## ORDINANCE NUMBER 2020- 14

MAP AMENDMENT REZONING 4.01 ACRES +/- TO B-3 HIGHWAY BUSINESS
DISTRICTAND GRANTING SPECIAL USE PERMITS FOR AN OUTDOOR STORAGE
FACILITY AND A SELF-SERVICE STORAGE FACILITYAND A MAP AMENDMENT
REZONING 4.67 +/- ACRES TO B-2 GENRAL BUSINESS DISTRICT FOR THE
NORTHEASTERN PORTION OF THE PARCEL LOCATED ON THE NORTHWEST CORNER
ROUTE 52 AND COUNTY LINE ROAD ALSO KNOWN AS 195 ROUTE 52 AND IDENTIFIED
BY PARCEL IDENTIFICATION NUMBER 09-13-200-002 IN SEWARD TOWNSHIP

Rezone from A-1 to B-3 With Special Use Permits (4.01 Acres) and to B-2 (4.67 Acres)

<u>WHEREAS</u>, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve map amendments and provides the procedure through which map amendments are granted; and

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

<u>WHEREAS</u>, Section 9.04.C.20 of the Kendall County Zoning Ordinance permits the operation of outdoor storage businesses as a special use with certain restrictions in the B-3 Highway Business Zoning District; and

<u>WHEREAS</u>, Section 9.04.C.28 of the Kendall County Zoning Ordinance permits the operation of self-service storage facility businesses as a special use with certain restriction in the B-3 Highway Business Zoning District; and

<u>WHEREAS</u>, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 8.68 +/- acres located at the northeastern corner of the parcel located at the northwest corner of Route 52 and County Line Road, also known as, 195 Route 52 (PINs: 09-13-200-002), in Seward Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property."; and

<u>WHEREAS</u>, at the time of original application the subject property was owned Hansel Ridge, LLC and is represented by John Dollinger; and

<u>WHEREAS</u>, Goproball, LLC, as represented by Jason Shelley, purchased the subject property from Hansel Ridge, LLC; and

<u>WHEREAS</u>, James and Denise Maffeo, purchased the subject property from Goproballball, LLC and record title is held the in name of Four Season Storage, LLC, an Illinois Liability Company; and

<u>WHEREAS</u>, John Dollinger on Behalf of Hansel Ridge, LLC, Jason Shelley on Behalf of Goproball, LLC, and James and Denise Maffeo on Behalf of Four Seasons Storage, LLC, an Illinois Limited Liability Company shall hereinafter be referred to as "Petitioner"; and

<u>WHEREAS</u>, on or about September 30, 2019, Petitioner's representative filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural to B-3 Highway Business District and for Special Use Permits to operate an outdoor storage business and a self-service storage facility business on the subject property; and

<u>WHEREAS</u>, on or about April 21, 2020, Petitioner's representative amended the petition to rezone 4.67 +/-acres of the subject property to B-2 General Business District and 4.01 +/- acres to B-3 Highway Business District; and

<u>WHEREAS</u>, following due and proper notice by publication in the Kendall County Record on January 9, 2020, the Kendall County Zoning Board of Appeals started a public hearing on January 27, 2020, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville and said hearing was continued to March 2, 2020, and continued to June 29, 2020, and continued to July 27, 2020, at the same time and location at which the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested Map Amendments and Special Use Permits and zero members of the public asked questions or testified in favor or testified in opposition to the request; and

<u>WHEREAS</u>, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their findings of fact and recommended approval of the Map Amendments and Special Use Permits with restrictions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated July 27, 2020, a true and correct copy of which is attached hereto as Exhibit B; and

<u>WHEREAS</u>, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested Map Amendments and Special Use Permits; and

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

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

# <u>NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,</u> as follows:

- 1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
- 2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning 4.67 +/- acres of the subject property from A-1 Agricultural District to B-2 General Business District as outlined in the legal description attached hereto as Exhibit A.
- 3. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the 4.01 +/- acres of the subject property from A-1 Agricultural District to B-3 Highway Business District as outlined in the legal description attached hereto as Exhibit A.
- 4. The Kendall County Board hereby grants approval of Petitioner's petition for special use permits for an outdoor storage business and a self-service storage business on the portion of the subject property rezoned to B-3 Highway Business District subject to the following conditions:

