park or campground. A camp caretaker would be exempt from the permanent resident requirement (Section jj).
- 23. The penalties section from the 1983 regulations was removed because a penalties section already exists in the Zoning Ordinance.
- 24. The requirement that recreational vehicle parks and campgrounds provide their registers to the Planning, Building and Zoning Department, Health Department, law enforcement agencies with jurisdiction, and the local fire protection district upon request was added. The register would be required to be updated daily at minimum. The register shall include campers, picnickers, and other visitors (Section kk.3).
- 25. A reasonable notice requirement for inspections was added (Section kk.4).
- 26. The Health Department standards were clarified to apply to all Health Department standards (Section II).
- 27. Applicants must seek approval from fire and police departments at the time of application submittal for the special use permit (Section mm).
- 28. A street sign requirement was added and all trails shall be marked at their beginnings and ends (Section nn).
- 29. Submitting a map to KenCom and a timeline for changing the map was added (Section oo).
- 30. The maximum continuous stay requirement that is currently in Zoning Ordinance was deleted.
- 31. Section 9.05.C.15, regarding recreational camps and recreational vehicle parks as special uses in the B-4, M-1, and M-2 District was changed to reference the A-1 special use requirements.

A copy of the 1983 regulations and the redlined version of this proposal were provided.

Mr. Rybski requested clarification regarding Health Department as stated in the proposal. Mr. Asselmeier noted that the proposal applies to the Kendall County Health Department.

The proposal applies to new campgrounds and campgrounds that amend their special use permits.

Chairman Prochaska made a motion, seconded by Mr. Rybski, to recommend approval of the text amendment.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on September 23, 2020.

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

None

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

Mr. Asselmeier informed the Committee that upcoming meetings will be at the Historic Courthouse because of renovations to the County Board Room.

**CORRESPONDENCE** 

None

**PUBLIC COMMENT** 

None

**ADJOURNMENT** 

Mr. Rybski made a motion, seconded by Chairman Prochaska, to adjourn.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The ZPAC, at 9:34 a.m., adjourned.

Respectfully Submitted, Matthew H. Asselmeier, AICP, CFM Senior Planner

## Attachment 18, Page 1 KENDALL COUNTY REGIONAL PLANNING COMMISSION

#### Kendall County Historic Courthouse Third Floor Courtroom 110 W. Madison Street (109 W. Ridge Street), Yorkville, Illinois

#### **Unapproved - Meeting Minutes of September 23, 2020 - 7:00 p.m.**

Chairman Ashton called the meeting to order at 7:02 p.m.

#### **ROLL CALL**

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry

Nelson, Ruben Rodriguez, and Claire Wilson

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner and Scott Koeppel County Administrator (Attended

Remotely)

Others Present: Greg Dady and Mary Murray (Attended Remotely)

#### APPROVAL OF AGENDA

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the agenda. With a voice vote of eight (8) ayes, the motion carried.

#### **APPROVAL OF MINUTES**

Member Wilson made a motion, seconded by Member Casey, to approve the minutes of the August 26, 2020, meeting. With a voice vote of eight (8) ayes, the motion carried.

#### **PETITIONS**

#### Amended Petition 20-02 Greg Dady on Behalf of DTG Investments

Mr. Asselmeier summarized the request.

DTG Investments, LLC owns the property at 3485 Route 126 (PIN 06-09-400-005) in Na-Au-Say Township. This property is presently zoned A-1 Agricultural District, but the Petitioner would like to operate a trucking company, specifically for offices related to the trucking company, minor repair facilities for company trucks, and company truck parking.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

According to Section 3:02 of the Zoning Ordinance, a truck parking area or yard is defined as follows:

"TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity."

This use is not listed as a permitted or special use in any zoning district.

Staff believes that truck parking area or yard use most closely matches the Petitioners proposed use and offers the following text amendment to Section 7:01.D of the Kendall County Zoning Ordinance:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The list of special uses in the A-1 District should be renumbered to reflect the addition of this use to the list of special uses.

