

MINUTES
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING (HYBRID ATTENDANCE)
110 WEST MADISON STREET (109 WEST RIDGE STREET), EAST WING CONFERENCE ROOM
YORKVILLE, IL 60560
March 1, 2021 – 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, Karen Clementi, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick Whitfield

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Dan Kramer, Larry Nelson, Doug Nelson, Pam Nelson, and Scott Mulliner

MINUTES:

Member Cherry made a motion, seconded by Member LeCuyer, to approve the minutes of the December 14, 2020 hearing/meeting.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield

Nays (0): None

Abstain (0): None

Absent (0): None

The motion passed.

Chairman Mohr swore in Dan Kramer, Larry Nelson, and Doug Nelson

PETITIONS

The Zoning Board of Appeals started their review of Petition 20-32 at 7:01 p.m.

Petition 20-32 – Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping, LLC

Request: Map Amendment Rezoning a Portion of the Property from A-1 Agricultural District to B-3 Highway Business District and a Special Use Permit for a Landscaping Business

PINs: 02-27-151-001 (Rezone to B-3) and 02-27-151-003 (Special Use for Landscaping Business is for Both Parcels)

Location: 9000 Route 34, Yorkville, Bristol Township

Purpose: Petitioner Wants To Rezone the Property to B-3 and Operate a Landscaping Business

Mr. Asselmeier summarized the request.

Cindy Gates, on behalf of the Cindy Gates Trust, currently leases the subject property to Mark Cox of Cox Landscaping, LLC for use as a landscaping business.

Prior to the COVID-19 closures, the County received a complaint that a landscaping business was operating at the subject property without proper zoning. Efforts to determine if the use qualified for grandfathering were unsuccessful and the Petitioner decided to pursue a map amendment and special use permit. The COVID-19 closures and efforts to obtain stormwater information caused the application to be delayed.

The subject property is split zoned between A-1 and B-3. The request makes the entire frontage of the parcels B-3 and establishes a special use permit for a landscaping business over the area zoned B-3.

The application materials, aerial of the site portion of the property, site plan, and the plat of the area proposed for rezoning were provided.

The property is approximately two point five (2.5) acres.

The County's Future Land Use Map calls for the property to be Suburban Residential. Yorkville's Future Land Use Map calls for the property to be Agricultural.

Route 34 is a State-maintained arterial highway. There is a trail along Route 34.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural to the north, east, and west, and commercial to the south.

The adjacent zonings are A-1, R-3 and B-3 and Planned Development B-3 and O in Yorkville.

The County's Future Land Use Map calls for the area to be Suburban Residential and the Yorkville Future Land Use Map calls for the area to be Suburban Neighborhoods and Mid-Density Residential.

Ms. Belville started attending the meeting remotely at this time (9:05 a.m.).

Zoning Districts within one half (1/2) mile include A-1, R-3, B-3 in the County and Planned Development R-3 and O in Yorkville.

Pictures of the property were provided.

Four (4) residential subdivisions are located within one half (1/2) mile of the subject property.

EcoCAT Report submitted and found the Fox River INAI Site, Yorkville Forested Seep and Fen INAI Site, and the River Redhorse in the area. Adverse impacts were unlikely and consultation was terminated.

The LESA Score was 115 indicating a low level of protection.

The Petitioners appeared before the Bristol Township Board on February 5, 2020, prior to submitting an application with the County. The Bristol Township Board voted in favor of the request. The minutes of this meeting were provided. Petition information was sent to Bristol Township on January 20, 2021.

Petition information was sent to the United City of Yorkville on January 20, 2021. Yorkville will be reviewing this proposal at their March meetings.

Petition information was sent to the Bristol-Kendall Fire Protection District on January 20, 2021.

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding the lack of a septic system on the property. The Petitioner's Attorney noted that porta-john was on the property and no customers are invited on the property. Employees do not linger on the property. Based on the current use and proposed use of the property, restroom facilities are not required. The well on the property had previously been used to water plants related to the former nursery business at the property. ZPAC recommended approval of the proposed map amendment and special use permit with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 24, 2021. Member Wilson asked why the berm area did not screen the dirt pile. She also asked if any fencing would be around the dirt pile. Dan Kramer, Attorney for the Petitioner, said the dirt pile was behind the berm. Mr. Kramer said more landscaping would be planted on the berm in the spring. The berm and dirt pile were not near the nearby residences. The dirt pile varies in size as projects occur. The Kendall County Regional Planning Commission recommended approval of the proposed map amendment and special use permit with the conditions proposed by Staff by a vote of nine (9) in favor and zero (0) in opposition. The minutes of the meeting were provided.

The subject property has been used as a landscaping business without proper zoning for many years and the Petitioners would like to become compliant with the Zoning Ordinance.

According to the submitted business plan, Cox Landscaping, LLC provides general landscaping services to commercial and residential customers. The business has a maximum fifteen (15) employees. Employees arrive at the property at approximately 6:45 a.m., go to work sites, and return to the property by 5:30 p.m. The business operates at maximum capacity from April 1st through Thanksgiving. A smaller number of employees work for the business from November through April.

The subject property is used for offices and storage of landscaping materials.

The subject property is used for wholesale purposes only; no customers come onto the property.

The property presently consists of one (1) one thousand thirty (1,030) square foot steel building. An approximately fifty-three (53) square foot metal shed is located northeast of the steel building. A metal storage bin is located to the southeast of the steel building. An approximately one hundred twenty (120) square foot frame shed is also located southeast of the steel building. A new shed is shown on the site plan; the new shed will be approximately eight feet (8') tall. Any new structures would require applicable building permits.

The property also has one (1) two hundred fifty-two (252) square foot concrete storage area, one (1) two hundred sixteen (216) square foot concrete storage area, one (1) seven hundred fourteen (714) square foot concrete storage area, and one (1) five hundred forty-four (544) square foot wood storage bay. The height of the storage areas is twelve feet (12').

One (1) diesel tank is located on the property.

The property is served by well. There is no septic on the premises.

The property drains to the southeast.

The main parking area consists of gravel and crushed asphalt.

A pulverized black dirt pile will be located on the northern portion of the property.

A stormwater management permit will be required. The stormwater information was provided.

The property has two (2) accesses off of Route 34.

One (1) two thousand five hundred (2,500) square foot gravel parking area is located west of the steel building and one (1) five thousand (5,000) square foot parking lot is located north of the steel building. There are twelve (12) parking spaces in the gravel parking area west of the steel building with an additional twelve (12) parking spaces to the east of the steel building.

Lights are presently located on the property by the sign, flagpole, and on the steel building. One (1) freestanding light is also located on the property next to the steel building. No additional lighting is planned.

The site has less than thirty (30) parking spaces. Therefore, a photometric plan is not required.

A sign is already located on the property. The sign is five feet (5') wide and two feet (2') tall. The sign is three point eight feet (3.8') off of the ground for a total height of slightly under six feet (6'). A light exists next to the sign and flagpole.

A wooden fence six feet (6') in height is located between the steel building and the berm. The Petitioners plan to install a cyclone mesh fence with slats to prevent viewing by the public. The fence will be approximately six feet (6') in height. A new fence gate is visible on the site plan.

Security cameras are also located on the steel building.

The Petitioners also plan to have a three foot (3') maximum height berm with black dirt and mulch with landscaping in the location shown on the site plan.

A berm already exists parallel to Route 34.

No additional plantings are planned for either berm.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the twelfth (12th) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact for the map amendment were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural and commercial purposes. The subject property has been used for a nursery and landscaping business for several years.

The Zoning classification of property within the general area of the property in question. The surrounding properties have business, office, residential, and agricultural zoning classifications. The subject property is split zoned A-1 Agricultural District and B-3 Highway Business District.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently split zoned A-1 and B-3. Landscaping businesses are special uses within both zoning classifications. However, from a regulatory and use standpoint, having a consistent zoning classification across both uses removes the possibilities of inconsistent and conflicting regulations that exist when a property possesses more than one (1) zoning classification.

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 along this portion of Route 34 is commercial, retail, office, similar related business uses.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Land Resource Management Plan calls for the subject property to be Suburban Residential and the Yorkville Comprehensive Plan calls for the property to be Agricultural even though a portion of the property has been zoned for business uses since the 1970s.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The owners of the business allowed by the special use permit will not invite the public onto the property.

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

Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, and aesthetics of the operations at the property. Therefore, the neighboring property owners should not suffer loss in property values and will not negatively impact the adjacent land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. The property has two (2) points of access off of Route 34. The site has adequate utilities and no customers of the business allowed by the special use permit will be invited onto the property. The owners of the business allowed by the special use permit have applied for applicable stormwater permits.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. True, the Petitioners are not requesting any variances.

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."

Staff recommended approval of the requested map amendment. Staff also recommends approval of the requested special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan.
2. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
3. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan.
4. Equipment and vehicles related to the business may be stored outdoors.
5. Within six (6) months of approval of the ordinance allowing the special use for a landscaping business at the subject property, the owners or operators of the business allowed by this special use permit shall install a cyclone mesh fence approximately six (6') in height in substantially the location depicted on the site plan
6. One (1) business related sign five feet (5') wide by two feet (2') tall shall be allowed on the subject property as shown on the site plan. The sign can be a maximum four feet (4') off of the ground. The sign may be illuminated.

7. The owners of the business allowed by this special use permit may install necessary lighting for security purposes. All lights shall follow the lighting provisions contained in the Kendall County Zoning Ordinance.
8. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the site plan. The parking area shall be gravel.
9. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be installed and maintained in substantially the same location as shown on the site plan.
10. No landscape waste generated off the property can be burned on this site.
11. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:45 a.m. until 5:30 p.m.
14. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
16. 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.
17. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
18. 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.

Chairman Mohr asked if a portion of the property already had proper zoning. Mr. Asselmeier responded that a majority of the lot was zoned B-3. However, no portion of the lot presently has a special use permit for a landscaping business. If approved, the portion of the property near Route 34 would be zoned B-3 and would have a special use permit for a landscaping business. Any permitted use in the B-3 District could be placed on the property. The property owner would have to secure the appropriate special use permits if the requested use was listed as a special use in the B-3 District. Site plan approval through ZPAC would also be required.

Member Whitfield asked about the B-3 location. Mr. Asselmeier explained on the aerial where the rezoned B-3 area would be located. Mr. Asselmeier noted that a nursery was a permitted use on A-1

zoned property.

Chairman Mohr opened the public hearing at 7:15 p.m.

Chairman Mohr asked where the cyclone fence would be located. Dan Kramer, Attorney for the Petitioner said the fence would screen the location where they park their vehicles.

Mr. Kramer provided a history of uses on and ownership of the property. He noted that the property drains to the south and that Petitioner Gates owns the land to the south. He also discussed the adjacent land uses and noted that no residential uses were nearby the property. No dirt would be stored near any houses. He also noted that Mr. Cox was a tenant of the Gates Trust.

Chairman Mohr closed the public hearing at 7:19 p.m.

Member LeCuyer made a motion, seconded by Member Whitfield to approve the Findings of Fact for the map amendment and special use portions of the request as presented.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Member Whitfield made a motion, seconded by Member Fox, to recommend approval of the map and special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Bristol Township and Yorkville will be notified of the results of the hearing. The proposal goes to the Kendall County Planning, Building and Zoning Committee on April 12, 2021.

Discussion occurred regarding why Yorkville had not provided any comments. Mr. Asselmeier noted that the County's application deadlines and Yorkville's application deadlines did not allow this proposal to be reviewed by Yorkville in February.

The Zoning Board of Appeals completed their review of Amended Petition 20-32 at 7:22 p.m.

The Zoning Board of Appeals started their review of Petition 21-03 at 7:22 p.m.

Petition 21 – 03 – Larry Nelson on Behalf of the L and P Nelson Trust 103

Request: Major Amendment to the Special Use Permit Granted by Ordinance 2016-21 By Expanding the Uses (Banquet Facility, Nano Brewery, Micro Distillery, Year Round Seasonal Festival with Petting Zoo, Production and Sale of Sweet Cider) Allowed by Ordinance 2016-21 and Related Variances to the Property East of Creek Road and Removing the Maximum Building Number Requirement Contained in Ordinance 2016-21
PINs: 01-16-300-007 and 01-21-100-005
Location: 3210 Creek Road, Plano, Little Rock Township
Purpose: Petitioner Wants To Expand the Uses and Variances Allowed by Ordinance 2016-21 to the East Side of Creek Road and Remove the Maximum Building Number Requirement; Property is Zoned A-1 Agricultural

Mr. Asselmeier summarized the request.

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road. The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

The application materials, concept plan, Ordinance 2016-21, and aerial of the property were provided.

The expansion area is approximately thirty-one (31) acres in size.

The Future Land Use Plan calls for the property to be Rural Estate Residential and Countryside Residential.

Creek Road is a Township maintained Local Road. The County has a trail planned along Creek Road north of Frazier Road.

The One (100)-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

The adjacent land uses are Agricultural and an outlot to a residential subdivision.

The adjacent zonings are A-1 and A-1 SU in the County and AG-1 in Plano.

The County's Future Land Use Map calls for the area to be Agricultural, Countryside Residential, Rural Estate Residential, and Commercial. Plano's Future Land Use Map calls for the area to be Open Space, Low-Density Residential, and General Business.

The nearby zoning districts include A-1, A-1 SU, and R-3 in the County and AG-1, F-1, R-5, B-2, and B-5 in Plano.

The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

EcoCat submitted on January 5, 2021, and consultation was terminated.

NRI application submitted on January 8, 2021. The LESA Score was 188 indicating a low level of protection. The NRI Report was provided.

Little Rock Township was emailed information on January 19, 2021. The Township reviewed this proposal at their meeting on February 17, 2021. Overall, the Township was in favor of the proposal, but had concerns regarding the well and septic for the expansion area, the protocol for the people mover, and safety signage along Creek Road. The Township was working on a letter officially stating their position.

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

The City of Plano was emailed information on January 19, 2021. The Plano Planning Commission reviewed this proposal at their meeting on February 15, 2021. They recommended approval of the proposal on the condition that a traffic study of the intersection of Creek Road and Little Rock Road occur.

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding patrons crossing Creek Road to access amenities and facilities on the west of Creek Road. The Petitioner indicated that some form of people mover would be used to transport people across Creek Road. No pedestrian crossings were foreseen. The Petitioner noted that development of the property on the east side of Creek Road would take several years. ZPAC recommended approval of the proposal with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 24, 2021. The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 24, 2021. One (1) neighbor, Robert Long, stated that he was concerned about noise and the preservation of the Little Rock Creek watershed, but was generally in favor of the proposal. The Petitioner stated that they would abide by the County's noise regulations. The Petitioner was unsure if outdoor music would occur at the property as part of banquets. The Petitioner requested that the noise regulations apply only to the homes in existence at the time of the issues of the special use permit. The

Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the amendment regarding the noise regulations as requested by the Petitioner by a vote of eight (8) in favor and zero (0) in opposition, one (1) Commissioner recused himself. The minutes were provided.

According to the business information provided, the Petitioner would like to expand operations of Woody's Orchard to the property they own on the east side of Creek Road. The Petitioners would like to construct approximately three (3) buildings with a total of thirty thousand (30,000) square feet in substantially the locations shown on the concept plan. The concept plan also calls for two (2) parking areas and two (2) access points off of Creek Road. Traffic circulation would be one (1) way throughout the property. The concept plan also calls for an apple tree area on the north side of the property.

The Petitioner would like the conditions and variances imposed by Ordinance 2016-21 to carry over to the new area of operations. The conditions from Ordinance 2016-21 are as follows:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to two hundred twenty-five (225), including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 a.m. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30 pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
 - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.

- c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.
9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.
12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (10,000) square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12:10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

The variances from Ordinance 2016-21 are as follows:

1. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

According to the business plan information, the proposed use is "a hybrid use of agriculture, entertainment, food and family fun." Some commodities are grown onsite while others are grown offsite. Family friendly activities are also offered on the property.

No information was provided, either in the current application or in Ordinance 2016-21, regarding number of employees or number of events. Condition 3 of Ordinance 2016-21 stated that events cannot start prior to 7:00 a.m. any day of the week and shall end no later than 10:00 p.m. on Mondays thru Wednesdays and no later than 11:30 p.m. Thursdays thru Sundays. Banquets may end no later than midnight. Condition 2 of Ordinance 2016-21 stated that the maximum number of patrons at a banquet is limited to two hundred twenty-five (225), including vendors working at the property for a banquet.

The Petitioner did not indicate when they would start construction on the expansion, if the special use amendment was approved.

Building permits will be required for the proposed structures.

The Petitioner would like to amend Condition 3 of Ordinance 2016-21 by removing the three (3) building maximum. The total allowable square footage would remain at thirty thousand (30,000) and no non-agricultural building would be larger than ten thousand (10,000) square feet.

Section 7:01.D.32.g of the Kendall County Zoning Ordinance and Condition 10 of Ordinance 2016-21 requires a waste management plan be submitted and approved by the Kendall County Health Department prior to the operation of a micro distillery. Condition 11 of Ordinance 2016-21 requires adequate hand sanitation devices as determined by the Kendall County Health Department for the operation of a petting zoo. Condition 6 of Ordinance 2016-21 requires that any food prepared or sold on the property follow Kendall County Health Department regulations.

No information was provided regarding potable water availability or restroom facilities in the expansion area.

Electricity is onsite.

No information was provided for refuse control areas for refuse generated from the special uses.

The property fronts Creek Road. According to the concept plan, the way into the property would be a driveway across the street from the existing entrance to Woody's Orchard and the way out of the property would be through a driveway that lines up with Frazier Road.

The concept plan shows two (2) parking areas. No information was provided regarding the dimensions of the parking areas or the number of parking spaces. According to Condition 5 of Ordinance 2016-21, ADA parking spaces shall be marked and constructed with a hard surface. According to Condition 14 of Ordinance 2016-21, parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

According to Condition 4 of Ordinance 2016-21, all lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance. No information was provided regarding the number or location of lights.

According to Condition 13 of Ordinance 2016-21, all signage on the property shall follow the rules for signs in a Business District as outlined in Section 12:10 of the Zoning Ordinance. Signs may be externally illuminated. No information was provided regarding the number, location, or size of signs.

No specific information was provided regarding landscaping. The Petitioner indicated that they would provide additional landscaping information when applying for building permits.

No information was provided regarding specific noise control measures. The uses must follow the noise regulations in the Zoning Ordinance and the allowable noise levels listed in Ordinance 2016-21.

The proposed findings of fact for the special use permit were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. True. The Petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including a one-way traffic flow.

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

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Creek Road at the intersection with Frazier Road. Site plan, stormwater management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. The Petitioner was granted variances in the original special use permit ordinance. The Petitioner would like those variances extended to cover the special use expansion area.

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

The proposed findings of fact for the variances were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. While the subject property is not on an existing collector road, Creek Road is a well maintained Township Road which frequently accommodate truck traffic from the nearby Hillside Nursery. Commercial uses are called for in the vicinity of the subject property on the Future Land Use Maps for both Kendall County and City of Plano.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is true. This is a unique combination of uses and is not likely to be replicated in other areas of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioner did not create the setback requirements or access requirements.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variances will not impair the supply of light or air to neighboring properties. Since 2016, the Petitioner has demonstrated no increased congestion on public streets by the uses allowed by the special use permit. There will be no increase in the danger of fire and no negative impacts to property values are foreseen.

Staff recommended approval of the requested amendment to special use permit granted by ordinance 2016-21 and the variances approved by Ordinance 2016-21 subject to the following conditions and restrictions:

1. The subject property shall be developed substantially in accordance with the concept plan. The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
 - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
 - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan. No individual building shall be larger than ten thousand (10,000) square feet.