- A. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C, landscaping plan attached hereto as Exhibit D, and photometric plan attached hereto as Exhibit E.
- B. The operator(s) of the businesses allowed by this special use permit shall plant the vegetation and install the fencing identified in the landscaping plan (Exhibit D) within two hundred forty (240) days of the approval of the special use permit ordinance. Dead or damaged vegetation shall be replaced on a timetable approved by the Kendall County Planning, Building and Zoning Department. The trees shown on the landscaping plan shall be between twelve feet and fifteen feet (12'-15') in height at the time of planting.
- C. One (1) two (2)-sided illuminated sign may be installed on the subject property in substantially the location shown on the landscaping plan (Exhibit D). The owners of businesses allowed by this special use permit may pursue variances to Kendall County Zoning Ordinance regarding the height and dimensions of the sign through the variance application process without seeking an amendment to the special use permit.
- D. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land along the entire length of County Line Road side of the property at a depth of sixty feet (60') as measured from the centerline of County Line Road to Seward Township for County Line Road right-of-way.
- E. The owners of the business allowed by this special use permit shall construct all of the storage buildings shown on the site plan (Exhibit C) on or before December 31, 2023. Either December 31, 2023, or upon completion of the final self-service storage building, whichever occurs first, the special use permit for an outdoor storage business shall automatically cease. The final self-service storage building shall be considered complete when all occupancy permits for the self-service storage buildings are issued. The completion and expiration dates listed in this condition may be extended upon approval by the Kendall County Planning, Building and Zoning Committee.
- F. A maximum of twenty-five (25) items, including, but not limited to, boats, trailers, and motor vehicles may be stored outdoors as part of the outdoor storage business special use permit.
- G. None of the vehicles stored on premises shall be considered agricultural equipment as they relate to the businesses allowed by these special use permits.
- H. All of the vehicles stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
- I. The hours of operation for the businesses allowed by these special use permits shall be daily from 7:00 a.m. until 7:00 p.m. The operator(s) of the businesses allowed by these special use permit may reduce these hours of operation. Patrons may access the storage area at any time.
- J. The total maximum number of employees combined for the businesses allowed by these special use permit shall be five (5), including the business owners.
- K. The owners of the businesses allowed by these special use permits shall diligently monitor the property for leaks from items stored on the premises and shall promptly clean up the site if leaks occur.
- L. The operator(s) of the business allowed by this special use permit shall provide the Kendall County Sheriff's Department and Troy Fire Protection District with passcodes to the gate upon the request of these agencies.

- The operator(s) of the businesses allowed by these special use permits acknowledge and agree to M. follow Kendall County's Right to Farm Clause.
- N. The operator(s) of the businesses allowed by these special use permits shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
- 5. All ordinances in conflict with this ordinance are hereby repealed.
- This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.
- 7. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect these Map Amendments and Special Use Permits.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 15th day of September, 2020.

Attest:

Kendall County Clerk

Debbie Gillette

Kendall County Board Chairman

Scott R. Gryder

#### Exhibit A

## LEGAL DESCRIPTION OF TRACT 2 (B-3 Special Use Parcel):

That Part of the Northeast Quarter of Section 13, Township 35 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Northeast Quarter; thence Southerly, along the East Line of said Northeast Quarter, 1142.05 feet; thence Westerly, parallel with the North Line of said Northeast Quarter, 599.06 feet; thence Southerly, parallel with the West Line of said Northeast Quarter, 165.29 feet for the point of beginning; thence Easterly, parallel with said North Line, 332.25 feet; thence Southerly, parallel with said West Line, 525.07 feet to a line which is 1834.37 feet Southerly of (as measured along the East Line of said Northeast Quarter) and parallel with the North Line of said Northeast Quarter; thence Westerly, parallel with said North Line, 332.25 feet to a line drawn Southerly from the point of beginning, parallel with said West Line; thence Northerly, parallel with said West Line, 527.0 feet to the point of beginning in Seward Township, Kendall County, Illinois.