This proposal was sent to the townships on September 1, 2020. No comments have been received.

ZPAC reviewed this proposal at their meeting on September 1, 2020. Fran Klaas requested that proposed use be restricted to roads classified as Minor Arterials or higher as designated by the Illinois Department of Transportation's Five (5) Year Functional Classification Map. Mr. Klaas had no objection to the proposed use going in at 3485 Route 126. ZPAC recommended approval of the proposed text amendment with Mr. Klaas' proposed amendment by a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of this meeting were provided.

The Agricultural Zoning Map with road classifications was provided. The Illinois Department of Transportation's Five (5) Year Functional Classification Map for Kendall County was also provided.

Member Wilson expressed concerns that the use started before the zoning application and the lack of a limit on the number of trucks and trips.

Greg Dady stated that he thought that the necessary zoning was in place. Once he found out that a new special use permit was needed, he started working through the process. He originally explored a map amendment, but wanted to get the opinion of Na-Au-Say Township on the matter. Then COVID hit and Na-Au-Say Township did not meet for a couple months. Once they did meet, they favored keeping the A-1 zoning and going for a special use permit under A-1. Based on Na-Au-Say Township input, Mr. Dady changed his application from a map amendment to a text amendment and special use under A-1 zoning.

Several Commissioners questioned Mr. Dady about his lack of knowledge about his existing special use and leasing the property without obtaining the necessary zoning before leasing the property.

Member McCarthy-Lange asked if approving this request would open the door to similar requests. Mr. Asselmeier responded that, if the text amendment is approved, anyone zoned A-1 could ask for the special use. Also, even with the road classification requirement, a property owner could ask for a variance if they demonstrated a hardship.

The trucking company moved in spring in 2019.

The property had a court order for an excavating company and landscaping business. The court order stated that if the excavating company and landscaping business ceased, then the special use for those businesses would cease. The Petitioner secured a special use permit for ServPro in 2014.

Several Commissioners favored placing this type of use in a commercial or manufacturing district instead of the agricultural district because there are several places in the County with agricultural zoning where this use would be incompatible.

Member Hamman asked about a property on Eldamain Road near Galena Road. Mr. Asselmeier stated that, in that case, the property was rezoned to M-1.

Discussion occurred about placing additional restrictions in the text amendment such as number of employees, number of trucks onsite, number of trips, or restricting the use to certain townships. Mr. Dady was agreeable to a restriction on number of trucks at the site.

Na-Au-Say did not provide any comments about the proposal.

Member Wilson made a motion, seconded by Member Nelson, to recommend approval of the text amendment as presented.

The votes were as follows:

Ayes (0): None

Nays (8): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wilson

Absent (1): Stewart

The motion failed.

Member Nelson voted no because the proposal was too broad, the use could go anywhere, and the use was undesirable at other locations with inadequate protection for the agricultural community and people living in agricultural areas.

Member Hamman voted no because he favored more restrictions in the text amendment and requests for this use could come before the Commission monthly.

Chairman Ashton voted no because the proposal had inadequate restrictions and he was upset that the Petitioner did not secure the necessary zoning before leasing the property. He suggested that the Petitioner attempt to rewrite the proposal.

Member Wilson concurred with Member Nelson and Chairman Ashton and her concerns regarding the lack of a limit on the number of trucks and trips.

This proposal goes to the Kendall County Zoning Board of Appeals on September 28, 2020.

#### Amended Petition 20-05 Greg Dady on Behalf of DTG Investments

Because the Commission recommended denial of the Petition 20-02, the Commission did not take any action on Petition 20-05; the proposal was moot.

This proposal goes to the Kendall County Zoning Board of Appeals on September 28, 2020.

#### Amended Petition 20-01 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

At the end of 2019, the Kendall County Planning, Building and Zoning Committee started reviewing the existing 1983 Recreational Vehicle Park and Campground Regulations.

After review by the Committee and the State's Attorney's Office, the suggestion was made to incorporate the amended regulations into the Zoning Ordinance.

On August 26, 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee reviewed the proposal and offered their suggested changes.