3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet."
4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
5. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
6. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
7. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
8. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Chairman Mohr asked for clarification regarding the requests. Mr. Asselmeier said that the request is related to a special use permit and the variances associated with the special use permit.

Member Whitfield asked about the building restriction. Mr. Asselmeier said the proposal would restrict the total square footage of buildings allowed the maximum size of individual buildings. The building restriction applies only to non-agricultural related buildings.

Member LeCuyer asked about Plano's request for a traffic study. Mr. Asselmeier responded that Plano had concerns about traffic counts and traffic safety at the intersection of Creek Road and Little Rock Road. Plano wanted to use this request as an opportunity to ask the County to further study that intersection.

Chairman Mohr opened the public hearing at 7:39 p.m.

Larry Nelson, Petitioner, explained that no uses changes were requested at this time. The uses and variances allowed on the west side of the property would extend to the property on the east side of Creek Road. He noted that he met with the Little Rock Township Highway Commissioner to discuss lines of sight which were used to determine the location of ingress and egress. He noted that he discussed the property with the Fire District and no issues were raised. Little Rock Township seems in favor of the proposal, but they are waiting on their attorney for a letter. The City of Plano reviewed the proposal because of noise concerns. He noted that the City of Plano wanted to see the intersection of Creek and Little Rock Road adjusted and that Woody's would not create a large amount of traffic. He noted that the site has no limitations on septic systems. He also noted that the property to the southeast is inside the City of Plano and zoned B-4. Allowable uses on B-4 zoned property include bars, hospitals,

recreation centers, dance halls, gas stations, sports arenas, motion picture theaters, and other uses that would generate more noise and traffic than Woody's.

Doug Nelson, son of the Petitioner, provided a history of the business and explained the impacts of temperature on apple blossoms. He also noted the popularity of agritourism and the need to have certain amount of acreage in order to be successful.

Chairman asked if parking would be for the banquet facility or for overflow parking when patrons are picking apples. Larry Nelson responded that adequate parking exists on the west side of the road for patrons picking apples on the west side of the road. He did not want people crossing Creek Road unless they were on a people mover. The trees take several years to be productive. He felt that a large enough distance existed that would naturally deter people from crossing Creek Road unless they were on a people mover. When the east side of the road becomes active, there will be staff a ticket booth setup on that side of Creek Road; no ticket sales will occur on the east side of the Creek Road. Fences probably will be installed to prevent theft.

Doug Nelson explained the liability if people crossed Creek Road without riding on a people mover.

Larry Nelson discussed restricting the noise regulations to apply to only those houses existed or permitted as of the date of the issuance the major amendment of an existing special use permit. This request would be a clarification of the existing regulations.

Chairman Mohr closed the public hearing at 8:05 p.m.

Member Clementi made a motion, seconded by Member LeCuyer, to approve the Findings of Fact for the special use and variance portions of the request as presented.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Member Clementi made a motion, seconded by Member Fox, to recommend approval of the special use permit and variances with the conditions proposed by Staff and the amendment that the noise regulations apply only to homes in existence or permitted on the date of approval of this major amendment to the existing special use permit.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Little Rock Township and Plano will be notified of the results of the hearing. The proposal goes to the Kendall County Planning, Building and Zoning Committee on March 8, 2021.

The Zoning Board of Appeals completed their review of Amended Petition 21-03 at 8:08 p.m.

NEW BUSINESS/OLD BUSINESS

Follow-Up on Kendall County Regional Planning Commission Annual Meeting

Mr. Asselmeier provided a report from the Annual Meeting.

Mr. Asselmeier reported the summary for 2020 and 2021 future projects and goals.

Thirty-two (32) Petitions Filed in 2020; forty-six (46) Petitions Filed in 2019; thirty-three (33) Petitions Filed in 2018; thirty-three (33) Petitions Filed in 2017.

Thirty-four (34) New Housing Starts in 2020; twenty (20) New Housing Starts in 2019.

Three hundred twenty-six (326) Total Permits in 2020; two hundred fifty-seven (257) Total Permits in 2019.

Clarified the Enforcement Section and Fines Section of the Zoning Ordinance and Removed the Hearing Officer from the Zoning Ordinance.

Senior Planner Passed the Certified Floodplain Manager (CFM) Exam.

Completed the Zoning Ordinance Project with Teska to Correct Typographical and Citation Errors within the Zoning Ordinance.

Updates to the Recreational Vehicle Park and Campground Zoning Regulations Approved.

Updated the Historic Preservation Ordinance to Meet the Criteria for Certified Local Government Status.

Adjusted Departmental Operations due to the COVID-19 Pandemic.

Code Compliance Official Trained New Part-Time Code Enforcement Officer.

Code Compliance Official Held a Community Event at Ace Hardware in Yorkville.

ISO Improved to 4.

Department Revenues in June Were the Highest Revenues for a Single Month Since Mid-2000s.

Department Revenues for the Fiscal Year Were the Highest in at Least Ten (10) Years.

Worked with GIS to Place 2018 Contour Information on the Website.

Updated the Number of Members on the Stormwater Planning Committee to Match State Law Zoning Administrator or His/Her Designee Named Administrator of Stormwater Administrator.

Four (4) Parties Were Found Guilty for Violating the Zoning Ordinance.

Organized a Public Hearing Regarding Kendall County's Stormwater Management Ordinance.

Distributed a Survey to the Townships Regarding Kendall County's Stormwater Management Activities.

Organized a Joint Meeting of Historic Preservation Groups within the County.

Continued Historic Preservation Commission Awards.

Noxious Weed Related Documents and Notices Drafted and Approved by the County Board.

Update Transportation Plan in Land Resource Management Plan to Match the Long Range Transportation Plan.

Start Researching and Planning for Updating the Land Resource Management Plan in 2022.

Assist with the Codification Process.

Continue to Implement the Citation Policies for the Various Ordinances.

Work with Kendall County EMA to Pursue Disaster Related Grants and Other Funding.

Continue to Meet with Townships Regarding Their Role in the Development Approval Process.

Work with WBK Engineering to Review the County's Stormwater Regulations and Recommend Appropriate Changes Based on Changes in Federal and State Stormwater Regulations.

Continue to Monitor Changes to Zoning Related Regulations at the State Level.

Continue to Work with GIS to Ensure Correct Zoning Information for Each Parcel.

Continue to Work with GIS to Connect Parcels to the Applicable Special Use and Map Amendment Ordinances.

Continue to Work to Ensure Special Use Permits that Require Renewals and Reviews Are Examined in a Timely Manner.

Ensure that Noxious Weed and NPDES Permit Documents Are Submitted to the State in a Timely Manner.

Work with the Illinois Historic Preservation Agency and Historic Preservation Commission on Certified Local Government Projects.

Increase the Visibility and Activities of the Historic Preservation Commission Through Collaboration with Other Historic Preservation Organizations and Events.

Continue Working with the Northwest Water Planning Alliance.

Participate with Implementation of CMAP's 'On To 2050 Plan' for the Chicago Region.

Continue Reviewing and Addressing Potential Changes to the Zoning Ordinance and Departmental Operations for Increased Efficiency.

In 2020, there were five (5) new special use permit applications initiated; three (3) of these are on-hold cannabis related special uses.

Regarding major amendments to special uses, there were (0) in 2020.

Regarding minor amendments to special uses, there was one (1) in 2020.

There was one (1) special use permit revocation.

There were zero (0) special use permit renewals.

There were five (5) stand-alone variances.

There were two (2) administrative variances.

There were zero (0) stormwater variance.

There was one (1) approved conditional use permit.

There was one (1) approved temporary use permit.

There was one (1) site plan review.

There were two (2) plats of vacation.

There was one (1) preliminary and final plat approved.

There were four (4) text amendments initiated.

There was two (2) Land Resource Management Plan initiated; one (1) was approved and one (1) was withdrawn.

There were two (2) map amendments approved initiated.

There were two (2) Stormwater Ordinance Related amendments.

There were no historic landmarks.

There were (2) text amendments to the Historic Preservation Ordinance.

There were nine (9) ZPAC meetings in 2020.

The Regional Planning Commission met eight (8) times in 2020, including the Annual Meeting.

The Zoning Board of Appeal met eight (8) times in 2020.

The Historic Preservation Commission met eight (8) times in 2020.

The Stormwater Management Oversight Committee met one (1) time in 2020.

The Comprehensive Land Plan and Ordinance Committee met six (6) times in 2020.

The Planning, Building and Zoning Committee met thirteen (13) times in 2020.

Of the twenty-six (26) ordinances approved by the County Board in 2020, thirteen (13) were Planning and Building related.

The Department investigated zero (0) noxious weed violations in 2020.

In 2020, there were thirty-four (34) single-family residential permits approved in the unincorporated area. The breakdown by township and subdivision was provided to the Board.

The Code Inspector did two hundred thirteen (213) site visits inspections in 2020.

There were two hundred fifty-six building related violation investigations in 2020 compared to four hundred six (406) building related violations in 2019. There were fourteen (14) zoning related violations in 2020 compared to seven (7) the previous year.

Total permits issued were three hundred thirty (330) in 2020 compared to two hundred sixty-one (261) in 2019.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petitions 20-02 and 20-05 were withdrawn by the Petitioner. The Planning, Building and Zoning Committee will be discussing the next steps for this property at their March 8, 2021, meeting.

Mr. Asselmeier reported that Petitions 20-24 and 20-25 passed at the County Board.

Mr. Asselmeier said that there are four (4) agenda items for the March 29, 2021, hearing. These include a map amendment request at the southwest corner of Galena and East Beecher Roads, a request for a special use permit for a flea market on Brisbin Road, a request for a banquet facility on Van Dyke Road, and the Land Resource Management Plan amendment.

PUBLIC COMMENTS

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Whitfield made a motion, seconded by Member Thompson to adjourn.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

The Zoning Board of Appeals meeting adjourned at 8:26 p.m.

The next hearing/meeting will be on March 29, 2021.

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

Exhibits

1. Memo on Petition 20-32 Dated February 25, 2021
2. Certificate of Publication for Petition 20-32 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 21-03 Dated February 25, 2021
4. Certificate of Publication for Petition 21-03 (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 20-32

**Cindy Gates on Behalf of the Cindy Gates Trust and
Mark Cox on Behalf of Cox Landscaping, LLC
Map Amendment Rezoning a Portion of Property from A-1 to B-3
Special Use Permit for Landscaping Business**

INTRODUCTION

Cindy Gates, on behalf of the Cindy Gates Trust, currently leases the subject property to Mark Cox of Cox Landscaping, LLC for use as a landscaping business.

Prior to the COVID-19 closures, the County received a complaint that a landscaping business was operating at the subject property without proper zoning. Efforts to determine if the use qualified for grandfathering were unsuccessful and the Petitioner decided to pursue a map amendment and special use permit. The COVID-19 closures and efforts to obtain stormwater information caused the application to be delayed.

The subject property is split zoned between A-1 and B-3. The request makes the entire frontage of the parcels B-3 and establishes a special use permit for a landscaping business over the area zoned B-3.

The application materials are included as Attachment 1. The aerial of the site portion of the property is included as Attachment 2. The site plan is included as Attachment 3. The plat of the area proposed for rezoning only is included as Attachment 4.

SITE INFORMATION

PETITIONERS: Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping LLC

ADDRESS: 9000 Route 34, Yorkville

LOCATION: Southeast Side of Route 34 Approximately 175 Feet Northeast of Tuma Road



TOWNSHIP: Bristol

PARCEL #s: Part 02-27-151-001 Rezone A-1 to B-3 Special Use
Part 02-27-151-003 Rezone A-1 and B-3 to B-3 Special Use

LOT SIZE: Subject Area is 2.46 +/- Acres (Total of Both Parcels is 8.6 +/- Acres)

EXISTING LAND USE: Landscaping Business

ZONING: A-1 and B-3

LRMP:	Future Land Use	Suburban Residential (1.00 DU/Acre) (County) Agricultural (Yorkville)
	Roads	Route 34 is a State maintained arterial.
	Trails	There is a trail along Route 34.
	Floodplain/ Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Map Amendment Rezoning Property to B-3 Highway Business District
Special Use Permit for a Landscaping Business

APPLICABLE REGULATIONS: Section 9:03.C.15 – B-3 Special Uses
Section 13:07 – Map Amendment Procedures
Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within 1/2 Mile
North	Agricultural	Planned Development B-3 and O (Yorkville)	Suburban Neighborhoods (Yorkville)	A-1 (County) Planned Development B-3 and O (Yorkville)
South	Commercial	R-3 and B-3	Suburban Residential (Max 1.00 DU/Acre)	R-3 and B-3 (County) R-2 and Open Space-2 (Yorkville)
East	Agricultural	A-1	Suburban Residential	A-1, A-1 BP, and

West	Agricultural	Planned Development B-3 and O (Yorkville)	Mid-Density Residential (Yorkville)	R-3 R-3 and B-3 (County) Planned Development B-3 and O and B-3 (Yorkville)
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Pictures of the property are included as Attachments 5-12.

Four (4) residential subdivisions are located within one half (1/2) mile of the subject property.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and found the Fox River INAI Site, Yorkville Forested Seep and Fen INAI Site, and the River Redhorse in the area. Adverse impacts were unlikely and consultation was terminated, see Attachment 1, Pages 12-14.

NATURAL RESOURCES INVENTORY

The LESA Score was 115 indicating a low level of protection, see Attachment 14.

ACTION SUMMARY

BRISTOL TOWNSHIP

The Petitioners appeared before the Bristol Township Board on February 5, 2020, prior to submitting an application with the County. The Bristol Township Board voted in favor of the request. The minutes of this meeting are included as Attachment 13. Petition information was sent to Bristol Township on January 20, 2021.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville on January 20, 2021. Yorkville will be reviewing this proposal at their March meetings.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol-Kendall Fire Protection District on January 20, 2021.

ZPAC

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding the lack of a septic system on the property. The Petitioner’s Attorney noted that porta-john was on the property and no customers are invited on the property. Employees do not linger on the property. Based on the current use and proposed use of the property, restroom facilities are not required. The well on the property had previously been used to water plants related to the former nursery business at the property. ZPAC recommended approval of the proposed map amendment and special use permit with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes of the meeting are included as Attachment 15.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 24, 2021. Member Wilson asked why the berm area did not screen the dirt pile. She also asked if any fencing would be around the dirt pile. Dan Kramer, Attorney for the Petitioner, said the dirt pile was behind the berm. Mr. Kramer said more landscaping would be planted on the berm in the spring. The berm and dirt pile were not near the nearby residences. The dirt pile varies in size as projects occur. The Kendall County Regional Planning Commission recommended approval of the proposed map amendment and special use permit with the conditions proposed by Staff by a vote of nine (9) in favor and zero (0) in opposition. The minutes of the meeting are included as Attachment 16.

GENERAL INFORMATION

The subject property has been used as a landscaping business without proper zoning for many years and the Petitioners would like to become compliant with the Zoning Ordinance.

BUSINESS OPERATIONS

According to the business plan found on page 4 of Attachment 1, Cox Landscaping, LLC provides general landscaping services to commercial and residential customers. The business has a maximum fifteen (15) employees. Employees arrive at the property at approximately 6:45 a.m., go to work sites, and return to the property by 5:30 p.m. The business operates at maximum capacity from April 1st through Thanksgiving. A smaller number of employees work for the business from November through April.

The subject property is used for offices and storage of landscaping materials.

The subject property is used for wholesale purposes only; no customers come onto the property.

BUILDINGS AND BUILDING CODES

The property presently consists of one (1) one thousand thirty (1,030) square foot steel building. An approximately fifty-three (53) square foot metal shed is located northeast of the steel building. A metal storage bin is located to the southeast of the steel building. An approximately one hundred twenty (120) square foot frame shed is also located southeast of the steel building. A new shed is shown on the site plan; the new shed will be approximately eight feet (8') tall. Any new structures would require applicable building permits.

The property also has one (1) two hundred fifty-two (252) square foot concrete storage area, one (1) two hundred sixteen (216) square foot concrete storage area, one (1) seven hundred fourteen (714) square foot concrete storage area, and one (1) five hundred forty-four (544) square foot wood storage bay. The height of the storage areas is twelve feet (12').

One (1) diesel tank is located on the property.

ENVIRONMENTAL HEALTH

The property is served by well. There is no septic on the premises.

STORMWATER

The property drains to the southeast.

The main parking area consists of gravel and crushed asphalt.

A pulverized black dirt pile will be located on the northern portion of the property.

A stormwater management permit will be required. The stormwater information is included in Attachment 3.

ACCESS

The property has two (2) accesses off of Route 34.

PARKING AND INTERNAL TRAFFIC CIRCULATION

One (1) two thousand five hundred (2,500) square foot gravel parking area is located west of the steel building and one (1) five thousand (5,000) square foot parking lot is located north of the steel building. There are twelve (12) parking spaces in the gravel parking area west of the steel building with an additional twelve (12) parking spaces to the east of the steel building.

LIGHTING

Lights are presently located on the property by the sign, flagpole, and on the steel building. One (1) freestanding light is also located on the property next to the steel building. No additional lighting is planned.

The site has less than thirty (30) parking spaces. Therefore, a photometric plan is not required.

SIGNAGE

A sign is already located on the property. The sign is five feet (5') wide and two feet (2') tall. The sign is three point eight feet (3.8') off of the ground for a total height of slightly under six feet (6'). A light exists next to the sign and flagpole.

SECURITY

A wooden fence six feet (6') in height is located between the steel building and the berm. The Petitioners plan to install a cyclone mesh fence with slats to prevent viewing by the public. The fence will be approximately six feet (6') in height. A new fence gate is visible on the site plan.

Security cameras are also located on the steel building.

LANDSCAPING

The Petitioners also plan to have a three foot (3') maximum height berm with black dirt and mulch with landscaping in the location shown on the site plan.

A berm already exists parallel to Route 34.

No additional plantings are planned for either berm.

NOISE CONTROL

No information was provided regarding noise control.

ODORS

No new odors are foreseen by the proposed use.

RELATION TO OTHER SPECIAL USES

If approved, this would be the twelfth (12th) special use permit for a landscaping business in unincorporated Kendall County.

FINDINGS OF FACT-MAP AMENDMENT

§ 13:07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on map amendment applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

Existing uses of property within the general area of the property in question. **The surrounding properties are used for agricultural and commercial purposes. The subject property has been used for a nursery and landscaping business for several years.**

The Zoning classification of property within the general area of the property in question. **The surrounding properties have business, office, residential, and agricultural zoning classifications. The subject property is split zoned A-1 Agricultural District and B-3 Highway Business District.**

The suitability of the property in question for the uses permitted under the existing zoning classification. **The property is presently split zoned A-1 and B-3. Landscaping businesses are special uses within both zoning classifications. However, from a regulatory and use standpoint, having a consistent zoning classification across both uses removes the possibilities of inconsistent and conflicting regulations that exist when a property possesses more than one (1) zoning classification.**

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 along this portion of Route 34 is commercial, retail, office, similar related business uses.**

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Land Resource Management Plan calls for the subject property to be Suburban Residential and the Yorkville Comprehensive Plan calls for the property to be Agricultural even though a portion of the property has been zoned for business uses since the 1970s.