#### LEGAL DESCRIPTION OF TRACT 3 (B2 Zoning Parcel):

That Part of the Northeast Quarter of Section 13, Township 35 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Northeast Quarter; thence Southerly, along the East Line of said Northeast Quarter, 1142.05 feet; thence Westerly, parallel with the North Line of said Northeast Quarter, 51.55 feet to a point hereinafter referred to as "Point A"; thence Southerly, along a line which forms an angle of 89°33'03" with the prolongation of the last described course, measured counter-clockwise therefrom, 692.32 feet to a line which is 1834.37 feet Southerly of (as measured along the East Line of said Northeast Quarter) and parallel with the North Line of said Northeast Quarter for the point of beginning; thence Northerly, along the line of the last described course 692.32 feet to "Point A"; thence Westerly, parallel with said North Line, 547.51 feet; thence Southerly, parallel with the West Line of said Northeast Quarter, 165.29 feet; thence Easterly, parallel with said North Line, 332.25 feet; thence Southerly, parallel with said West Line, 525.07 feet to a line which is 1834.37 feet Southerly of (as measured along the East Line of said Northeast Quarter) and parallel with the North Line of said Northeast Quarter; thence Easterly, parallel with said North Line, 213.85 feet to the point of beginning in Seward Township, Kendall County, Illinois.

#### Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on July 27, 2020, by a vote of seven (7) in favor and zero (0) in opposition.

### FINDINGS OF FACT-MAP AMENDMENTS

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on map amendment applications.

Existing uses of property within the general area of the property in question. The surrounding properties are used agricultural or uses similar to agricultural uses such as farmsteads and fertilizer operations.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1, A-1 with a special use, or B-4.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and can be used for farming.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is stable with residential growth and special uses normally found in agricultural zoned areas.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map was amended earlier in 2020 to reclassify the subject property as Commercial. The property to the west is planned to be used for recreational purposes. Minooka School District #111 plans to construct a school in the area. The Village of Shorewood's Future Land Use Map calls for this property to be Commercial and Government/Institutional. The proposed map amendments are consistent with the purpose and objectives of the Land Resource Management Plan.

#### FINDINGS OF FACT-SPECIAL USE PERMITS

§ 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.

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 and landscaping plan, dedicates land for right-of-way, 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. The proposed use will be a low utility user and adequate utilities are planned for the development of the site. A private road is planned from County Line Road to the subject use. A right-of-way dedication is planned along County Line Road. The Petitioners will have to secure a stormwater management permit.

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

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."

#### RECOMMENDATIONS

Approval of the requested map amendments.

Approval of the special use permits with the following conditions and restrictions:

- The site shall be developed substantially in accordance with the submitted site plan, landscaping plan, and lighting plan.
- 2. The operator(s) of the businesses allowed by this special use permit shall plant the vegetation and install the fencing identified in the landscaping plan within ninety (90) days of the approval of the special use permit ordinance. Dead or damaged vegetation shall be replaced on a timetable approved by the Kendall County Planning, Building and Zoning Department. The trees shown on the landscaping plan shall be between twelve feet and fifteen feet (12'-15') in height at the time of planting.
- 3. One (1) two (2)-sided illuminated sign may be installed on the subject property in substantially the location shown on the landscaping plan. The owners of businesses allowed by this special use permit may pursue variances to Kendall County Zoning Ordinance regarding the height and dimensions of the sign through the variance application process without seeking an amendment to the special use permit.
- 4. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land along the entire length of County Line Road side of the property at a depth of sixty feet (60') as measured from the centerline of County Line Road to Seward Township for County Line Road right-of-way.
- 5. The owners of the business allowed by this special use permit shall construct all of the storage buildings shown on the site plan on or before December 31, 2023. Either December 31, 2023, or upon completion of the final self-service storage building, whichever occurs first, the special use permit for an outdoor storage business shall automatically cease. The final self-service storage building shall be considered complete when all occupancy permits for the self-service storage buildings are issued. The completion and expiration dates listed in this condition may be extended upon approval by the Kendall County Planning, Building and Zoning Committee.
- 6. A maximum of twenty-five (25) items, including, but not limited to, boats, trailers, and motor vehicles may be stored outdoors as part of the outdoor storage business special use permit.
- 7. None of the vehicles stored on premises shall be considered agricultural equipment as they relate

- to the businesses allowed by these special use permits.
- 8. All of the vehicles stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
- 9. The hours of operation for the businesses allowed by these special use permits shall be daily from 7:00 a.m. until 7:00 p.m. The operator(s) of the businesses allowed by these special use permit may reduce these hours of operation. Patrons may access the storage area at any time.
- 10. The total maximum number of employees combined for the businesses allowed by these special use permit shall be five (5), including the business owners.
- 11. The owners of the businesses allowed by these special use permits shall diligently monitor the property for leaks from items stored on the premises and shall promptly clean up the site if leaks occur.
- 12. The operator(s) of the business allowed by this special use permit shall provide the Kendall County Sheriff's Department and Troy Fire Protection District with passcodes to the gate upon the request of these agencies.
- 13. The operator(s) of the businesses allowed by these special use permits acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 14. The operator(s) of the businesses allowed by these special use permits 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 permits.
- 16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