On August 31, 2020, the Kendall County Planning, Building and Zoning Committee initiated the text amendment to the Zoning Ordinance.

ZPAC reviewed this proposal at their meeting on September 1, 2020, and recommended approval by a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of this meeting were provided.

The redlined proposal was sent to the townships on September 1, 2020. To date, no township has provided comments.

In summary, the proposed changes are as follows:

- 1. Repeals the 1983 Recreational Vehicle Park and Campground regulations in their entirety.
- 2. The purpose section from 1983 regulations was not incorporated into the Zoning Ordinance because a purpose section already exists in the Zoning Ordinance.
- 3. The definitions of Camper, Sanitary Station, Service Buildings, and Tent were added to the Zoning Ordinance from the 1983 regulations.
- 4. The definition of Collector Streets or Collector Roads was added to the Zoning Ordinance, but requires discussion.
- 5. The definition of Minor Streets was added to the Zoning Ordinance, but requires discussion.
- 6. The definition of Picnicker was added to the Zoning Ordinance.
- 7. The definition of Recreational Vehicle Park or Campground was added from the 1983 regulations and additional language was added regarding permanent place of abode.
- 8. The definition of Register was added to the Zoning Ordinance.
- 9. The definition of Accessory Building or Use was amended.
- 10. The definition of Lot was amended.
- 11. The definition of Recreational Areas was amended.
- 12. The definition of Recreational Vehicles was amended by incorporating the language from the 1983 regulations combined with the existing definition found in the Zoning Ordinance. Also, the reference to pickup campers was deleted. Finally, the reference to jet skis, boats, snowmobiles, and other similar vehicles was clarified to apply to the parking regulations only.
- 13. Section 2 from the 1983 regulations was placed inside the Zoning Ordinance with an amendment that the reference to the Kendall County ACSC office was changed to the Soil and Water Conservation District (Section a.6.xv).

- 14. Throughout the regulation, reference to the Zoning Department was changed to the Planning, Building and Zoning Department.
- 15. Throughout the regulation, numbers are spelled out completely.
- 16. Section 3 from the 1983 regulation was placed inside the Zoning Ordinance.
- 17. The minimum lot size of twenty (20) acres was changed to minimum parcel size of twenty (20) acres (Section e).
- 18. The twenty percent (20%) maximum forest clearance was changed to exempt the clearing of invasive species. The definition of invasive species would be set by the Illinois Department of Natural Resources (Section k).
- 19. The reference to the Kendall County Soil and Erosion Ordinance was changed to Stormwater Management Ordinance (Section n).
- 20. Lots in a park or campground would need to be clearly marked on the ground with landmarks on the lot corners and lot signage would be approved by the local fire protection district (Section dd).
- 21. The requirement that campgrounds and parks not cause demands that increase additional public funds to be expended for fire or police services was deleted because this requirement was difficult to quantify (Section hh). The subsequent sections of would be re-lettered to reflect this deletion.
- 22. The requirement that no permanent resident is allowed to live at a campground or recreational vehicle park was added and a recreational vehicle or tent would not be considered a location within a recreational vehicle park or campground. A camp caretaker would be exempt from the permanent resident requirement (Section jj).
- 23. The penalties section from the 1983 regulations was removed because a penalties section already exists in the Zoning Ordinance.
- 24. The requirement that recreational vehicle parks and campgrounds provide their registers to the Planning, Building and Zoning Department, Health Department, law enforcement agencies with jurisdiction, and the local fire protection district upon request was added. The register would be required to be updated daily at minimum. The register shall include campers, picnickers, and other visitors (Section kk.3).
- 25. A reasonable notice requirement for inspections was added (Section kk.4).
- 26. The Health Department standards were clarified to apply to all Health Department standards (Section 11).
- 27. Applicants must seek approval from fire and police departments at the time of application submittal for the special use permit (Section mm).
- 28. A street sign requirement was added and all trails shall be marked at their beginnings and ends (Section nn).
- 29. Submitting a map to KenCom and a timeline for changing the map was added (Section oo).
- 30. The maximum continuous stay requirement that is currently in Zoning Ordinance was deleted.