FINDINGS OF FACT-SPECIAL USE PERMIT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The owners of the business allowed by the special use permit will not invite the public onto the property.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The subject property has been used as a landscaping business for a number of years. Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, and aesthetics of the operations at the property. Therefore, the neighboring property owners should not suffer loss in property values and will not negatively impact the adjacent land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. The property has two (2) points of access off of Route 34. The site has adequate utilities and no customers of the business allowed by the special use permit will be invited onto the property. The owners of the business allowed by the special use permit have applied for applicable stormwater permits.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. True, the Petitioners are not requesting any variances.

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

Staff recommends approval of the requested map amendment. Staff also recommends approval of the requested special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 3).
2. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
3. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the attached site plan (Attachment 3).

4. Equipment and vehicles related to the business may be stored outdoors.
5. Within six (6) months of approval of the ordinance allowing the special use for a landscaping business at the subject property, the owners or operators of the business allowed by this special use permit shall install a cyclone mesh fence approximately six (6') in height in substantially the location depicted on the site plan
6. One (1) business related sign five feet (5') wide by two feet (2') tall shall be allowed on the subject property as shown on the attached site plan (Attachment 3). The sign can be a maximum four feet (4') off of the ground. The sign may be illuminated.
7. The owners of the business allowed by this special use permit may install necessary lighting for security purposes. All lights shall follow the lighting provisions contained in the Kendall County Zoning Ordinance.
8. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the attached site plan (Attachment 3). The parking area shall be gravel.
9. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be installed and maintained in substantially the same location as shown on the site plan.
10. No landscape waste generated off the property can be burned on this site.
11. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:45 a.m. until 5:30 p.m.
14. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
16. 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.
17. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
18. 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.

ATTACHMENTS

1. Application Materials (Including Petitioner's Findings of Fact, NRI Application, and EcoCat)
2. Aerial
3. Site Plan
4. Rezoning Area
5. Main Building
6. Existing Berm
7. Existing Berm 2

8. Pulverized Dirt Area
9. Sign
10. Looking North
11. Looking Across Route 34
12. Southwest Side of Property
13. February 5, 2020 Bristol Township Minutes
14. NRI Report
15. February 2, 2021 ZPAC Minutes
16. February 24, 2021 RPC Minutes



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME Cox Landscaping

FILE # _____

NAME OF APPLICANT Cox Landscaping, LLC		
CURRENT LANDOWNER/NAME(s) Cindy Gates Trust		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 2.4613	9000 Route 34, Yorkville, IL 60560	part of 02-27-151-003
EXISTING LAND USE Landscaping Business	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major, <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT Dnaiel J. Kramer	PRIMARY CONTACT MAILING ADDRESS 1107A S. Bridge St., Yorkville, IL 60560	PRIMARY CONTACT EMAIL dkramer@dankramerlaw.com
PRIMARY CONTACT PHONE # 630-553-9500	PRIMARY CONTACT FAX # 630-553-5764	PRIMARY CONTACT OTHER # (Cell, etc.)
²ENGINEER CONTACT NONE	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [Redacted Signature] DATE <u>9/14/2022</u>		

FEE PAID: \$ _____

CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

MAP AMENDMENT FINDINGS OF FACT

1. Existing Uses: The existing uses on Route 34 and adjacent to the property are primarily business, manufacturing, and retail in usage. To the east and south there is an area of agricultural row crop farmland and substantially to the southwest an area of residential.
2. Zoning Classification: The area surrounding the subject parcel is a mix of business zonings, agricultural zonings, and residential zoning to the southwest.
3. Suitability: The area that is being zoned B-3 Special Use from existing A-1 Agricultural Uses just even out the boundary of the existing B-3 Property that has been used as a nursery, retail garden sales center, and related businesses for the past 30 years or more.
4. Trend of Development: The trend in development along Route 34 is towards commercial, light manufacturing, and retail.
5. The landscape company is consistent with current the LRMP and has been an existing use at this property for over 30 years.

SPECIAL USE FINDINGS OF FACT

1. The subject property has been operated as a nurse/landscaping business with the current Owner and her former husband and then a subsequent tenant for over the last 20 years.
2. The proposed use does not vary from prior uses on the property and will contain a fenced area for storage of outdoor equipment.

Petitioner is further creating a landscape buffer at the front of the property which will dress up its appearance on Route 34.

3. The subject property is adequate in terms of utility use. There is no office so no need for waste facilities in that the building located at the property, as it is simply used for dry storage. The primary purpose of establishing the Special Use is to continue to allow the equipment used in the landscaping and dirt shredding business to be stored on-site in conformance with Kendall County Zoning Ordinances. There is adequate access to Illinois State Route 34 which is a Class II Highway.
4. Petitioner will comply with all conditions of the proposed Special Use including adequate fencing in conformity with County Ordinance.
5. The Special Use requested is consistent with the County Comprehensive Plan in that the property is zoned B-3 for Business/Commercial Uses and the use now being conducted on the property conforms to what was present for the last many years other than there are not retail or wholesales being done on-site which previously took place.

COX LANDSCAPING BUSINESS PLAN

The overall Business Plan of Cox Landscaping is to continue its long-standing business providing general landscaping services to commercial and residential owners and operators.

At peak employment times the Petitioner will have 15 employees. The hours of operation on-site where employees are coming and going is from approximately 6:45 am when some of the employees arrive at the site to go to various jobs and start work at 7:00 am and they usually conclude work at 5:00 pm and bring whatever equipment that needs to come back to the business site back within a half an hour of the 5:00 pm quit time. Generally speaking the landscaping services run from April 1st through around Thanksgiving of each calendar year.

We have small number of employees that work for us during the winter months of November through April to provide snowplowing services as needed.

Scope of Work: Landscaping, mowing, brick and concrete patio/landscaping treatments. Delivery of mulch and rock in conjunction with landscaping services as well as tree removal, trimming, and pulverized dirt being delivered to sites in conjunction with the landscaping business.

North and east of the building we have dirt pile which is dirt taken from jobs and reconditioned through a screener to eliminate clay and rocks and then reused on-site. The pulverized dirt coming out of the screener is used on company jobs.

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of Lots 4 and 5 of Baker's Subdivision of Section 27 and 28, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of Lot 5 at Baker's Subdivision for a point of beginning; thence South 66°01'56" East along the Southwesterly Line of said Lot 5, 410.0 feet; thence North 23°58'04" East, 352.76 feet to a line that is parallel with and 15.0 feet Southwest of the Northeasterly Line of Lot 4 of Baker's Subdivision; thence North 65°51'43" East along said parallel line, 197.16 feet to the Southeast Line of U.S. Route 34; thence South 55°01'49" West along said Southeasterly Line, 412.51 feet to the point of beginning, in Bristol Township, Kendall County, Illinois.



201600001532

DEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED: 2/2/2016 9:55 AM
MCD: 49.00 RHPFS FEE: 16.00
PAGES: 4

QUIT CLAIM DEED
(Individuals to Trust)

THE GRANTOR, CINDY S GATES, formerly known as CINDY S PULFER, a married woman, of 9498 2190 East Street, Princeton, County of Bureau, and State of Illinois, for and in consideration of TEN and NO/100ths DOLLARS (\$10 00), in hand paid, CONVEYS AND QUIT CLAIMS to CINDY S GATES, a married woman, of 9498 2190 East Street Princeton, County of Bureau, and State of Illinois, NOT INDIVIDUALLY, BUT AS TRUSTEE OF THE CINDY S GATES TRUST DATED NOVEMBER 6, 2009, all interest in the following-described real estate situated in the County of Kendall, in the State of Illinois, to wit

SEE ATTACHED LEGAL DESCRIPTION

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

I hereby declare that this deed represents a transaction exempt under the provisions of 35 ILCS 200/31-45(e) of the Real Estate Transfer Tax Act.

Dated:

1/22/16



Buyer/Seller/Representative

Permanent Real Estate Index Numbers: 02-27-151-003

Address of Real Estate: 9000 US Route 34, Yorkville, Illinois 60560

Grantor represents that this property is non-homestead property

DATED this 22 day of January, 2016.



Cindy S Gates

Instrument prepared by

Richard C Slocum, Attorney at Law,



State of Illinois)
) SS
County of Kane)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Cindy S Gates, formerly Cindy S Pulfer, 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 she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead

Given under my hand and official seal this 22 day of January, 2016.

[Redacted Signature]

Notary Public

Commission expires



Unofficial Copy

Tax bills to

Cindy S Gates Trust
Cindy S Gates, Trustee

[Redacted Address]

Mail to

Richard C Slocum
Attorney at Law

[Redacted Address]

RECORDER OF KENDALL COUNTY

AFFIDAVIT - PLAT ACT

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

Cindy S Gates, being duly sworn on oath, states that she resides at 9498 2190 East Street, Princeton, Illinois 61356-8773

That the attached deed is not in violation of Paragraph 205/1 of Chapter 765 of the Illinois Compiled Statutes for one of the following reasons

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

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO THE ATTACHED DEED

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

[Redacted Signature]

Cindy S Gates

Subscribed and sworn to before me this

[Redacted Notary Name]

Notary Public



LEGAL DESCRIPTION

That part of Lot 5 of Baker's Subdivision in Sections 27 and 28, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows Beginning at a point on the Southerly line of said Lot 5, 54 43 feet Southeasterly from the Northwesterly corner of Lot 1 of Batson's Subdivision in said Section 27, thence North 66 degrees, 30 minutes, 0 seconds West along the Southerly line of said Lot 5, 1275 97 feet to the Southeasterly line of U S Route 34, thence North 54 degrees, 49 minutes, 30 seconds East along said Southeasterly line 210 64 feet to the Northerly line of said Lot 5, thence South 66 degrees, 22 minutes, 07 seconds East along said Northerly line 1166 41 feet to a line drawn North 23 degrees, 30 minutes, 0 seconds East from the point of beginning, thence South 23 degrees, 30 minutes, 0 seconds West 177 26 feet to the point of beginning, in the Township of Bristol, Kendall County, Illinois

Unofficial

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Cindy Gates Trust
Address [REDACTED]
City [REDACTED] State [REDACTED] Zip [REDACTED]

2. Nature of Benefit Sought Special Use to operate Landscaping Business

3. Nature of Applicant: (Please check one)
 Natural Person (a)
 Corporation (b)
 Land Trust/Trustee (c)
 Trust/Trustee (d)
 Partnership (e)
 Joint Venture (f)

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

N/A

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
Cindy Gates	[REDACTED]	

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

[REDACTED]

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

Subscribed and sworn to before me this 30th day of December, A.D. 2019

(seal)



[REDACTED]
Notary Public



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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Cox Landscaping, LLC

Contact Person: Attorney Daniel J. Kramer

Address: 9000 Route 34

City, State, Zip: Yorkville, IL 60560

Phone Number: [REDACTED]

Email: [REDACTED]

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

Site Location & Proposed Use

Township Name Bristol

Township 27 N, Range 37 E, Section(s) 7

Parcel Index Number(s) 02-27-151-003 + 02-27-151-001 (front part of each pin)

Project or Subdivision Name Cox Landscaping

Number of Acres 2.5 acres

Current Use of Site Landscaping Business

Proposed Use Landscaping Business

Proposed Number of Lots 1

Proposed Number of Structures existing 1

Proposed Water Supply existing well

Proposed type of Wastewater Treatment existing septic

Proposed type of Storm Water Management N/A

Type of Request

- Change in Zoning from _____ to _____
- Variance (Please describe fully on separate page)
- Special Use Permit (Please describe fully on separate page)

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

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

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

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

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

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

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

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

[REDACTED]
 Petitioner or Authorized Agent

12-30-14
 Date

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

FOR OFFICE USE ONLY

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



Applicant: Cox Landscaping
Contact: Daniel J. Kramer
Address: 9000 Route 34
Yorkville, IL 60560

Project: Cox Landscaping
Address: 9000 Route 34, Yorkville

IDNR Project Number: 2006051
Date: 01/30/2020

Description: To operate landscaping company at an existing location

Natural Resource Review Results

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

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

Fox River INAI Site
Yorkville Forested Seep And Fen INAI Site
River Redhorse (*Moxostoma carinatum*)

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

Location

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

County: Kendall

Township, Range, Section:

37N, 7E, 27

37N, 7E, 28



IL Department of Natural Resources
Contact
Adam Rawe
217-785-5500
Division of Ecosystems & Environment

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

Disclaimer

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

IDNR Project Number: 2006051

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.

Log
2
II



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

JB Pritzker, Governor

Colleen Callahan, Director

January 30, 2020

Daniel J. Kramer
Cox Landscaping
9000 Route 34
Yorkville, IL 60560

RE: Cox Landscaping
Project Number(s): 2006051
County: Kendall


Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 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.

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


Please contact me if you have questions regarding this review.


Adam Rawe
Division of Ecosystems and Environment
217-785-5500


Attachment 2 Aerial




November 9, 2020

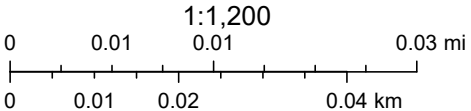
 Kendall County Address Points

Incorporated Areas

 Yorkville

Parcels

 parcel



© OpenStreetMap (and) contributors, CC-BY-SA, Map data © OpenStreetMap contributors, Map layer by Esri

Kendall County Web GIS

View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.

DEVELOPER:
Cox Landscaping
4433 Tuma Road
Yorkville, Illinois 60545

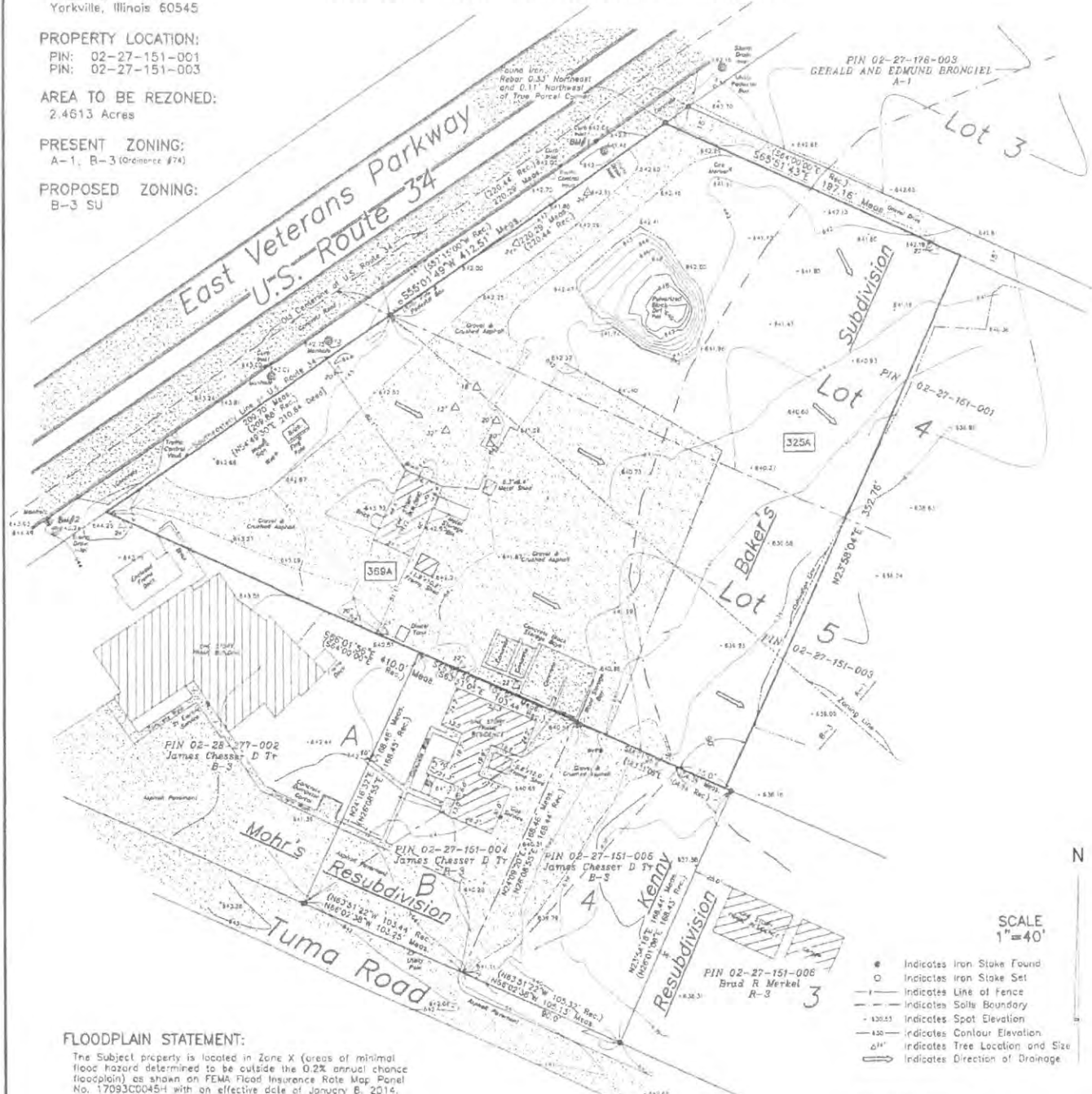
PROPERTY LOCATION:
PIN: 02-27-151-001
PIN: 02-27-151-003

AREA TO BE REZONED:
2.4613 Acres

PRESENT ZONING:
A-1, B-3 (Ordinance #74)

PROPOSED ZONING:
B-3 SU

**ZONING PLAT OF
PART OF LOTS 4 AND 5 BAKER'S SUBDIVISION
BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS**



FLOODPLAIN STATEMENT:

The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0045H with an effective date of January 6, 2014.