# **ENGINEERING PLANS**

# **FOUR SEASONS STORAGE FACILITY**

**SECTION 13, TOWNSHIP 35 NORTH, RANGE 8 EAST COUNTY LINE RD & ROUTE 52** 

> MINOOKA, IL 60447 **KENDALL COUNTY JULY, 2020**

#### **INDEX TO SHEETS**

- 1 COVER SHEET
- 2. EXISTING CONDITIONS & DEMOLITION PLAN
- 3. STORMWATER POLLUTION & PREVENTION PLAN 1
- 4. STORMWATER POLLUTION & PREVENTION PLAN 2
- 6. CIVIL SITE PLANS
- 7. GENERAL NOTES & DETAILS
- 8. GENERAL NOTES & DETAILS II

PROJECT LOCATION



LOCATION MAP

Elevation = 645,28 NAVD 29

#### PLANS PREPARED FOR:



**CIVIL ENGINEER:** 

Call before you dig.

UTILITY STATEMENT

CIVEN UNDER MY HAND & SEAL THIS 2157 DAY OF JULY, 2020

I JOHN J. TEBRUGGE, A LICENSED PROFESSIONAL ENGINEER OF ILLINOIS. HEREBY CERTIFY THAT THESE PLANS HAVE BEEN PREPARED UNDER MY PERSONAL DIRECTION BASED ON AVAILABLE DOCUMENTS AND FIELD MEASUREMENTS FOR THE EXCLUSIVE USE OF THE CLUENT NOTED HEREON.

CALCIANT	NO.	DATE	NOTES	
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**LEGEND** 