31. Section 9.05.C.15, regarding recreational camps and recreational vehicle parks as special uses in the B-4, M-1, and M-2 District was changed to reference the A-1 special use requirements.

A copy of the 1983 regulations and the redlined version of this proposal were provided.

Member Nelson stated that he visited with first responders and asked about problems at campgrounds and the first responders said that their problem was a lack of maps and lots numbers which made it difficult to find people.

Member Wilson asked why picnickers needed to register. Mr. Asselmeier responded the register was required to know who was on the property. Member Nelson stated that the proposal only applies to campgrounds and not picnic groves or State parks. Discussion occurred regarding staffing or keycard to control access to the campgrounds.

Discussion occurred about pickup campers. Mr. Asselmeier responded that the language related to parking regulations.

Member Wilson favored the definition of Recreational Vehicle Park or Campground be amended by saying "... lease or rental ..." instead of "... lease or rent ..."

Member Wilson questioned the use of the word forest regarding clearing an area. Mr. Asselmeier stated that he did not know why that term was used in the 1983 regulation.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the requested text amendment.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wilson

Nays (0): None Absent (1): Stewart

The motion carried.

This proposal goes to the Kendall County Zoning Board of Appeals on September 28, 2020.

Member Nelson noted a court case regarding numbering boards as they relate to campgrounds.

#### CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

#### **NEW BUSINESS**

## Approval of Letter from the Kendall County Regional Planning Commission to the Village of Shorewood Regarding the Go Pro Athletic Facility and Four Seasons Storage Development

Mr. Asselmeier presented the letter. Mr. Asselmeier noted that the Attorney representing the development requested that the letter be sent after the Village of Shorewood signed the plats.

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

## Recommendation on Kendall County Regional Planning Commission Fiscal Year 2020-2021 Meeting Calendar

Member Wilson asked how the Annual Meeting would occur if COVID was still an issue. Mr. Asselmeier stated that the Commission would gather at a location. Attendees would have to socially distance and attendees would be encouraged to attend the meeting remotely.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the calendar as presented. With a voice vote of eight (8) ayes, the motion carried.

# <u>Discussion of Amendment to Article IX of the Kendall County Regional Planning Commission's Bylaws</u> <u>Pertaining to the Location of the Annual Meeting of the Election of Officers; Commission Could Make a</u> <u>Motion to Amend the Location of the Annual Meeting of the Election of Officers</u>

Mr. Asselmeier presented the proposed amendment. The proposed amendment removes the location of the annual meeting for the election of officers.

Member Wilson made a motion, seconded by Member McCarthy-Lange, thirded by Member Casey, to approve the amendment as presented. The vote on the amendment will occur at the next Commission meeting.

#### **OLD BUSINESS**

None

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

Mr. Asselmeier stated that Petition 19-39 Map Amendment and Special Use Permit for Four Seasons Storage and Petition 20-15 Final Plat Approval for the Go Pro Sports Subdivision passed at the County Board.

Mr. Asselmeier stated that Petition 20-14 Zoning Ordinance Project passed at the County Board with an amendment removing the language regarding research related home occupations and an amendment removing the soils requiring non-traditional septic systems from the calculation of open space.

Mr. Asselmeier reported that Petition 20-21 Fee Schedule Amendment passed at the County Board. The fee for conditional use permits for beekeeping would be One Hundred Dollars (\$100), the same as other conditional use permits. The annual permit renewal fee for beekeeping was removed.

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

Chairman Ashton asked Mr. Asselmeier to send a letter asking townships to submit comments on zoning petitions.

Mr. Asselmeier reported that the County received a request from Grainco FS to amend the Future Land Use Map for their property on Wabena Avenue. Grainco FS would also like to rezone the property to M-1 Limited Manufacturing.

#### **ADJOURNMENT**

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

The Kendall County Regional Plan Commission meeting adjourned at 8:26 p.m.

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