WETLANDS STATEMENT:

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

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of Lots 4 and 5 of Baker's Subdivision of Section 27 and 28, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of Lot 5 at Baker's Subdivision for a point of beginning; thence South 66°01'58" East along the Southwesterly Line of said Lot 5, 410.0 feet; thence North 23°58'04" East, 352.76 feet to a line that is parallel with and 15.0 feet Southwest of the Northeasterly Line of Lot 4 of Baker's Subdivision; thence North 65°51'43" East along said parallel line, 157.16 feet to the Southeast Line of U.S. Route 34; thence South 55°01'49" West along said Southeasterly Line, 412.51 feet to the point of beginning, in Bristol Township, Kendall County, Illinois



- SCALE**
1"=40'
- Indicates Iron Stake Found
 - Indicates Iron Stake Set
 - Indicates Line of Fence
 - - - Indicates Salt Boundary
 - Indicates Spot Elevation
 - Indicates Contour Elevation
 - △ Indicates Tree Location and Size
 - Indicates Direction of Drainage
- BENCHMARK (NAVD 1988)**
BM#1 — Top of Curb Inlet at the Northwest Corner of Subject Property
Elevation = 642.55
BM#2 — Manhole Rim at Curb at the Southwest Corner of Subject Property.
Elevation = 644.23

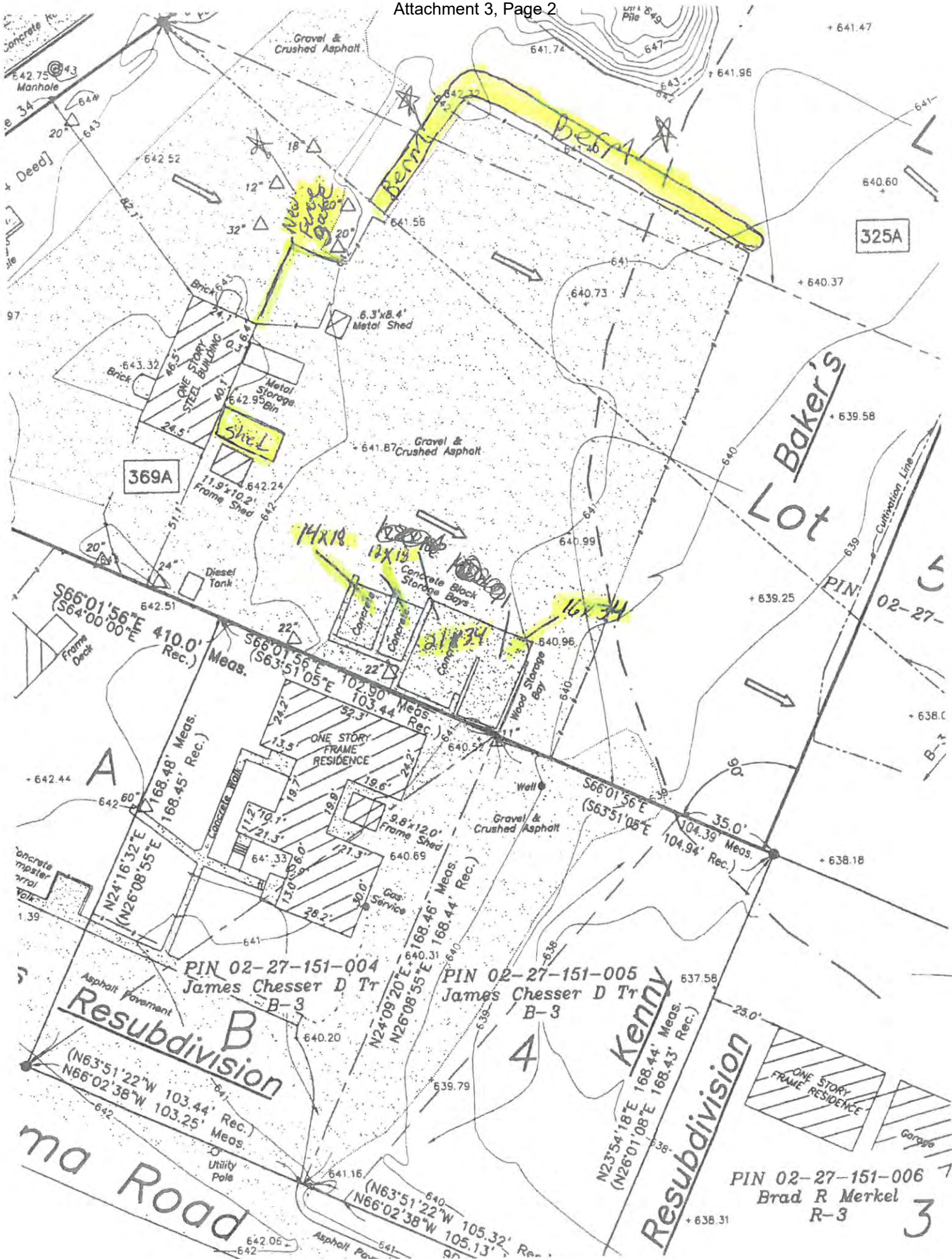
- SOILS (From Web Soil Survey)**
- 325A: Dresden Silt Loam, 0%-2% slopes
 - 388A: Waupecon Silt Loam, 0%-2% slopes

January 6, 2020

JOB NO.	19313
JOB NAME	COX
DWG FILE	19313

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

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



325A

369A

Baker's Lot

PIN 02-27-

PIN 02-27-151-004
James Chesser D Tr
B-3

PIN 02-27-151-005
James Chesser D Tr
B-3

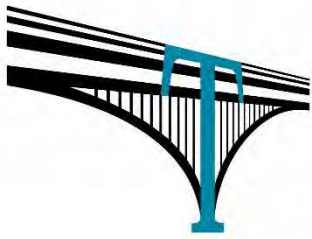
Resubdivision B

Resubdivision Kenny

PIN 02-27-151-006
Brad R Merkel
R-3

ma Road

3



TEBRUGGE ENGINEERING

410 E. CHURCH ST.—SUITE A
SANDWICH, IL 60548

PHONE: (815) 786-0195
EMAIL: INFO@TEBRUGGEENGINEERING.COM
WEBSITE: WWW.TEBRUGGEENGINEERING.COM

December 4, 2020

Mr. Matt Asselmeier
Kendall County Planning, Building and Zoning Department
111 W Fox St
Room 204
Yorkville, IL 60560-1498

Re: Cox Landscaping
9000 E. Veterans Parkway
Yorkville IL

Dear Mr. Asselmeier,

I visited the site located at 9000 E Veterans Parkway and walked the site to review the parking and storage areas used by Cox Landscaping. The site topographic survey had recently been done by Phil Young & Associates and we completed a Civil Site Plan detailing the areas of topsoil stockpile and the landscape berm which was installed on the north and east sides of the rear storage area. We reviewed the site history of this property utilizing google earth back to 2000 and the north portion utilized by Cox Landscaping has not had any significant change since the previous landscape company used this site.

The drainage pattern is from north to south. The parking lots and storage area all drain to the south. The landscape berm around the rear storage area and the topsoil stockpile do not block or impede the overland flow of storm water to the south. There was no erosion of the topsoil stockpile noticed on the south side of the topsoil stockpile. Cox Landscaping stated that they use the topsoil on an as needed basis for their landscaping projects.

If you have any additional questions, please contact us.

Sincerely,

Tebrugge Engineering



John Tebrugge

DEVELOPER:

Cox Landscaping
4433 Tuma Road
Yorkville, Illinois 60545

PROPERTY LOCATION:

PIN: 02-27-151-001
PIN: 02-27-151-003

AREA TO BE REZONED:

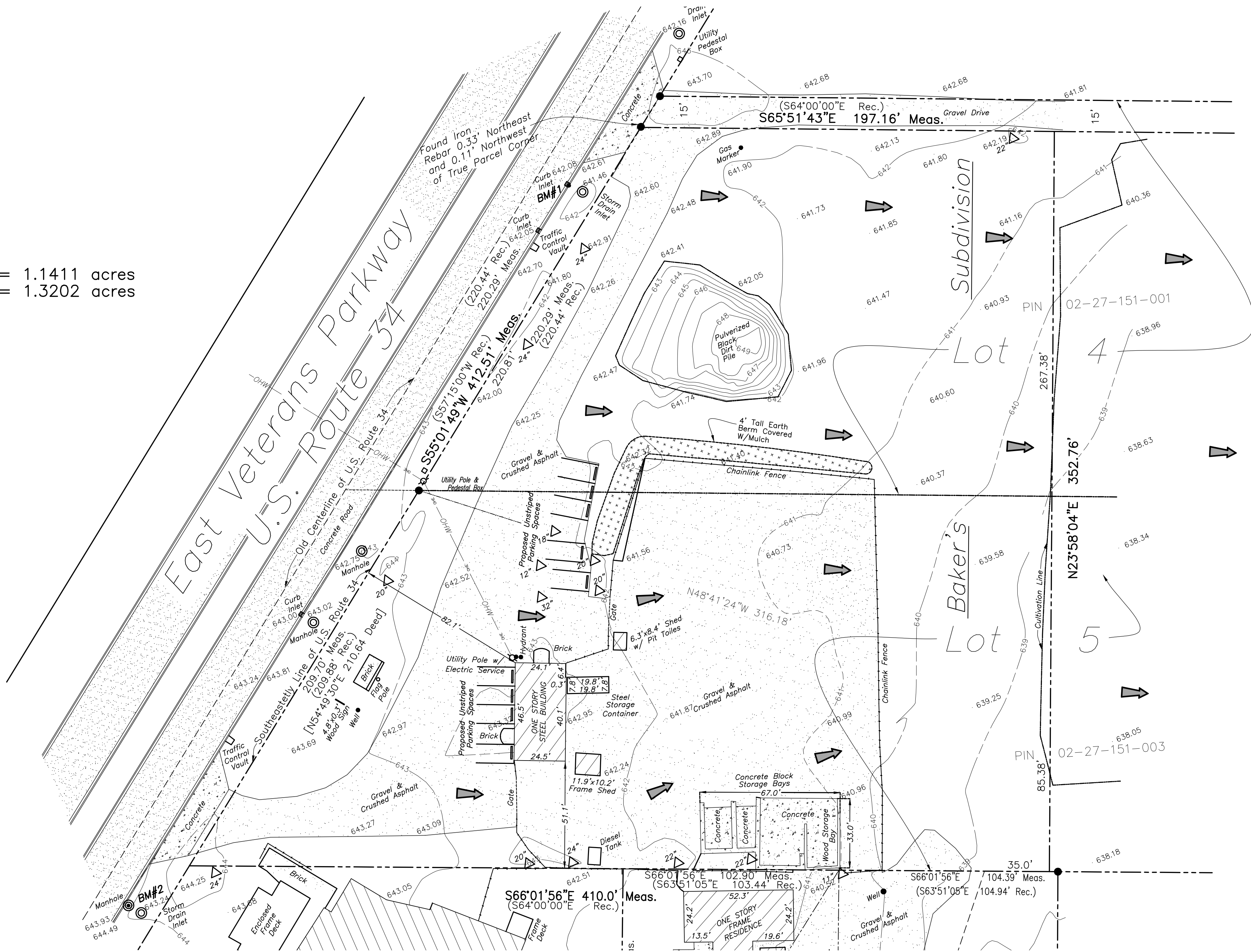
B3 to B3-SU 49707 sq.ft. = 1.1411 acres
A1 to B3-SU 57506 sq.ft. = 1.3202 acres
Total Area = 2.4613 Acres

PRESENT ZONING:

A1 and B3 (Ordinance #74)

PROPOSED ZONING:

B3-SU



LEGEND

	PROPERTY BOUNDARY
	EXISTING CONTOUR LINE
	EXISTING STORM SEWER
	EXISTING SANITARY SEWER LINE
	EXISTING WATERMAIN
	EXISTING UNDERGROUND ELECTRIC
	EXISTING OVERHEAD ELECTRIC
	EXISTING TELEPHONE
	PROPOSED CONTOUR LINE
	PROPOSED WATERMAIN
	PROPOSED STORM SEWER
	PROPOSED SANITARY SEWER LINE
	PROPOSED GREASE SERVICE LINE
	PROPOSED VENT LINE
	EXISTING FENCELINE
	PROPOSED SILT FENCE
	EXISTING SPOT SHOT
	PROPOSED SPOT GRADE

	EXIST WATER		PROP B-BOX
	HYDRANT		VALVE
	VALVE VAULT		INLET-CURB
	INLET OR MANHOLE		FLARED END SECTION
	CLEANOUT		MANHOLE

	R.O.W. MONUMENT		UTILITY POLE
	PROPERTY PIN		GUY WIRE LOC.
	P.K. NAIL		UTIL CABINET
	CHISELED MARK		UTIL PEDESTAL
	BENCHMARK		HUB & TACK
	SOIL BORING		LIGHT POLE
	OVERLAND RELIEF		TRAFFIC SIGNAL
	FLOW DIRECTION		ELECTRIC VAULT
			GAS VALVE

SURVEY COMPLETED BY:

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

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

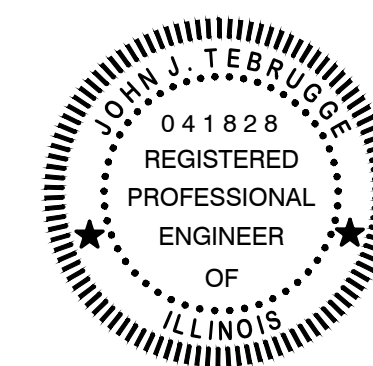
BENCHMARK (NAVD 1988)

BM#1 -- Top of Curb Inlet at the Northwest Corner of Subject Property. Elevation = 642.55
BM#2 -- Manhole Rim at Curb at the Southwest Corner of Subject Property. Elevation = 644.23

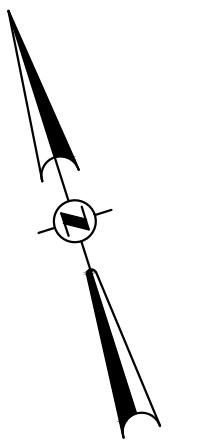
PROFESSIONAL ENGINEER'S CERTIFICATION
STATE OF ILLINOIS, COUNTY OF KENDALL

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 CLIENT NOTED HEREON.

GIVEN UNDER MY HAND & SEAL THIS 3RD DAY OF DECEMBER, 2020.



[Signature]
ILLINOIS REGISTERED PROFESSIONAL ENGINEER
NO. 0062-041828 EXPIRES NOV. 30, 2021



DEVELOPER:
Cox Landscaping
4433 Tuma Road
Yorkville, Illinois 60545

ZONING PLAT OF
PART OF LOTS 4 AND 5 BAKER'S SUBDIVISION
BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS

PROPERTY LOCATION:
PIN: 02-27-151-001
PIN: 02-27-151-003

AREA TO BE REZONED:
B3 to B3-SU 49707 sq.ft. = 1.1411 acres
A1 to B3-SU 57506 sq.ft. = 1.3202 acres
Total Area = 2.4613 Acres

PRESENT ZONING:
A1 and B3 (Ordinance #74)

PROPOSED ZONING:
B3-SU



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

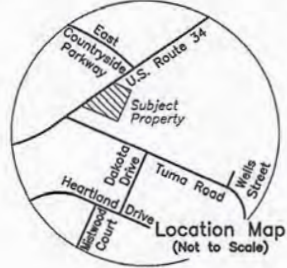
FLOODPLAIN STATEMENT:
The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0045H with an effective date of January 8, 2014.

LEGAL DESCRIPTION OF TRACT TO BE REZONED FROM "B3" TO "B3-SU":
That Part of Lot 5 of Baker's Subdivision of Sections 27 and 28, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Beginning at the Southwest Corner of said Lot 5; thence South 65°01'56" East, along the Southwesterly Line of said Lot 5, 410.0 feet; thence North 23°58'04" East, 85.38 feet; thence North 48°41'24" West, 316.18 feet to the Southeast Line of U. S. Route 34; thence South 55°01'49" West, 209.70 feet to the point of beginning in Bristol Township, Kendall County, Illinois.

LEGAL DESCRIPTION OF TRACT TO BE REZONED FROM "A1" TO "B3-SU":
That Part of Lots 4 and 5 of Baker's Subdivisions of Sections 27 and 28, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of said Lot 5; thence South 65°01'56" East, along the Southwesterly Line of said Lot 5, 410.0 feet; thence North 23°58'04" East, 85.38 feet for the point of beginning; thence North 48°41'24" West, 316.18 feet to the Southeast Line of U. S. Route 34; thence North 55°01'49" East, 202.81 feet to a line that is parallel with and 15.0 feet Southwest of the Northeastery Line of said Lot 4 of Baker's Subdivision; thence South 65°51'43" East, along said parallel line, 197.16 feet to a line drawn North 23°58'04" East from the point of beginning; thence South 23°58'04" West, 267.38 feet to the point of beginning in Bristol Township, Kendall County, Illinois.

LEGAL DESCRIPTION OF TRACT:
That Part of Lots 4 and 5 of Baker's Subdivision of Sections 27 and 28, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Beginning at the Southwest Corner of said Lot 5 of Baker's Subdivision; thence South 65°01'56" East along the Southwesterly Line of said Lot 5, 410.0 feet; thence North 23°58'04" East, 352.76 feet to a line that is parallel with and 15.0 feet Southwest of the Northeastery Line of Lot 4 of Baker's Subdivision; thence North 65°51'43" East along said parallel line, 197.16 feet to the Southeast Line of U.S. Route 34; thence South 55°01'49" West along said Southeasterly Line, 412.51 feet to the point of beginning, in Bristol Township, Kendall County, Illinois.

SOILS (From Web Soil Survey)
325A Dresden Silt Loam, 0%-2% slopes
369A Waupecan Silt Loam, 0%-2% slopes



March 5, 2020





JOB NO.	19313
JOB NAME	COX
DWG FILE	19313


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


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

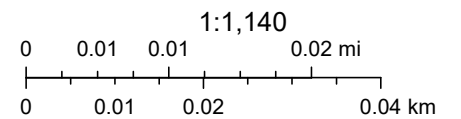


September 18, 2020

- Zoning  R3
-  A1 Municipalities
-  B3  CITY OF YORKVILLE

 Current Parcels

 Kendall County Addresses



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Kendall County Web GIS

View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.

Attachment 5 Main Building



09/18/2020 11:03



09/18/2020 11:04



09/18/2020 11:04

Attachment 8 Pulverized Dirt Area



09/18/2020 11:05



09/18/2020 11:03



09/18/2020 11:05



09/18/2020 11:05



09/19/2020 17:34

Minutes - Board of Town Trustees

STATE OF ILLINOIS,
 Kendall County, } ss.
 Town of Bristol

THE BOARD OF TOWN TRUSTEES met at the office of the Town Clerk at Bristol Township Hall on Wednesday February 5, 2020 @ 7:00 p.m.

PRESENT: Robert Walker Supervisor
 Julie Bennett Town Clerk
 Sharla Logan-Waclaw Town Trustee
 Bill Weatherly Town Trustee
 Cory Johnson Town Trustee
 also present Cliff Oleson Town Trustee
~~Highway Comm. Jeff Corneils~~ ~~Assessor Dan Pickert,~~
~~as clerk.~~ The following official business was transacted: Twp. Sec. Vel Herrera,
 KCSO - W. Dial, Att. Dan Kramer,
 and 3 electors.

Supervisor Walker opened the meeting with The Pledge of Allegiance.
 Clerk Bennett took roll call.

At this time Sup. Walker asked Attorney Dan Kramer to make his presentation. Attorney Kramer told about zoning of businesses and that nurseries and Landscaping firms are now classed differently. Landscaping businesses now need a Special Use permit to operate. He is representing a local landscaping business along Rt. 34, near Tuma Road in Yorkville. They are seeking the Special Use zoning permit. With the Township Board having no issues with this, Weatherly made a motion to approve the Special use zoning for landscaping property/business along Rt. 34, second Johnson. Logan-Waclaw, Walker, Weatherly Johnson, Oleson all aye, none nay.

Minutes were presented. Motion to approve minutes Oleson, second Weatherly, all aye, none nay.

Bills were presented for payment. Motion to authorize payment of the bills, Johnson second Weatherly. Logan-Waclaw, Walker, Weatherly, Johnson, Oleson all aye, none nay.