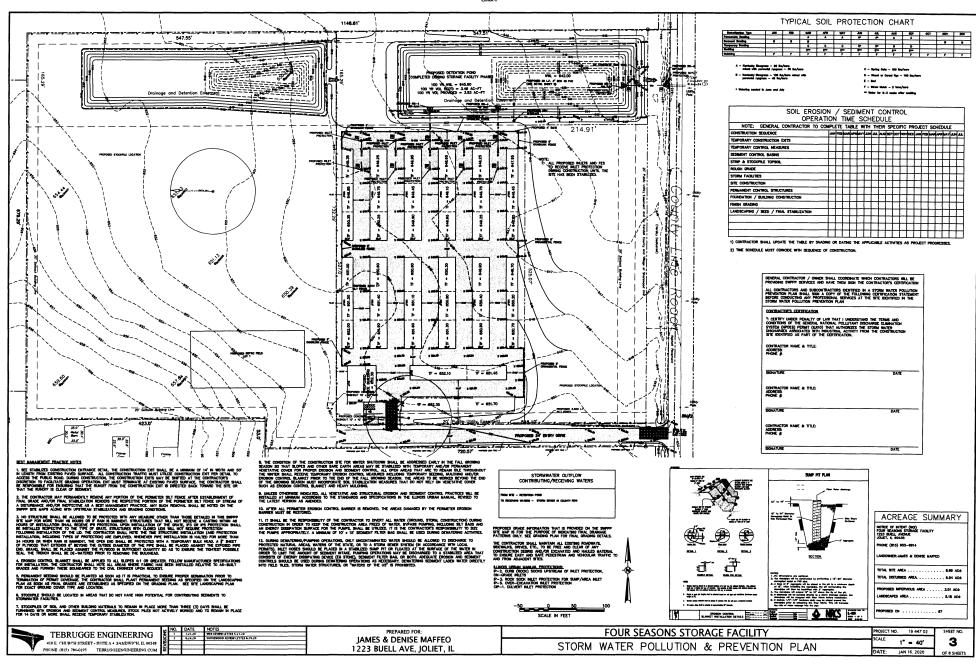
PROPERTY BOUNDARY EXISTING CONTOUR LINE

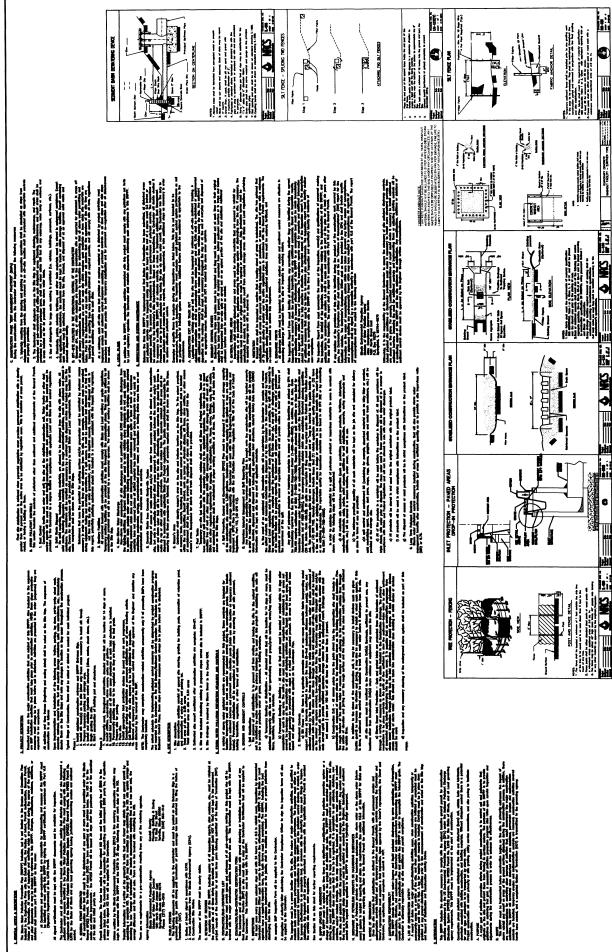
EXISTING SANITARY SEWER LINE

VALVE VAULT INLET OR MANHOLE

GUY WIRE LOC. UTIL CARINET UTIL PEDESTAL

LIGHT POLE



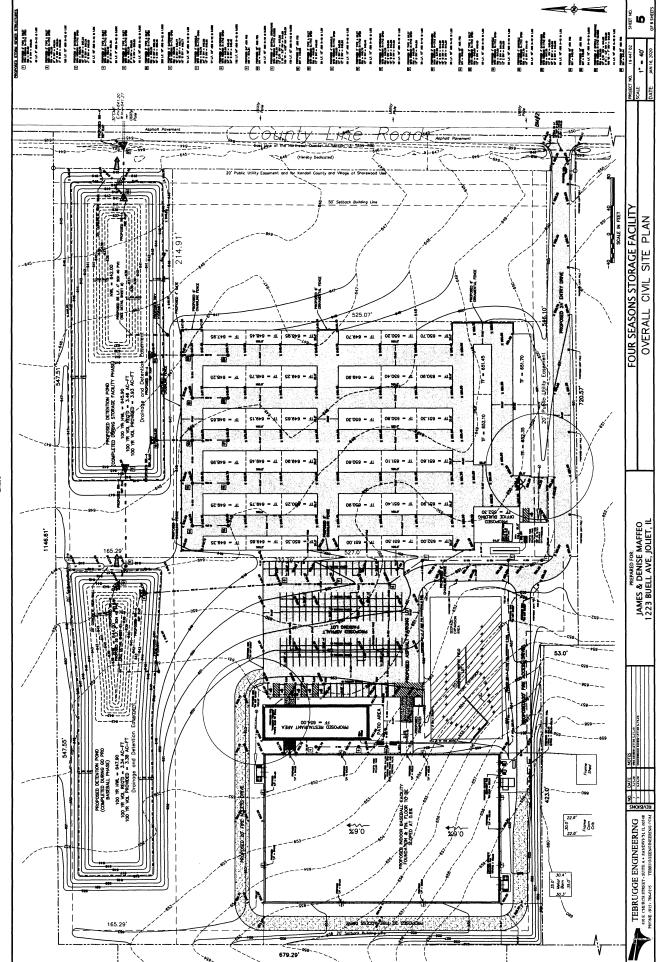


PROJECT PO. SCALE 1" = 40"