General Town	\$ 41,473.99
Town FICA	2,335.80
General Assistance	991.00
Road and Bridge	8,541.44
Permanent/Hard Road	32,000.99
Road FICA	537.10
TOTAL	\$ 85,880.32

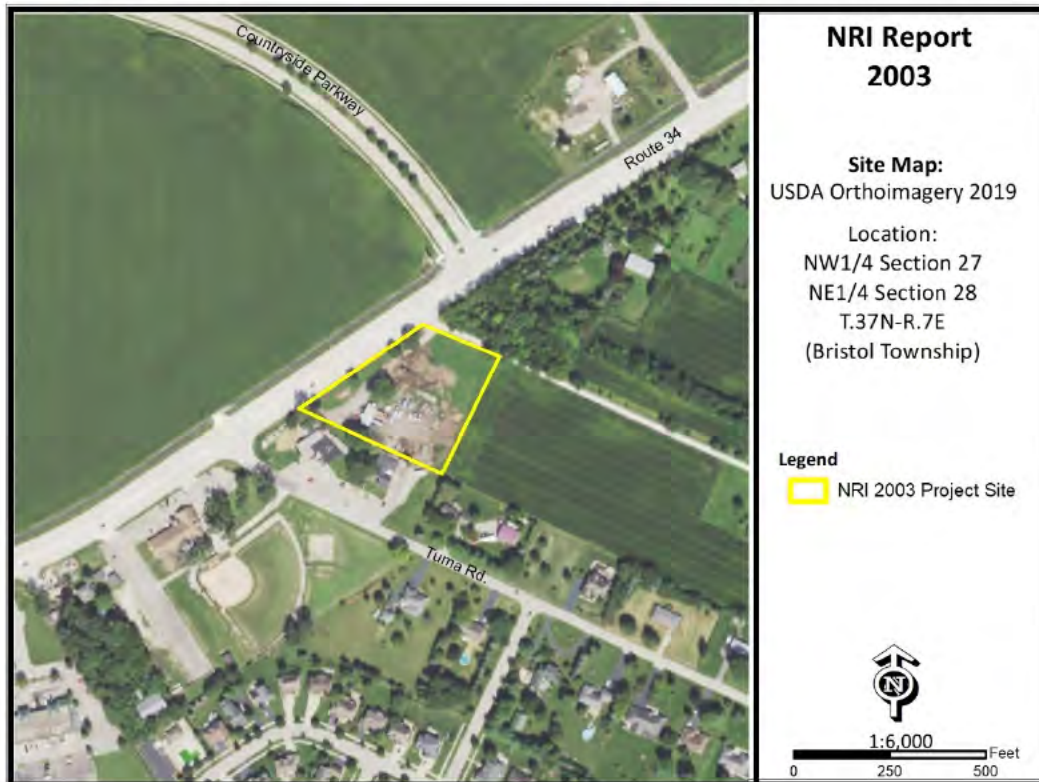
Old Business - Highway Commissioner Corneils commented on the Lynwood drainage issue. It is currently in the permit process with the state. Discussion followed as to the engineering of the project. Comm. Corneils will ask the engineers to attend the next meeting to better explain to the public.

Clerk Bennett mentioned last month's discussion on an Intergovernmental Agreement with Oswego Twp. As the board was in agreement with this, Bennett asked for a motion to approve. Motion to approve Intergovernmental Agreement with Oswego Twp. made by Weatherly, second Johnson. Logan-Waclaw, Walker, Weatherly, Johnson, Oleson all aye, none nay.

Assessor - Assessor Pickert reported that Signature Fitness is going into the former Dick's Sporting Goods building at Kendall Marketplace. Last month the board received the Assessor's Budget. After review, a motion was made to approve the Assessor's Budget for the year, made by Johnson, second Oleson, all aye, none nay.

New Business - Comm. Corneils reported that the Township Building was recently

NATURAL RESOURCE INFORMATION (NRI) REPORT: 2003



January
2020

Petitioner: Cox Landscaping LLC
Contact: Attorney Daniel J. Kramer

Prepared by:



**Kendall County Soil & Water
Conservation District**

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

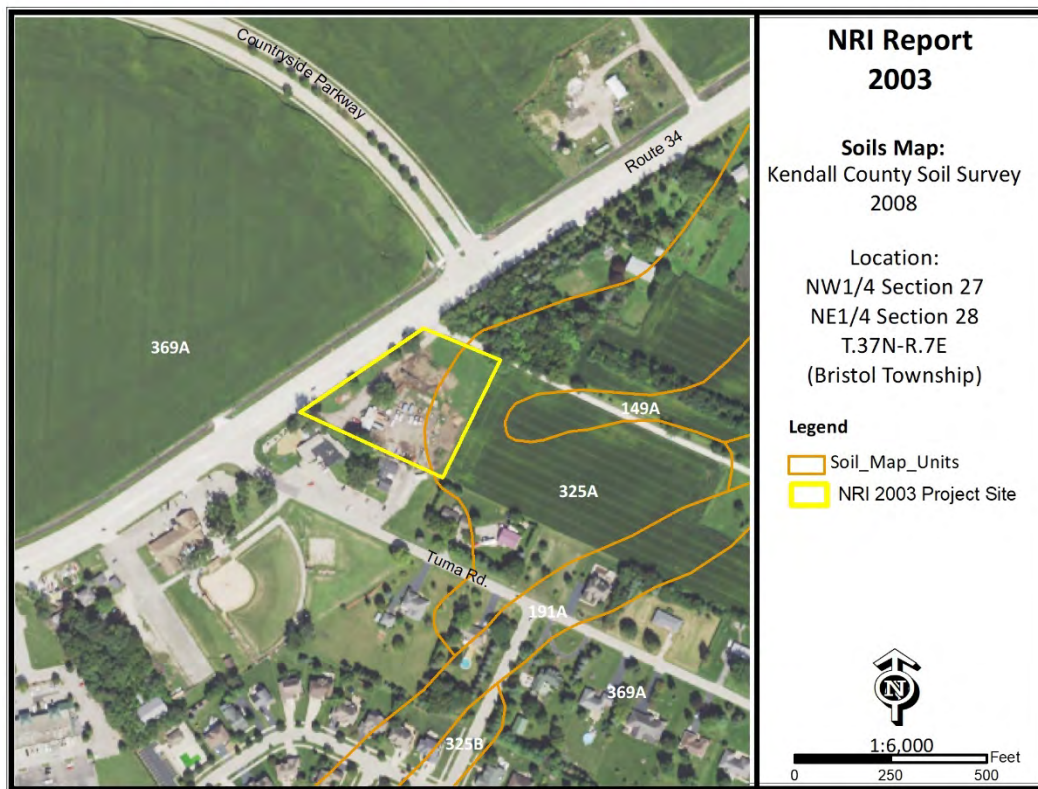
2003

Executive Summary

January 2020

Petitioner: Cox Landscaping LLC**Contact Person:** Attorney Daniel J. Kramer**County or Municipality the petition is filed with:** Kendall County**Location of Parcel:** NW¼ Section 27, NE¼ Section 28, T.37N.-R.7E. (Bristol Township) of the 3rd Principal Meridian**Project or Subdivision Name:** Cox Landscaping**Existing Zoning & Land Use:** B-3 Business; Nursery & Landscaping Business**Proposed Zoning & Land Use:** Special Use Permit; Nursery & Landscaping Business**Proposed Water Source:** Existing Well**Proposed Type of Sewage Disposal System:** Existing Septic**Proposed Type of Storm Water Management:** N/A**Size of Site:** 2.5 acres**Land Evaluation Site Assessment Score:**115 (Land Evaluation: 89; Site Assessment: 26)

Natural Resource Findings

Soil Map:**SOIL INFORMATION:**

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

Table 1:

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
325A	Dresden silt loam, 0-2% slopes	Well Drained	B	Non-hydric	Prime Farmland
369A	Waupecan silt loam, 0-2% slopes	Well Drained	B	Non-hydric	Prime Farmland

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

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

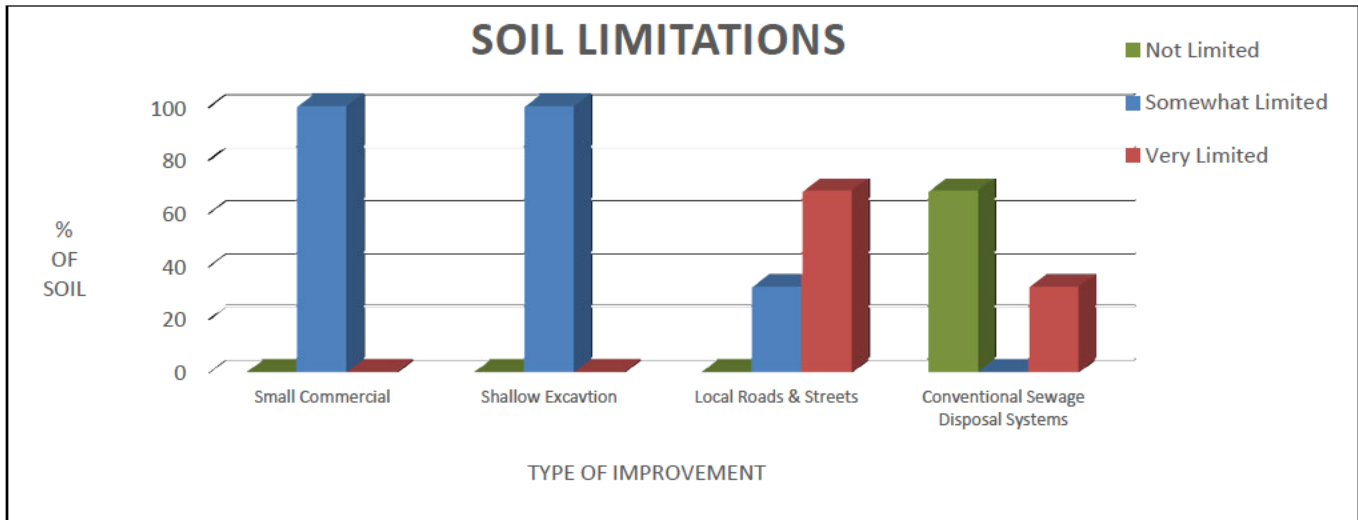
Hydric Soils: A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions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

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

Soil Limitations: Limitations for small commercial building, shallow excavations, lawns/landscaping and conventional septic systems.

Table 2a:

Soil Type	Small Commercial Building	Shallow Excavations	Lawns & Landscaping	Conventional Septic Systems
325A	Somewhat Limited	Somewhat Limited	Somewhat Limited	Unsuitable: Gravel
369A	Somewhat Limited	Somewhat Limited	Somewhat Limited	Suitable



Kendall County Land Evaluation and Site Assessment (LESA):

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

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - ✓ The Land Evaluation score for this site is 89, indicating that this site is **currently well suited** for agricultural uses.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - ✓ The Site Assessment score for this site is 26.

The **LESA Score for this site is 115 which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

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

Floodplain: The parcel is not located within the floodplain.

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

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Cox Landscaping LLC at the request of their contact, Attorney Daniel J. Kramer for the proposed special use request within Kendall County located in Sections 27 & 28 of Bristol Township (T.37N-R.7E) of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored an 89 out of a possible 100 points indicating the soils are well suited for agricultural uses. The total LESA Score for this site is 115 which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. Additionally, of the soils found onsite, 100% are classified as prime farmland.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for local roads/streets and 32% are unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within both the Fox River Watershed.

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

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

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


SWCD Board Representative

Date: January 6, 2020

KENDALL CO SOIL AND WATER CONSERVATION DISTRICT NATURAL RESOURCE INFORMATION REPORT (NRI)
--

NRI Report Number	2003
Date District Board Reviews Application	January 2020
Applicant's Name	Cox Landscaping LLC
Size of Parcel	2.5 acres
Current Zoning & Use	B-3; Landscaping / Nursery Business
Proposed Zoning & Use	Special Use Permit; Landscaping / Nursery Business
Parcel Index Number(s)	02-27-151-003; 02-27-151-001
Contact Person	Attorney Daniel J. Kramer

<i>Copies of this report or notification of the proposed land-use change were provided to:</i>	Yes	No
The Applicant	X	
The Applicant's Legal Representation	X	
The Local/Township Planning Commission	X	
The Village/City/County Planning and Zoning Department or Appropriate Agency	X	
The Kendall County Soil and Water Conservation District Files	X	

Report Prepared By: *Megan Andrews* Position: *Resource Conservationist*

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PURPOSE AND INTENT

The purpose of this report is to inform officials of the local governing body and other decision-makers with natural resource information. This information may be useful when undertaking land use decisions concerning variations, amendments or relief of local zoning ordinances, proposed subdivision of vacant or agricultural lands and the subsequent development of these lands. This report is a requirement under Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

The intent of this report is to present the most current natural resource information available in a readily understandable manner. It contains a description of the present site conditions, the present resources, and the potential impacts that the proposed change may have on the site and its resources. The natural resource information was gathered from standardized data, on-site investigations and information furnished by the petitioner. This report must be read in its entirety so that the relationship between the natural resource factors and the proposed land use change can be fully understood.

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this

report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

This report, when used properly, will provide the basis for proper land use change decisions and development while protecting the natural resource base of the county. It should not be used in place of detailed environmental and/or engineering studies that are warranted under most circumstances, but in conjunction with those studies.

The conclusions of this report in no way indicate that a certain land use is not possible, but it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Any questions on the technical data supplied in this report or if anyone feels that they would like to see more additional specific information to make the report more effective, please contact:

**Kendall County Soil and Water Conservation
District**

7775A Route 47, Yorkville, IL 60560

Phone: (630) 553-5821 ext. 3

FAX: (630) 553-7442

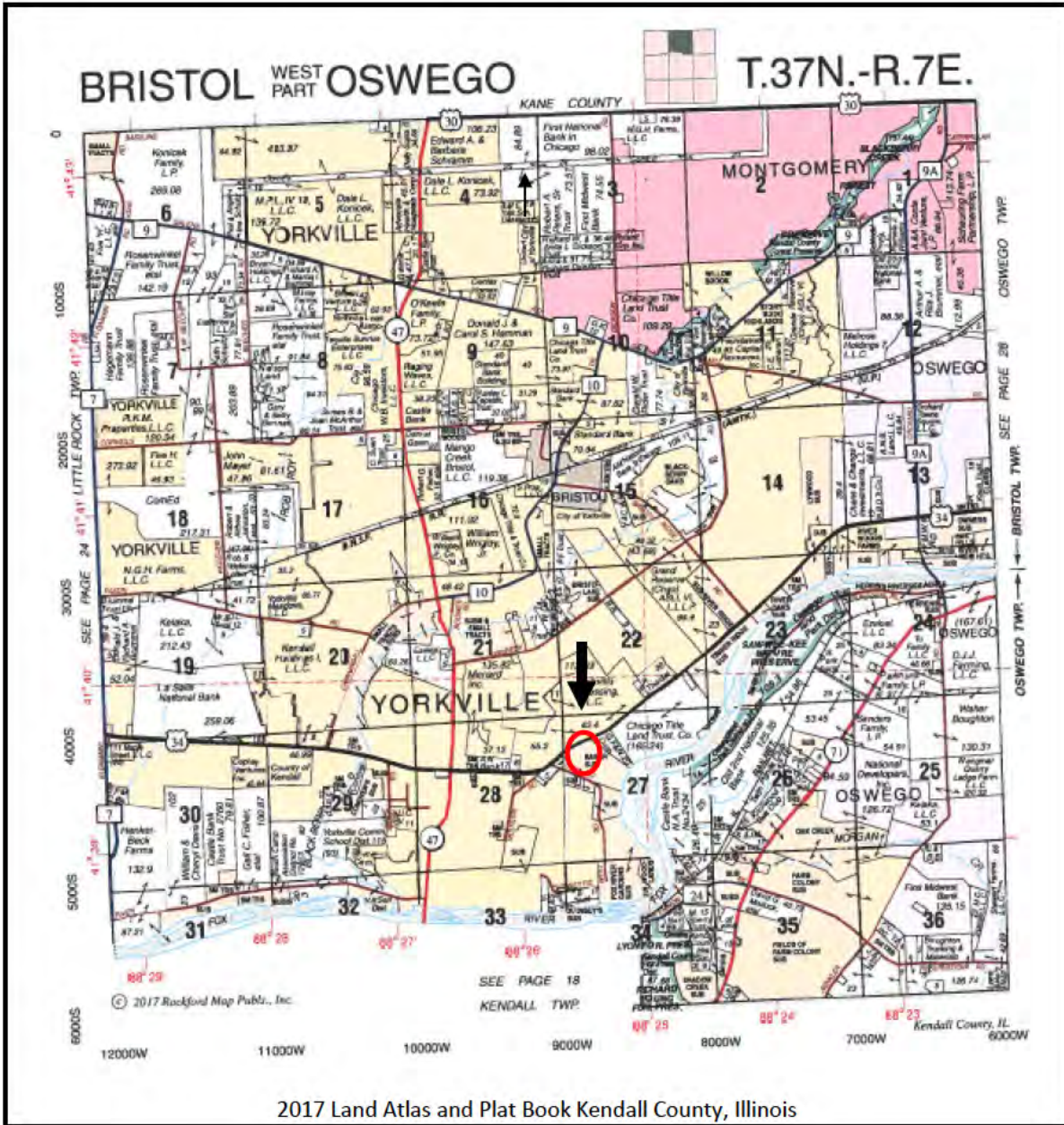
E-mail: Megan.Andrews@il.nacdnet.net

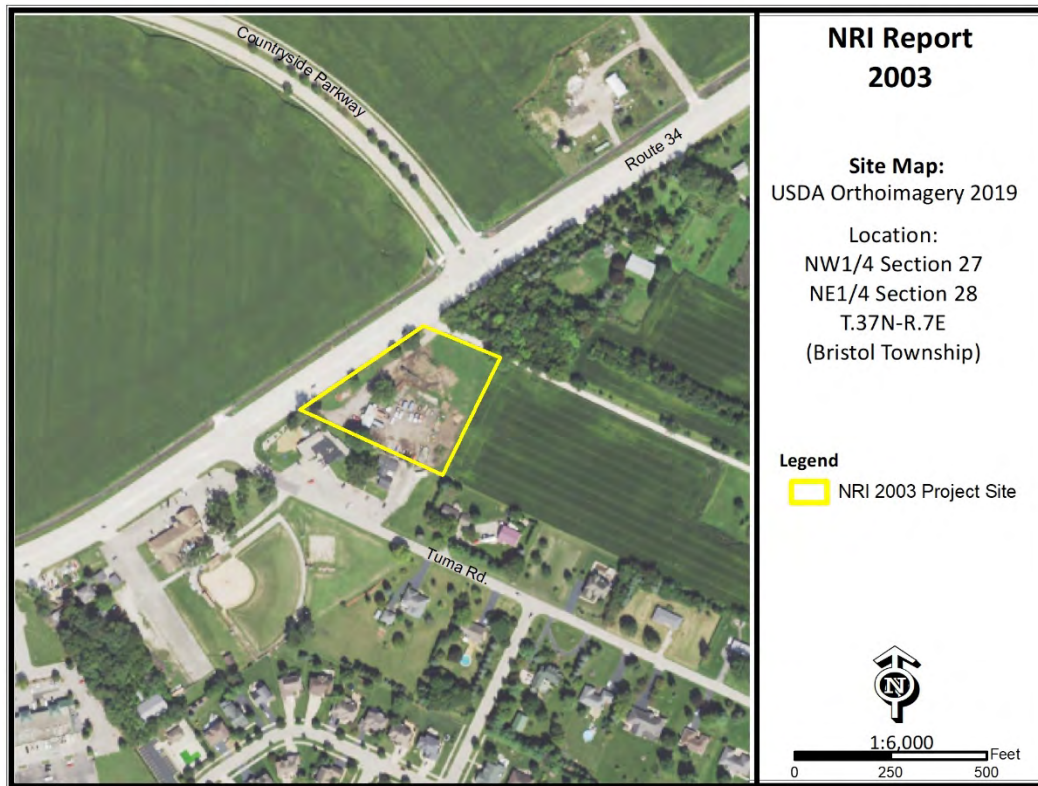
PARCEL LOCATION

Location Map for Natural Resources Information Report # 2003

NW¼ Section 27 and NE¼ Section 28 of Township 37 North, Range 7 East (Bristol Township) on 2.5 acres. This parcel is located on the south side of Route 34 and southeast of the intersection of Route 34 and Tuma Road. The parcel is located in unincorporated Kendall County.

Figure 1: 2017 Plat Map and 2017 Aerial Map with NRI Site Boundary





ARCHAEOLOGIC/CUTURAL RESOURCES

Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions. The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface, and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property.

However, the State of Illinois owns all of the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property, but may not receive federal or state assistance to do so. If an earth moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

The Illinois Historic Preservation Agency has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact the IHPA according to current Illinois law.

ECOLOGICALLY SENSITIVE AREAS

What is Biological Diversity and Why Should it be Conserved?¹

Biological diversity, or biodiversity, is the range of life on our planet. A more thorough definition is presented by botanist Peter H. Raven: "At the simplest level, biodiversity is the sum total of all the plants, animals, fungi and microorganisms in the world, or in a particular area; all of their individual variation; and all of the interactions between them. It is the set of living organisms that make up the fabric of the planet Earth and allow it to function as it does, by capturing energy from the sun and using it to drive all of life's processes; by forming communities of organisms that have, through the several billion years of life's history on Earth, altered the nature of the atmosphere, the soil and the water of our Planet; and by making possible the sustainability of our planet through their life activities now." (Raven 1994)

It is not known how many species occur on our planet. Presently, about 1.4 million species have been named. It has been estimated that there are perhaps 9 million more that have not been identified. What is known is that they are vanishing at an unprecedented rate. Reliable estimates show extinction occurring at a rate several orders of magnitude above "background" in some ecological systems. (Wilson 1992, Hoose 1981)

The reasons for protecting biological diversity are complex, but they fall into four major categories.

First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was

only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s. (Roush 1982)

Simplified ecosystems are almost always expensive to maintain. For example, when synthetic chemicals are relied upon to control pests, the target species are not the only ones affected. Their predators are almost always killed or driven away, exasperating the pest problem. In the meantime, people are unintentionally breeding pesticide-resistant pests. A process has begun where people become perpetual guardians of the affected area, which requires the expenditure of financial resources and human ingenuity to keep the system going.

A second reason for protecting biological diversity is that it represents one of our greatest untapped resources. Great benefits can be reaped from a single species. About 20 species provide 90% of the world's food. Of these 20, just three, wheat, maize and rice-supply over one half of that food. American wheat farmers need new varieties every five to 15 years to compete with pests and diseases. Wild strains of wheat are critical genetic reservoirs for these new varieties.

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds. (Hoose 1981)

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and

¹Taken from *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994

grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and well being, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

Historically, the lack of attention to biological diversity, and the ecological processes it supports, has resulted in economic hardships for segments of the basin’s human population.

The final reason for protecting biological diversity is that species and natural systems are intrinsically valuable. The above reasons have focused on the benefits of the natural world to humans. All things possess intrinsic value simply because they exist.

Biological Resources Concerning the Subject Parcel

As part of the Natural Resources Information Report, staff checks office maps to determine if any nature preserves are in the general vicinity of the parcel in question. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include, but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

Office maps indicate that ecologically sensitive area(s), Fox River, Saw-Wee-Kee Nature Preserve, Lyon Forest Preserve and Richard Young Forest Preserve are located near the parcel in question (PIQ).

SOILS INFORMATION

Importance of Soils Information

Soils information comes from the Natural Resources Conservation Service Soil Maps and Descriptions for Kendall County. This information is important to all parties involved in determining the suitability of the proposed land use change.

Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and buildings without basements. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.

The limitation categories (slight, moderate or severe) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation

does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with in order to complete the proposed activity successfully. A severe limitation indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a moderate or slight rating.

Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. They are based on the soil properties that directly influence the specified use of the soil. Soil survey interpretations allow users of soil surveys to plan reasonable alternatives for the use and management of soils.

Soil interpretations do not eliminate the need for on-site study and testing of specific sites for the design and construction for specific uses. They can be used as a guide for planning more detailed investigations and for avoiding undesirable sites for an intended use. The scale of the maps and the range of error limit the use of the soil delineation.

Figure 2: Soil Map

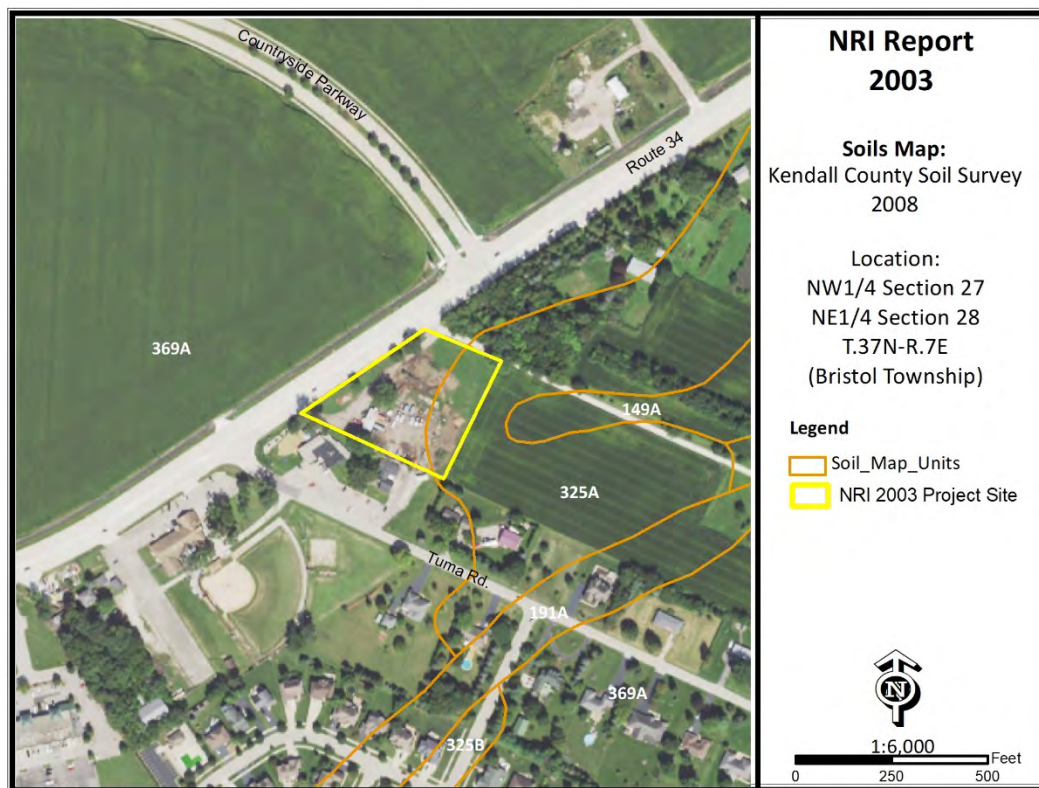


Table 1: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
325A	Dresden silt loam, 0-2% slopes	0.8	32%
369A	Waupecan silt loam, 0-2% slopes	1.7	68%

*SOURCE: National Cooperative Soil Survey – USDA-NRCS

SOIL INTERPRETATIONS EXPLANATION

Nonagricultural

General

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features.

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" state, that is, no unusual modification occurs other

than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of slight, moderate, and severe are given for the types of

proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is: septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered to be unsuitable for all types of construction.

Limitations Ratings

1. **Not Limited** - This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
2. **Somewhat Limited** - This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
3. **Very Limited** - This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

BUILDING LIMITATIONS

Building on Poorly Suited or Unsuitable Soils:

Can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of the Kendall County SWCD strongly urges scrutiny by the plat reviewers when granting parcels with these soils exclusively.

Small Commercial Building - Ratings are for structures that are less than three stories high and do not have basements. The foundation is assumed to be spread footings of reinforced concrete built on disturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Shallow Excavations - Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches or other purposes. Ratings are based on soil properties that influence the ease of digging and the resistance to sloughing.

Lawns and Landscaping - Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established.

Local Roads and Streets - They have an all-weather surface and carry automobile and light truck traffic all year. They have a subgrade of cut or fill soil material, a base of gravel, crushed rock or soil material stabilized by lime or cement; and a surface of flexible material (asphalt), rigid material (concrete) or gravel with a binder. The ratings are based on the soil properties that affect the ease of excavation and grading and the traffic-supporting capacity.

Onsite Sewage Disposal - The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. The table below indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an

on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please

contact the Kendall County Health Department – Environmental Health at (630)553-9100 x8026

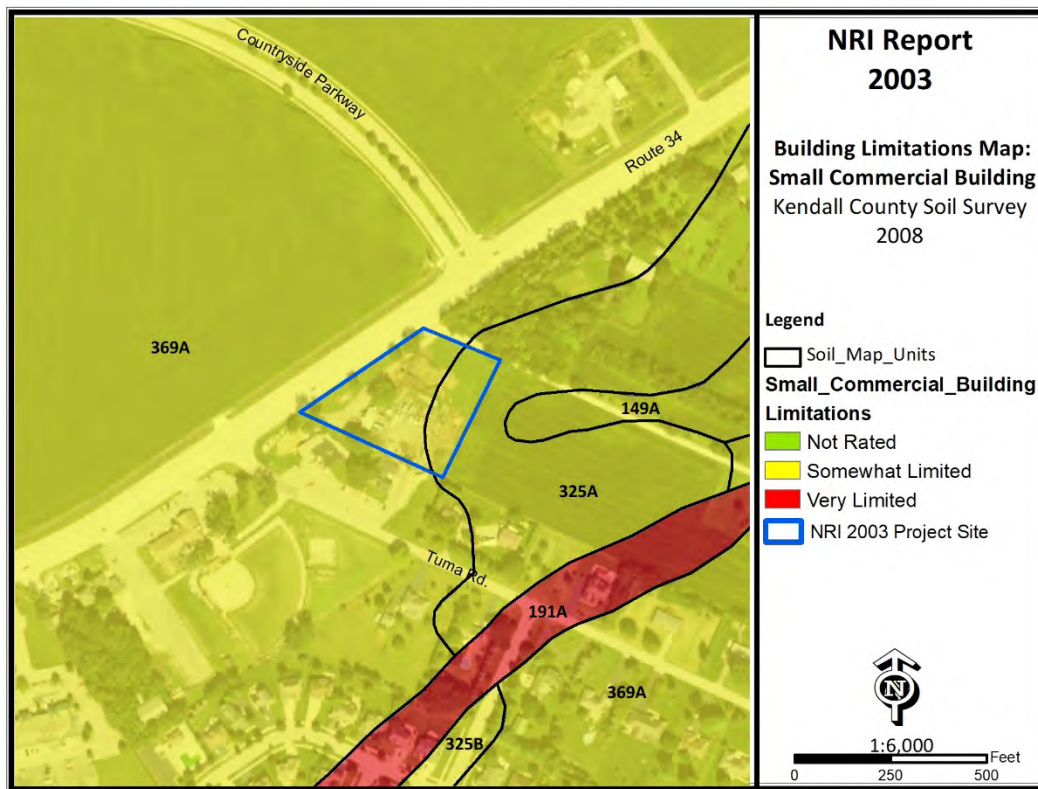
Table 2a: Building Limitations

Soil Type	Small Commercial Building	Shallow Excavation	Lawns/Landscaping	Acres	%
325A	Somewhat Limited: Shrink-swell	Somewhat Limited: Dusty; Unstable Excavation Walls	Somewhat Limited: Dusty	0.8	32%
369A	Somewhat Limited: Shrink-swell	Somewhat Limited: Dusty; Unstable Excavation Walls	Somewhat Limited: Dusty	1.7	68%
% Very Limited	0%	0%	0%		

Table 2b: Building Limitations

Soil Type	Local Roads & Streets	Onsite Conventional Sewage Systems	Acres	%
325A	Somewhat Limited: Low strength; Frost action; Shrink-swell	Unsuitable: Gravel	0.8	32%
369A	Very Limited: Frost action; Low Strength; Shrink-swell	Suitable	1.7	68%
% Very Limited	68%	68%		

Figure 3a: Map of Building Limitations – Small Commercial Building



SOIL WATER FEATURES

This table gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

Hydrologic Soil Groups (HSGs): The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

Group A: Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B: Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C: Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D: Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Note: If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D) the first letter is for drained areas and the second is for undrained areas.

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

Months: Indicates the portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

Water Table: Refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

Ponding: Refers to standing water in a closed depression and the data indicates surface water depth, duration and frequency of ponding.

Duration: Expressed as *very brief* if less than 2 days, *brief* is 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.

Frequency: Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and frequent means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

Flooding: The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

Duration: Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.

Frequency: Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of

flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

Note: The information is based on evidence in the soil profile. In addition, consideration is

also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 3: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
325A	B	Low	January – Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec Duration: -- Frequency: None
369A	B	Low	January – Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - May Duration: -- Frequency: None

SOIL EROSION & SEDIMENT CONTROL

Erosion is the wearing away of the soil by water, wind, and other forces. Soil erosion threatens the Nation's soil productivity and contributes the most pollutants in our waterways. Water causes about two thirds of erosion on agricultural land. Four properties, mainly, determine a soil's erodibility: texture, slope, structure, organic matter content.

Slope has the most influence on soil erosion potential when the site is under construction. Erosivity and runoff increase as slope grade increases. The runoff then exerts more force on the particles, breaking their bonds more readily and carrying them farther before deposition. The longer water flows along a slope before reaching a major waterway, the greater the potential for erosion.

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase

water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches and storm sewers, and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- reducing or diverting flow from exposed areas, storing flows or limiting runoff from exposed areas,
- staging construction in order to keep disturbed areas to a minimum,
- establishing or maintaining or temporary or permanent groundcover,
- retaining sediment on site and
- properly installing, inspecting and maintaining control measures.

Erosion control practices are useful controls only if they are properly located, installed, inspected and maintained.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby

Table 4: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
325A	0-2%	Slight	0.8	32%
369A	0-2%	Slight	1.7	68%

PRIME FARMLAND SOILS

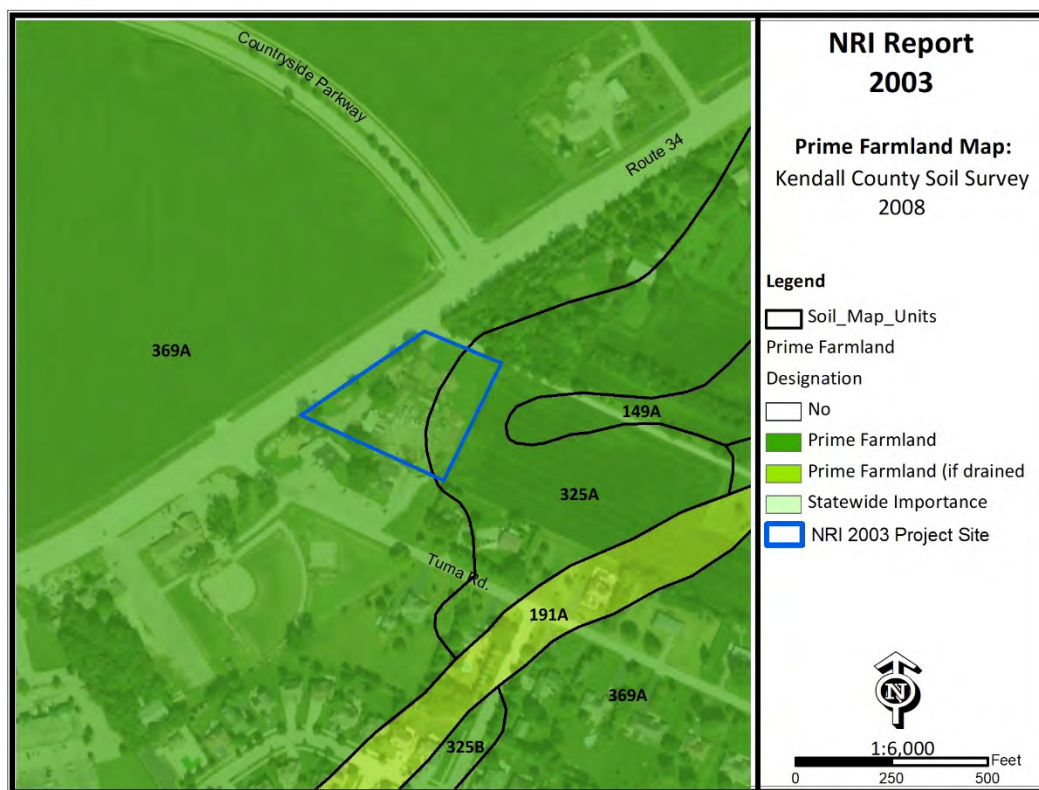
Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soils map units on the parcel reflect the determination that urban or built up land on prime farmland soils is not prime farmland.

Table 5: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
325A	Prime Farmland	0.8	32%
369A	Prime Farmland	1.7	68%
% Prime Farmland	100%		

Figure 4: Map of Prime Farmland Soils



LAND EVALUATION & SITE ASSESSMENT (LESA)

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

surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

LAND EVALUATION (LE) – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land

Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

SITE ASSESSMENT (SA) – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

The value group is a predetermined value based upon prime farmland designation. The LE score

is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site.

Please Note: A land evaluation (LE) score will be compiled for every project parcel. However, when a parcel is located within municipal planning boundaries, a site assessment score is not compiled as the scoring factors are not applicable. As a result, only the LE score is available and a full LESA score is unavailable for the parcel.

Table 6a: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
325A	4	79	0.8	63.2
369A	2	94	1.7	159.8
Totals			2.5	223.0
LE Score		LE= 223.0/2.5		LE=89

The Land Evaluation score for this site is 89, indicating that this site is currently designated as prime farmland that is well suited for agricultural uses.

Table 6b: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	0
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	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)	0
	2. Availability of public water system. (10-8-6-0)	0
	3. Transportation systems. (15-7-0)	0
	4. Distance from fire protection service. (10-8-6-2-0)	6
	Site Assessment Score:	26

Land Evaluation Value: 89 + Site Assessment Value: 26 = LESA Score: 115

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

The **LESA Score for this site is 115 which indicates a medium level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

LAND USE PLANS

Many counties, municipalities, villages and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given

community. Please contact the Kendall County Planning, Building & Zoning for information regarding the County's comprehensive land use plan and map.

DRAINAGE, RUNOFF AND FLOOD INFORMATION

U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information.

Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources.

Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

What is a watershed?

Simply stated, a watershed is the area of land that contributes water to a certain point. The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or planimeter.

Using regional storm event information, and site specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event), and is measured in cubic feet per second (CFS).

When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by

the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

Importance of Flood Information

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions which affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to "sidestep" potential flooding or ponding problems.

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency. These maps define flood elevation adjacent to tributaries and major bodies of water, and superimpose that onto a

simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and flood plain location.) The FIRM map has three (3) zones. A is the zone of 100 year flood, zone B is the 100 to 500 year flood, and zone C is outside the flood plain.

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated, or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps, show the areas of flood for various years. Both of these maps stress that the recurrence of flooding is merely statistical. That is to say a 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDOT-DWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county and local regulations will need to be reflected in the site plans.

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. If the site does include these hydric soils and development occurs, thus raising the concerns of the loss of water storage in these soils and the potential for increased flooding in the area.

This parcel is located on topography (**slopes 0 to 2%**) involving high and low areas (**elevation is approximately 640' above sea level**). The parcel lies within the **Fox River Watershed**. The topographic map indicates that the parcel drains predominately southeast.