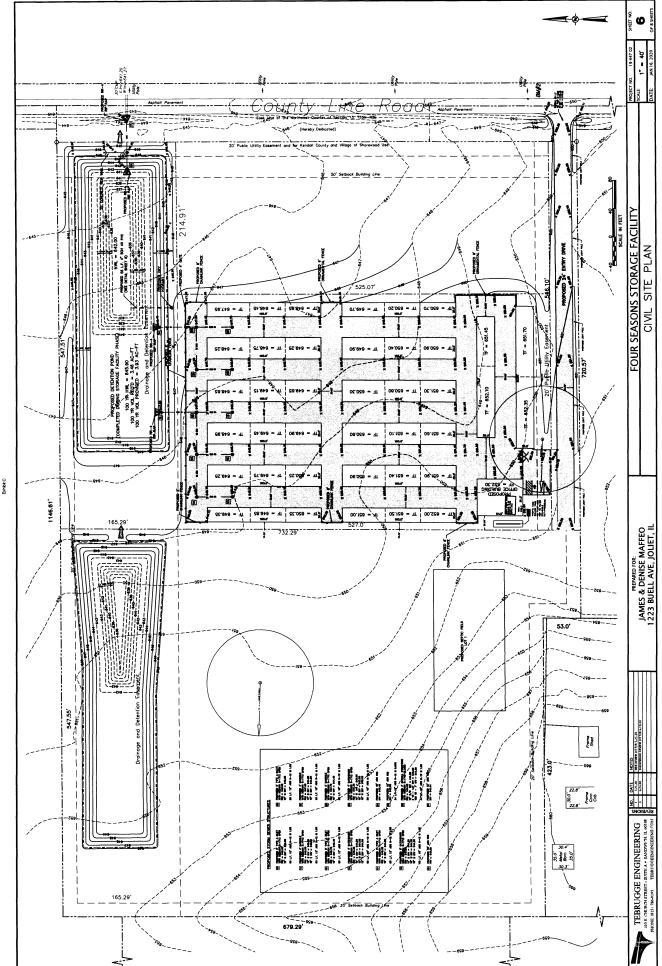
STORMWATER POLLUTION & PREVENTION PLAN DETAILS

PREPARD FOR: JAMES & DENISE MAFFEO 1223 BUELL AVE, JOLIET, IL

FOUR SEASONS STORAGE FACILITY



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I, IT SHALL BE THE RESPONSIBILITY OF THE PANNIC CONTRACTOR TO REJIONE FROM THE SITE ARY AND ALL INTERNAL, AND DESIRE, WHICH RESULTS FROM HIS CONSTRUCTION OPENATIONS AT NO ADDITIONAL EXPENSE TO BE CHARTS. II. PANTED PANEJEDIT MANGANGS AND SYMBOLS, OF THE THPE AND COLOR AS NOTED ON THE CONSTRUCTION YARS, SHALL BE INSTALLED IN ACCOMBANCE WITH SECTION 1-502 OF SAME SPECIFICATIONS. OF THE EARTHMONE CONTRACTOR

ALL DISTURBED AREAS SHALL BE SEEDED WITH IDOT CLASS 1 SEEDMIX

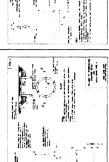
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FOUR SEASONS STORAGE FACILITY

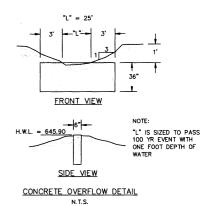
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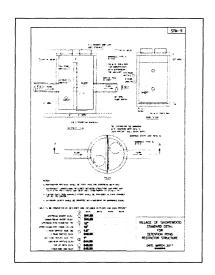
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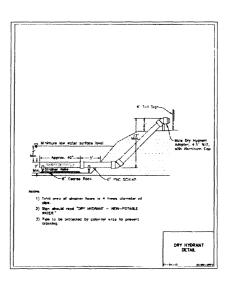
PREPARED FOR: JAMES & DENISE MAFFEO 1223 BUELL AVE, JOLIET, IL