Figure 5: FEMA Floodplain Map

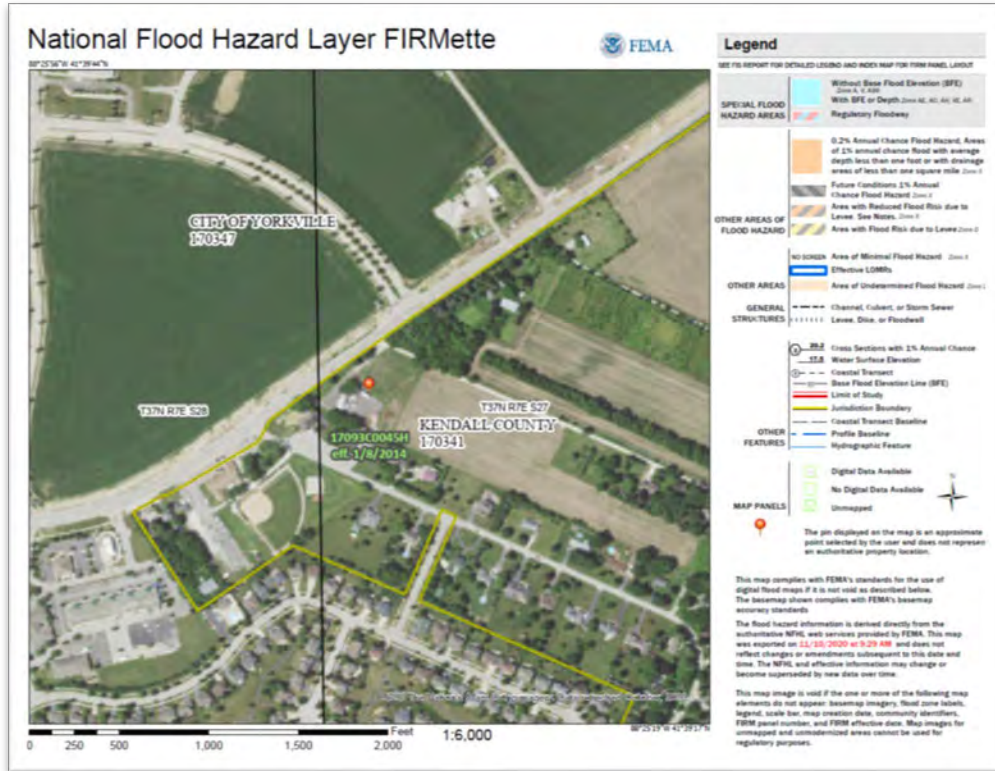
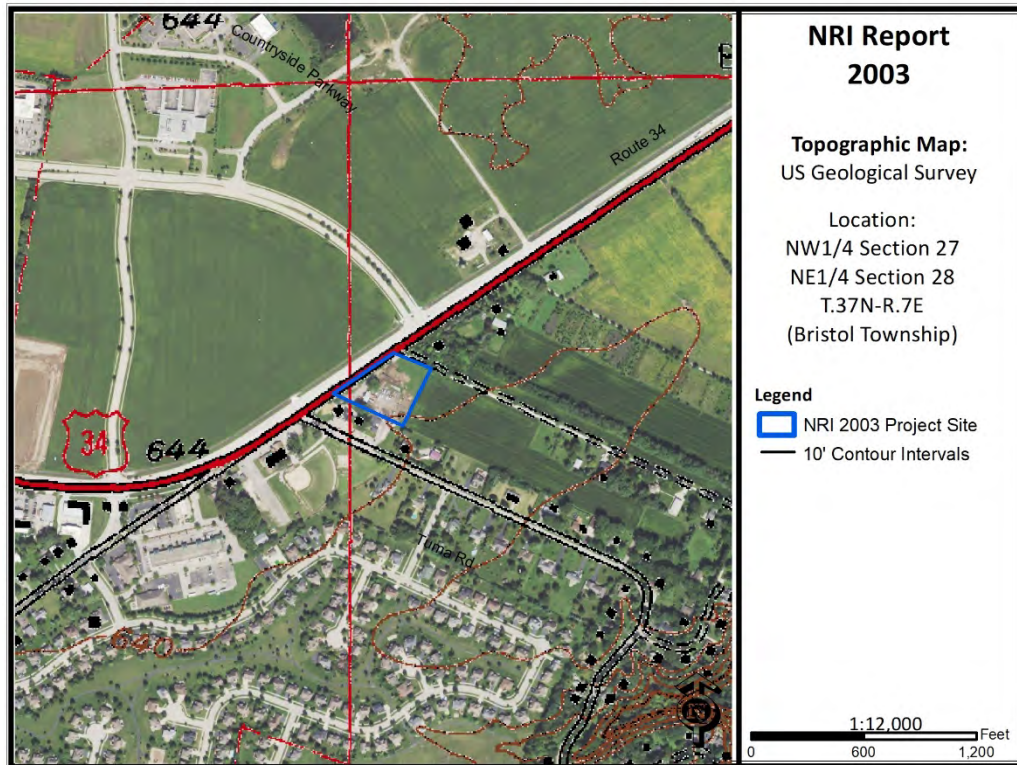


Figure 6: USGS Topographic Map



WATERSHED PLANS

Watershed and Subwatershed Information

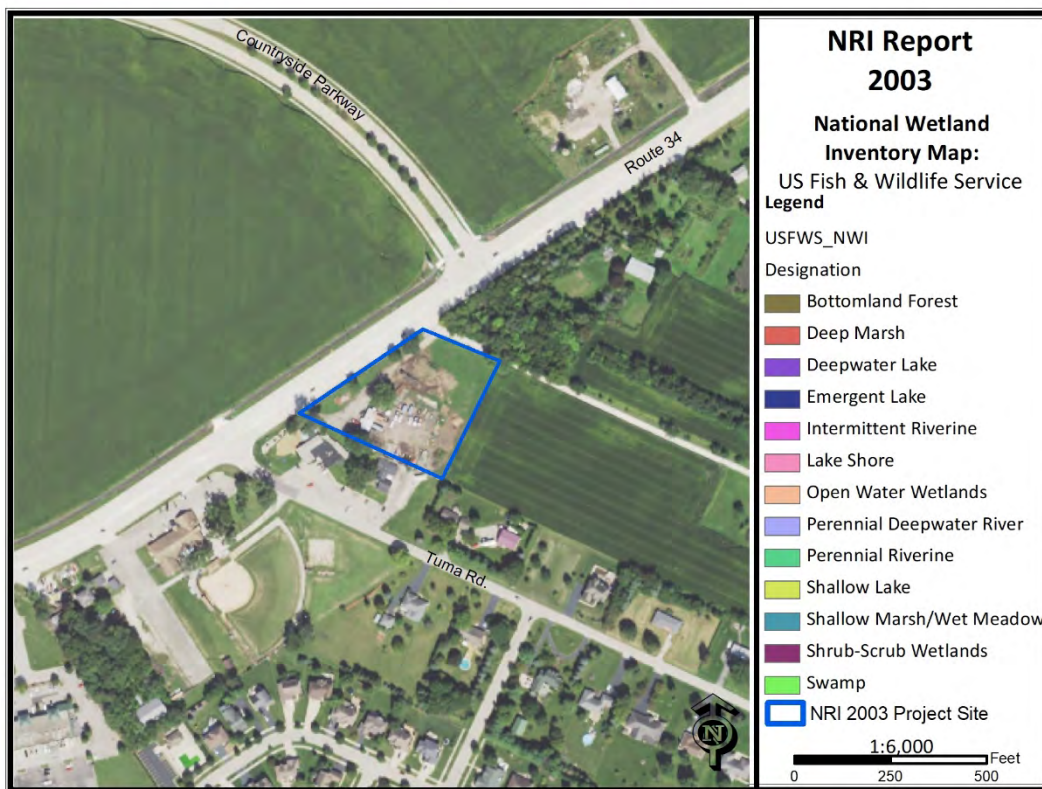
A watershed is the area of land that drains into a specific point including a stream, lake or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries any pollutants it comes in contact with such as oils, pesticides, and soil. Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and implications of their activities, implementing practices recommended in watershed plans and educating others about their watershed. This parcel is located within the **Fox River Watershed**.

The following are recommendations to developers for protection of this watershed:

- Preserve open space.
- Maintain wetlands as part of development.
- Use natural water management.
- Prevent soil from leaving a construction site.
- Protect subsurface drainage.
- Use native vegetation.
- Retain natural features.
- Mix housing styles and types.
- Decrease impervious surfaces.
- Reduce area disturbed by mass grading.
- Shrink lot size and create more open space.
- Maintain historical and cultural resources.
- Treat water where it falls.
- Preserve views.
- Establish and link trails.

WETLAND INFORMATION

Figure 7: Wetland Map – USFWS National Wetland Inventory



Office maps indicate that wetlands **are not** present on the parcel in question (PIQ).

Importance of Wetland Information

Wetlands function in many ways to provide numerous benefits to society. They control flooding by offering a slow release of excess water downstream or through the soil. They cleanse water by filtering out sediment and some pollutants, and can function as rechargers of our valuable groundwater. They also are essential breeding, rearing, and feeding grounds for many species of wildlife.

These benefits are particularly valuable in urbanizing areas as development activity typically adversely affects water quality, increases the volume of stormwater runoff, and increases the demand for groundwater. In an area where many individual homes rely on shallow groundwater wells for domestic water supplies, activities that threaten potential groundwater recharge areas are contrary to the public good. The conversion of wetlands, with their sediment trapping and nutrient absorbing vegetation, to biologically barren stormwater detention ponds can cause additional degradation of water quality in downstream or adjacent areas.

It has been estimated that over 95% of the wetlands that were historically present in Illinois have been destroyed while only recently has the true environmental significance of wetlands been fully recognized. America is losing 100,000 acres of wetland a year, and has saved 5 million acres total (since 1934). One acre of wetland can filter 7.3 million gallons of

water a year. These are reasons why our wetlands are high quality and important.

This section contains the NRCS (Natural Resources Conservation Service) Wetlands Inventory, which is the most comprehensive inventory to date. The NRCS Wetlands Inventory is reproduced from an aerial photo at a scale of 1" equals 660 feet. The NRCS developed these maps in cooperation with U.S. EPA (Environmental Protection Agency,) and the U.S. Fish and Wildlife Service, using the National Food Security Act Manual, 3rd Edition. The main purpose of these maps is to determine wetland areas on agricultural fields and areas that may be wetlands but are in a non-agriculture setting.

The NRCS Wetlands Inventory in no way gives an exact delineation of the wetlands, but merely an outline, or the determination that there is a wetland within the outline. For the final, most accurate wetland **determination** of a specific wetland, a wetland **delineation** must be certified by NRCS staff using the National Food Security Act Manual (on agricultural land.) On urban land, a certified wetland delineator must perform the delineation using the ACOE 1987 Manual. *See the glossary section for the definitions of "delineation" and "determination."*

Hydric Soils

Soils information gives another indication of flooding potential. The soils map on this page indicates the soil(s) on the parcel that the Natural Resources Conservation Service indicates as hydric. Hydric soils by definition have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils, are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table, but also their subsidence problems.

It is also important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

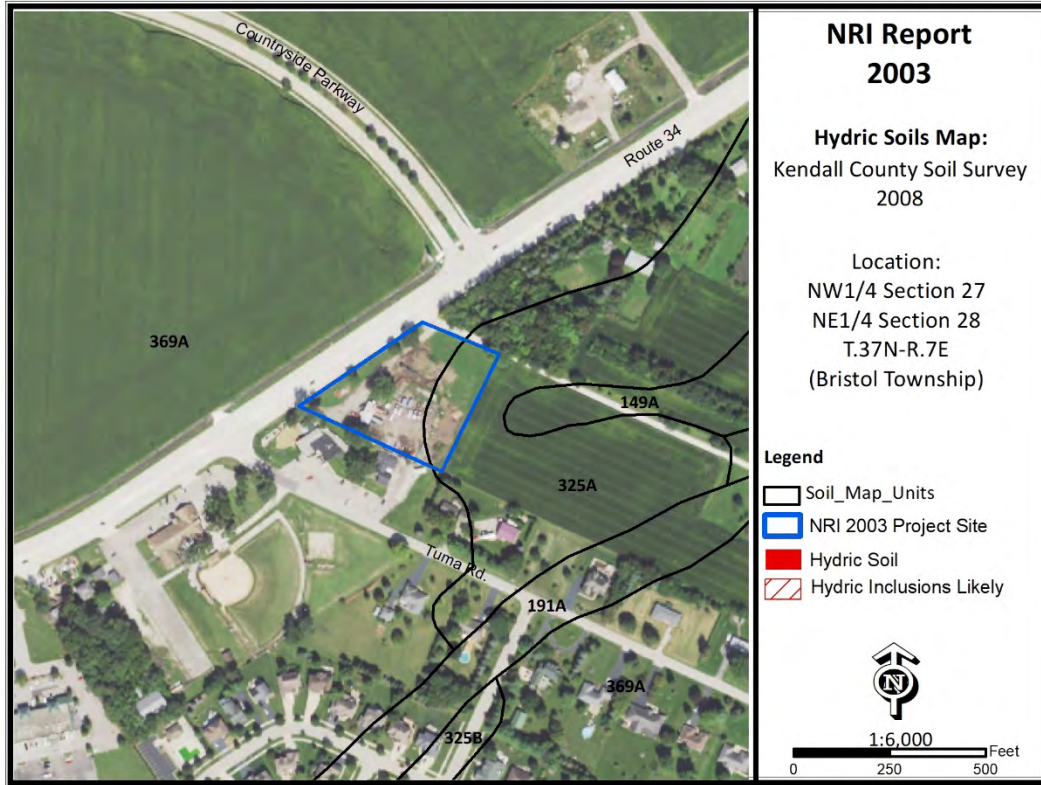
While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. A damaged subsurface drainage tile may return original hydrologic conditions to all of the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, such as a subdivision, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions and a drainage tile survey on the area to locate the tiles that must be preserved to maintain subsurface drainage .

Table 7: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
325A	Well Drained	Non-hydric	No	0.8	32%
369A	Well Drained	Non-hydric	No	1.7	68%

Figure 8: Hydric Soils Map



WETLAND AND FLOODPLAIN REGULATIONS

PLEASE READ THE FOLLOWING IF YOU ARE PLANNING TO DO ANY WORK NEAR A STREAM (THIS INCLUDES SMALL UNNAMED STREAMS), LAKE, WETLAND OR FLOODWAY.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against flood way encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

WHO MUST APPLY

Anyone proposing to dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, flood plain or flood way subject to State or Federal regulatory jurisdiction should apply for agency approvals.

REGULATORY AGENCIES:

- ◆ **Wetlands or U.S. Waters:** U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building, Rock Island, IL
- ◆ **Flood plains:** Illinois Department of Natural Resources \ Office of Water Resources, Natural Resources Way, Springfield, IL 62702-1270.
- ◆ **Water Quality \ Erosion Control:** Illinois Environmental Protection Agency, Springfield, IL

COORDINATION

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

CAUTION: Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a water of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River And Harbor Act of 1899 or Section 404 of the Federal Water Pollution Control Act are subject to fines ranging up to \$27,500 per day of violation and imprisonment for up to one year or both.

GLOSSARY

AGRICULTURAL PROTECTION AREAS (AG AREAS) -

Allowed by P.A. 81-1173. An AG AREA consists of a minimum of 350 acres of farmland, as contiguous and compact as possible. Petitioned by landowners, AG AREAS protect for a period of ten years initially, then reviewed every eight years thereafter. AG AREA establishment exempts landowners from local nuisance ordinances directed at farming operations, and designated land cannot receive special tax assessments on public improvements that do not benefit the land, e.g. water and sewer lines.

AGRICULTURE - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

B.G. - Below Grade. Under the surface of the Earth.

BEDROCK - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

FLOODING - Indicates frequency, duration, and period during year when floods are likely to occur.

HIGH LEVEL MANAGEMENT - The application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses -- within limits imposed by weather.

HIGH WATER TABLE - A seasonal high water table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

Water Table, Apparent - A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.

Water Table, Artesian - A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.

Water Table, Perched - A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

DELINEATION - For Wetlands: A series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

DETERMINATION - A polygon drawn on a map using map information that gives an outline of a wetland.

HYDRIC SOIL - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987)

INTENSIVE SOIL MAPPING - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

LAND EVALUATION AND SITE ASSESSMENT

(L.E.S.A.) - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

MODERN SOIL SURVEY - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different used and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

PALUSTRINE - Name given to inland fresh water wetlands.

PERMEABILITY - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated, but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on

permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

PIQ - Parcel in question

POTENTIAL FROST ACTION - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

PRIME FARMLAND - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources, and farming the land results in the least damage to the environment.

Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent. (Source USDA Natural Resources Conservation Service)

PRODUCTIVITY INDEXES - Productivity indexes for grain crops express the estimated yields of the major grain crops grown in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state. This group of soils is composed of the Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn and Joy soils. Each of the 425 soils found in Illinois are found in Circular 1156 from the Illinois Cooperative Extension Service.

SEASONAL - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

SHRINK-SWELL POTENTIAL - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

SOIL MAPPING UNIT - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

SOIL SERIES - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

SUBSIDENCE - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

TERRAIN - The area or surface over which a particular rock or group of rocks is prevalent.

TOPSOIL - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

WATERSHED - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

WETLAND - An area that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

REFERENCES

Hydric Soils of the United States. USDA Natural Resources Conservation Service, 2007.

FIRM – Flood Insurance Rate Maps for Kendall County. Prepared by FEMA – Federal Emergency Management Agency.

Hydrologic Unit Map for Kendall County. Natural Resources Conservation Service, United States Department of Agriculture.

Land Evaluation and Site Assessment System. The Kendall County Department of Planning Building and Zoning, and The Kendall County Soil and Water Conservation District. In cooperation with: USDA, Natural Resources Conservation Service.

Soil Survey of Kendall County. United States Department of Agriculture 2008, Natural Resources Conservation Service.

Illinois Urban Manuel. Association of Illinois Soil & Water Conservation Districts, 2016

Kendall County Land Atlas and Plat Book. 19th Edition, 2014.

Potential For Contamination of Shallow Aquifers from Land Burial of Municipal Wastes. Illinois State Geological Survey.

Natural Resources Conservation Service Wetland Inventory Map. United States Department of Agriculture.

Geologic Road Map of Illinois. Department of Natural Resources, Illinois State Geological Survey, Natural Resources Building, 615 East Peabody, Champaign IL 61820-6964.

Wetlands - The Corps of Engineers' Administration of the Section 404 Program (GAO/RCED-88-110)

Soil Erosion by Water - United States Department of Agriculture Natural Resources Conservation Service. Agriculture Information Bulletin 513.

The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
February 2, 2021 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department (Attended Remotely Starting at 9:05 a.m.)
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department (Attended Remotely)
Commander Jason Langston – Sheriff’s Department (Attended Remotely)
Alyse Olson – Soil and Water Conservation District (Attended Remotely)

Absent:

Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC

Audience:

Dan Kramer, Jason Engberg (Attended Remotely), Mike Torrence (Attended Remotely), Larry Nelson (Attended Remotely), Doug Nelson (Attended Remotely), Tom Karpus (Attended Remotely), John Whitehouse (Attended Remotely), and Kelly Schomer (Attended Remotely)

AGENDA

Mr. Guritz made a motion, seconded by Mr. Holdiman, to approve the agenda as presented.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson
Nays (0): None
Abstain (0): None
Absent (3): Belville, Briganti, and Chismark

The motion carried.

MINUTES

Mr. Guritz made a motion, seconded by Mr. Holdiman, to approve the January 5, 2021, meeting minutes.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson
Nays (0): None
Abstain (0): None
Absent (3): Belville, Briganti, and Chismark

The motion carried.

PETITIONS

Petition 20-32 Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping, LLC

Mr. Asselmeier summarized the request.

Cindy Gates, on behalf of the Cindy Gates Trust, currently leases the subject property to Mark Cox of Cox Landscaping, LLC for use as a landscaping business.

Prior to the COVID-19 closures, the County received a complaint that a landscaping business was operating at the subject property without proper zoning. Efforts to determine if the use qualified for grandfathering were unsuccessful and the Petitioner decided to pursue a map amendment and special use permit. The COVID-19 closures and efforts to obtain stormwater information caused the application to be delayed.