GENERAL NOTES & DETAILS

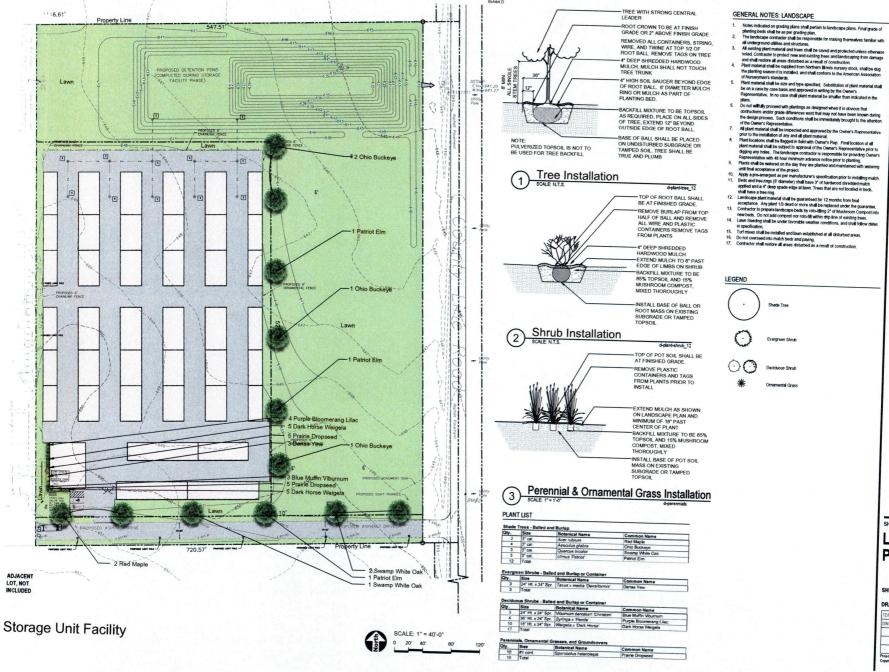
, FEET







TEBRUGGE ENGINEERING    Mo.   DATE   NOTES	PREPARED FOR:	FOUR SEASONS STORAGE FACILITY	PROJECT NO. 19 447 02 SH	HEET NO.
410 E CHURCH STREET - SUITE A • SANDWICH, IL 60548 PHONE: (815) 786-0195 TEBRUGGEENGINEERING COM	JAMES & DENISE MAFFEO 1223 BUELL AVE, JOLIET, IL	GENERAL NOTES & DETAILS II	1" = 40" DATE: JAN 16, 2020 OF	8 SHEETS



#### GENERAL NOTES: LANDSCAPE

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  Notes indicate on great pages as lapse persists branchcape plans. Find grade of planting holds that is a size of product pane.

  The landrage conscious that size appears be sared and protected unities when all underground utilities and structures.

  All easisting parties maked and nees shall be saved and protected unities otherwise noted. Contractor to product new and auditing less and landraging from dimage and a size of the product of the p



Go Pro Ball, LLC 6821 Sahara Drive

PROJECT

Go Pro Ball **Facility** NW Quadrant of Rt 52 & County Line Rd Shorewood, Illinois

uplandDesign Itd

Park Planning and Landscape Architecture 24042 Lockport St, Plainfield, Illinois 60544 815-254-0091 www.uplanddesign.com

SHEET TITLE

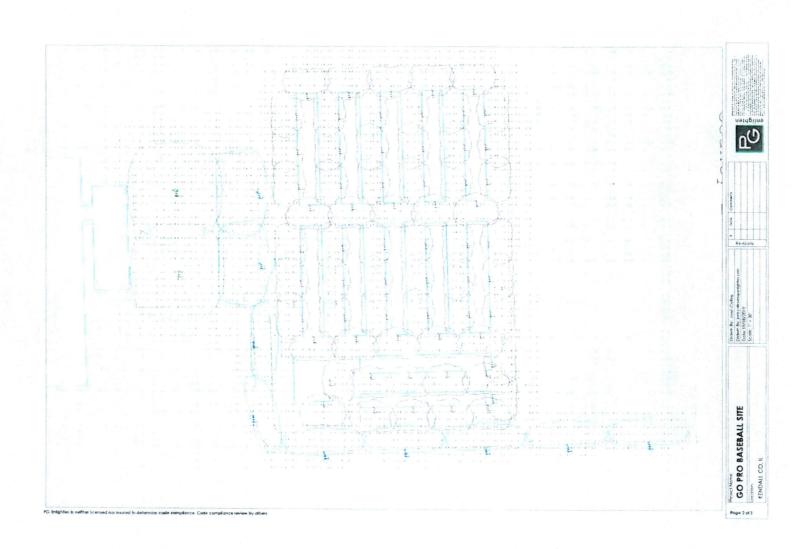
## Landscape Plan

SHEET NUMBER L1.0

DRAW / REVISION

TOALD	Permit Submittal	19FEB2020
DWMB	Revision 1/Rendering	06MAR2020
201		
	72.22	





#### Exhibit E