The subject property is split zoned between A-1 and B-3. The request makes the entire frontage of the parcels B-3 and establishes a special use permit for a landscaping business over the area zoned B-3.

The application materials, aerial of the site portion of the property, site plan, and the plat of the area proposed for rezoning were provided.

The property is approximately two point five (2.5) acres.

The County's Future Land Use Map calls for the property to be Suburban Residential. Yorkville's Future Land Use Map calls for the property to be Agricultural.

Route 34 is a State-maintained arterial highway. There is a trail along Route 34.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural to the north, east, and west, and commercial to the south.

The adjacent zonings are A-1, R-3 and B-3 and Planned Development B-3 and O in Yorkville.

The County's Future Land Use Map calls for the area to be Suburban Residential and the Yorkville Future Land Use Map calls for the area to be Suburban Neighborhoods and Mid-Density Residential.

Ms. Belville started attending the meeting remotely at this time (9:05 a.m.).

Zoning Districts within one half (1/2) mile include A-1, R-3, B-3 in the County and Planned Development R-3 and O in Yorkville.

Pictures of the property were provided.

Four (4) residential subdivisions are located within one half (1/2) mile of the subject property.

EcoCAT Report submitted and found the Fox River INAI Site, Yorkville Forested Seep and Fen INAI Site, and the River Redhorse in the area. Adverse impacts were unlikely and consultation was terminated.

The LESA Score was 115 indicating a low level of protection.

The Petitioners appeared before the Bristol Township Board on February 5, 2020, prior to submitting an application with the County. The Bristol Township Board voted in favor of the request. The minutes of this meeting were provided. Petition information was sent to Bristol Township on January 20, 2021.

Petition information was sent to the United City of Yorkville on January 20, 2021.

Petition information was sent to the Bristol-Kendall Fire Protection District on January 20, 2021.

The subject property has been used as a landscaping business without proper zoning for many years and the Petitioners would like to become compliant with the Zoning Ordinance.

According to the business plan provided, Cox Landscaping, LLC provides general landscaping services to commercial and residential customers. The business has a maximum fifteen (15) employees. Employees arrive at the property at approximately 6:45 a.m., go to work sites, and return to the property by 5:30 p.m. The business operates at maximum capacity from April 1st through Thanksgiving. A smaller number of employees work for the business from November through April.

The subject property is used for offices and storage of landscaping materials.

The subject property is used for wholesale purposes only; no customers come onto the property.

The property presently consists of one (1) one thousand thirty (1,030) square foot steel building. An approximately fifty-three (53) square foot metal shed is located northeast of the steel building. A metal storage bin is located to the southeast of the steel building. An approximately one hundred twenty (120) square foot frame shed is also located southeast of the steel building. A new shed is shown on the site plan; the new shed will be approximately eight feet (8') tall. Any new structures would require applicable building permits.

The property also has one (1) two hundred fifty-two (252) square foot concrete storage area, one (1) two hundred sixteen (216) square foot concrete storage area, one (1) seven hundred fourteen (714) square foot concrete storage area, and one (1) five hundred forty-four (544) square foot wood storage bay. The height of the storage areas is twelve feet (12').

One (1) diesel tank is located on the property.
The property is served by well. There is no septic on the premises.

The property drains to the southeast.

The main parking area consists of gravel and crushed asphalt.

A pulverized black dirt pile will be located on the northern portion of the property.

A stormwater management permit will be required. The stormwater information was provided.

The property has two (2) accesses off of Route 34.

One (1) two thousand five hundred (2,500) square foot gravel parking area is located west of the steel building and one (1) five thousand (5,000) square foot parking lot is located north of the steel building. There are twelve (12) parking spaces in the gravel parking area west of the steel building with an additional twelve (12) parking spaces to the east of the steel building.

Lights are presently located on the property by the sign, flagpole, and on the steel building. One (1) freestanding light is also located on the property next to the steel building. No additional is planned.

The site has less than thirty (30) parking spaces. Therefore, a photometric plan is not required.

A sign is already located on the property. The sign is five feet (5') wide and two feet (2') tall. The sign is three point eight feet (3.8') off of the ground for a total height of slightly under six feet (6'). A light exists next to the sign and flagpole.

A wooden fence six feet (6') in height is located between the steel building and the berm. The Petitioners plan to install a cyclone mesh fence with slats to prevent viewing by the public. The fence will be approximately six feet (6') in height. A new fence gate is visible on the site plan.

Security cameras are also located on the steel building.

The Petitioners also plan to have a three foot (3') maximum height berm with black dirt and mulch with landscaping in the location shown on the site plan.

A berm already exists parallel to Route 34.

No additional plantings are planned for either berm.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the twelfth (12th) special use permit for a landscaping business in unincorporated Kendall County.

Before issuing a recommendation, Staff would like comments from the United City of Yorkville, the Bristol-Kendall Fire Protection District, and ZPAC members.

Mr. Gengler asked about the lack of the septic system. There is no septic system on the property. Ms. Belville asked if restrooms would be required on the property. Dan Kramer, Attorney for the Petitioner, noted that a porta-john is onsite, but no customers come onto the property and employees do not linger at the property. Mr. Holdiman noted that no bathrooms were required based on the current proposal.

Ms. Belville asked about the reason for the well on the property. Mr. Kramer provided a history of the property. The property was used as a nursery with a landscaping business. The water was used to water the plants at the nursery. A retail nursery was also located on the property. The well would continue to be kept active.

Mr. Gengler asked about the northern entrance. The driveway north of the property line is not owned by the Petitioners and leads to the adjacent farm field.

Mr. Klaas noted that the trail already existed on the north side of Route 34. Mr. Kramer noted that IDOT affirmed the cuts along Route 34.

Mr. Kramer stated that he reviewed Mr. Asselmeier's proposed conditions. He requested that the restriction regarding customers coming onto the property be changed to state that the Petitioners would not invite customers onto the property. Mr. Kramer also requested the special use run with the land and not with the Petitioners.

No burning shall occur onsite.

Mr. Klaas asked if the County had received any objections to this proposal. Mr. Asselmeier responded that the County had not received any objections. Jason Engberg, from the United City of Yorkville, responded that Yorkville had also not received any comments regarding this proposal.

Yorkville will review the proposal in March.

Mr. Asselmeier made a motion, seconded by Mr. Guritz, to recommend approval of the map amendment and special use permit.

The votes were as follows:

Yeas (8): Asselmeier, Belville, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson

Nays (0): None

Abstain (0): None

Absent (2): Briganti and Chismark

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on February 24, 2021.

Petition 21-03 Larry Nelson on Behalf of the L and P Nelson Trust

Mr. Asselmeier summarized the request.

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road. The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

The application materials, concept plan, Ordinance 2016-21, and aerial of the property were provided.

The expansion area is approximately thirty-one (31) acres in size.

The Future Land Use Plan calls for the property to be Rural Estate Residential and Countryside Residential.

Creek Road is a Township maintained Local Road. The County has a trail planned along Creek Road north of Frazier Road.

The One (100)-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

The adjacent land uses are Agricultural and an outlot to a residential subdivision.

The adjacent zonings are A-1 and A-1 SU in the County and AG-1 in Plano.

The County's Future Land Use Map calls for the area to be Agricultural, Countryside Residential, Rural Estate Residential, and Commercial. Plano's Future Land Use Map calls for the area to be Open Space, Low-Density Residential, and General Business.

The nearby zoning districts include A-1, A-1 SU, and R-3 in the County and AG-1, F-1, R-5, B-2, and B-5 in Plano.

The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

EcoCat submitted on January 5, 2021, and consultation was terminated.

NRI application submitted on January 8, 2021.

Little Rock Township was emailed information on January 19, 2021.

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

The City of Plano was emailed information on January 19, 2021.

According to the business information provided, the Petitioner would like to expand operations of Woody's Orchard to the property they own on the east side of Creek Road. The Petitioners would like to construct approximately three (3) buildings with a total of thirty thousand square feet in substantially the locations shown on the concept plan. The concept plan also calls for two (2) parking areas and two (2) access points off of Creek Road. Traffic circulation would be one (1) way throughout the property. The concept plan also calls for an apple tree area on the north side of the property.

The Petitioner would like the conditions and variances imposed by Ordinance 2016-21 to carry over to the new area of operations. The conditions from Ordinance 2016-21 are as follows:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to two hundred twenty-five (225), including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 a.m. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30 pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
 - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.

- c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.
9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.
12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (10,000) square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12:10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

The variances from Ordinance 2016-21 are as follows:

1. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

According to the business plan information provided, the proposed use is "a hybrid use of agriculture, entertainment, food and family fun." Some commodities are grown onsite while others are grown offsite. Family friendly activities are also offered on the property.

No information was provided, either in the current application or in Ordinance 2016-21, regarding number of employees or number of events. Condition 3 of Ordinance 2016-21 stated that events cannot start prior to 7:00 a.m. any day of the week and shall end no later than 10:00 p.m. on Mondays thru Wednesdays and no later than 11:30 p.m. Thursdays thru Sundays. Banquets may end no later than midnight. Condition 2 of Ordinance 2016-21 stated that the maximum number of patrons at a banquet is limited to two hundred twenty-five (225), including vendors working at the property for a banquet.

The Petitioner did not indicate when they would start construction on the expansion, if the special use amendment was approved.

Building permits will be required for the proposed structures.

The Petitioner would like to amend Condition 3 of Ordinance 2016-21 by removing the three (3) building maximum. The total allowable square footage would remain at thirty thousand (30,000) and no non-agricultural building would be larger than ten thousand (10,000) square feet.

Section 7:01.D.32.g of the Kendall County Zoning Ordinance and Condition 10 of Ordinance 2016-21 requires a waste management plan be submitted and approved by the Kendall County Health Department prior to the operation of a micro distillery. Condition 11 of Ordinance 2016-21 requires adequate hand sanitation devices as determined by the Kendall County Health Department for the operation of a petting zoo. Condition 6 of Ordinance 2016-21 requires that any food prepared or sold on the property follow Kendall County Health Department regulations.

No information was provided regarding potable water availability or restroom facilities in the expansion area.

Electricity is onsite.

No information was provided for refuse control areas for refuse generated from the special uses.

The property fronts Creek Road. According to the concept plan, the way into the property would be a driveway across the street from the existing entrance to Woody's Orchard and the way out of the property would be through a driveway that lines up with Frazier Road.

The concept plan shows two (2) parking areas. No information was provided regarding the dimensions of the parking areas or the number of parking spaces. According to Condition 5 of Ordinance 2016-21, ADA parking spaces shall be marked and constructed with a hard surface. According to Condition 14 of Ordinance 2016-21, parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

According to Condition 4 of Ordinance 2016-21, all lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance. No information was provided regarding the number or location of lights.

According to Condition 13 of Ordinance 2016-21, all signage on the property shall follow the rules for signs in a Business District as outlined in Section 12:10 of the Zoning Ordinance. Signs may be externally illuminated. No information was provided regarding the number, location, or size of signs.

No specific information was provided regarding landscaping. The Petitioner indicated that they would provide additional landscaping information when applying for building permits.

No information was provided regarding specific noise control measures. The uses must follow the noise regulations in the Zoning Ordinance and the allowable noise levels listed in Ordinance 2016-21.

Before issuing a final recommendation, Staff would like comments from ZPAC Members, Little Rock Township, City of Plano, and the Little Rock Fox Fire Protection District.

As of the date of the provided memo, the proposed conditions for the amendment are as follows:

1. The subject property shall be developed substantially in accordance with the concept plan (Attachment 2). The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
 - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
 - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan (Attachment 2). No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet.

4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
5. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
6. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
7. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
8. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Gengler asked about patrons crossing Creek Road. Larry Nelson stated that they would have a people mover that would move people from one picking area to another picking area. Commander Langston asked about a pedestrian crossing. Mr. Nelson felt that pedestrian crossings of Creek Road would not occur and any crossing would occur by people move. Mr. Nelson offered to talk with the Sheriff's Office to discuss implementing strategies to prevent pedestrian crossings. They will develop a protocol for the people mover.

Mr. Nelson noted that he and his son met with the Little Rock Township Board and he has discussed this proposal with the Little Rock Township Road Commissioner and the Mayor of Plano.

Mr. Nelson noted that the Little Rock Fox Fire Protection favored the proposed traffic pattern with no staging on Creek or Frazier Roads. Mr. Nelson noted that topography limits the number of possible locations to have cars turning onto Creek Road.

Mr. Nelson stated the apple orchard will expand and they are moving the pumpkin patch. He stated that they are developing a several year plan for Woody's.

Mr. Guritz noted his partnerships with organizations and property owners regarding ecosystem protection in the area. He asked if the Petitioner had considered erosion issues along the bluffs and possible partnership opportunities. Mr. Nelson responded he is cleaning up the ravines and is installing large boulders. Mr. Nelson is concerned about erosion control and has been sensitive to the bluffs and he is trying to implement best practices for erosion control.

Ms. Belville requested a meeting regarding well and septic service on the property. She discussed the non-community well testing requirements. Mr. Nelson noted that the septic is four (4) times larger than required. He has obtained core samples on the east of Creek Road and the soils look good for a septic system; there was no high water table.

Mr. Asselmeier asked if bathroom facilities and potable water facilities will be located in the expanded area. Mr. Nelson responded those facilities will stay in the old area, but they will have porta-johns near the you-pick apple area when that service starts on the east side of Creek Road.

Tom Karpus, City of Plano, noted that Plano has no objections at this time.

Mr. Guritz made a motion, seconded by Mr. Holdiman, to recommend approval of the amendments to the special use permit and variances as requested.

Yeas (8): Asselmeier, Belville, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson
Nays (0): None
Abstain (0): None
Absent (2): Briganti and Chismark

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on February 24, 2021.
ZPAC Meeting Minutes 02.02.21

Petition 21-04 Oswegoland Park District

Mr. Asselmeier summarized the request.

The Oswegoland Park District would like to construct an approximately three thousand four hundred twenty-six (3,426) square foot addition on the northwest corner of their property at 0 Boulder Hill Pass.

Section 13:10 of the Zoning Ordinance requires site plan review for structures on properties zoned B-3.

The application material, plat of survey, site plan, photometric plan, landscaping plan, improvement plan, including elevations and project timeline, and renderings were provided.

The site is approximately two point three-nine (2.39) acres.

The Future Land Use is Suburban Residential.

Boulder Hill Pass is a local road maintained by Oswego Township. The property does not have access to Route 25 or Aldon Road. There is an existing trail along Route 25. No trails are planned along Boulder Hill Pass or Aldon Road.

The far southwest corner of the property is in the five (500)-year floodplain. There are no wetlands on the property.

The adjacent land uses are single-family residential, duplex, apartments, gas station, Boulder Hill Market, office building and the Fox River.

The adjacent zonings are A-1, R-3 SU, R-6, R-7, B-1, and B-3.

The Future Land Use Map calls for the area to be Suburban Residential and Unknown. The Unknown property is proposed to be Conservation.

Mr. Klaas stopped attending the meeting remotely at this time (9:54 a.m.).

Pictures of the property were provided.

The special use permit to the east is for a duplex.

Petition information was sent to Oswego Township on January 25, 2021.

Petition information was sent to the Village of Montgomery on January 25, 2021.

Petition information was sent to the Oswego Fire Protection District on January 25, 2021. The Oswego Fire Protection submitted an email on January 25, 2021, stating if a proper and compliant fire alarm/sprinkler system were provided or maintained, the Fire Protection District would not have any objections.

As noted in the project narrative, the Petitioner wishes to construct the proposed addition, include Americans with Disabilities Act Parking and related access, parking facility improvements, the installation of a new fire suppression system, and the installation of a new gravity sanitary sewer service. The plan also includes the addition of a rain garden.

The existing building was originally constructed in 1960 as a fourteen thousand nine hundred fifty-six (14,956) square foot car dealership. The building has been remodeled several times since original construction. A complete breakdown of usage by square footage, both existing and proposed were provided.

The property where the building is located has been zoned B-3 since 1974. The strip of land to the north of the building has been zoned R-7 since 1967.

Pursuant to Section 13:10.D of the Kendall County Zoning Ordinance, the following shall be taken into account when reviewing Site Plans (Staff comments in bold):

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to

preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. The majority of the subject property is already an improved commercial/indoor recreational use. The landscaping plan includes a new rain garden area with native plantings surrounded by a natural turf area to the north of the building. Mulch beds will be installed around the addition and landscape bed plantings will be installed to the west of the addition. No existing trees or landscaping will be removed from the property. Most of the site is already impervious surface and the Petitioners are increasing the impervious area by approximately nine hundred (900) square feet. No construction is planned in the area in the 500-year floodplain. No slopes exist on the property. A stormwater pollution prevention plan is included in the improvement plans.

Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. The property already possesses access off of Boulder Hill Pass. No additional access points off of Route 25 or Aldon Road are planned. As part of the project, the number of parking spaces shall be reduced from one hundred five (105) to ninety-four (94). The number of handicapped accessible spaces shall be reduced from five (5) to four (4).

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. No conflicts are foreseen. The parking lot will meet applicable surfacing requirements.

Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. The top of the parapet of the addition, which is the highest point of the addition, will be approximately seventeen feet, three inches (17'3") in height. This is the same height as the existing parapets. No impacts to shadow, noise, odor, traffic, drainage, or utilities are foreseen.

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

Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. The exterior of the addition will consist of an alpine timber colored stone veneer and a Navajo beige colored cement lap siding to match the existing siding. A non-illuminated, lettered sign will be on the addition.

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. The proposed addition is in harmony with the existing use and neighboring uses.

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

Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. The proposed addition will be landscaped with the rain garden and existing vegetation creating buffer with the properties to the north. No issues regarding noise, smoke, vapors, fumes, dust, odors, glare, or stormwater runoff are foreseen.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. The property has access from Boulder Hill Pass. Circulation already exists in the property for emergency vehicles.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. The existing units on the roof are unscreened; the new units on the roof will also be unscreened.

Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. The proposal calls for ten (10) single head poles on the property. All existing lighting will be replaced with energy efficient LED fixtures. Egress door lighting will be installed on the addition. Two (2) existing, illuminated monument signs are located on the property.

Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. The refuse enclosure area will be located near the northeast corner of the building. The enclosure will be board-on-board fencing with swings gates. The fencing will be six feet (6') in height.

Pending comments from ZPAC members, Staff recommends approval of the proposed site plan as proposed with the following conditions:

1. The site shall be developed substantial in conformance with the submitted site plan, photometric plan, landscaping plan, improvement plan, and renderings.
2. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development and the type of use proposed for the site, including, but, not limited to, securing the applicable building permits.

John Whitehouse, Engineer for the Petitioner, noted that three (3) trees and some shrubs at the existing entrance on the northern end of the building that will be removed. Shrubs will be placed as foundation plantings around the building and the trees will be replaced at the northerly corner of the property.

Mr. Asselmeier asked about pre- and post-construction runoff volumes and documentation that a reduction in the pollutant load will occur. Mr. Whitehouse responded they will be submitting calculations of volumes as requested.

Mr. Whitehouse noted that a new water service will be installed. They are working to secure necessary permits from the Village of Montgomery. They will be installing a new six inch (6") water service off of Aldon Road and adding a hydrant.

Mr. Asselmeier made a motion, seconded by Mr. Guritz, to recommend approval of the site plan with the conditions proposed by Staff and the amendment regarding the removal and replacement of the three (3) trees and shrubs at the northern end of the building.

The votes were as follows:

Yeas (7): Asselmeier, Belville, Gengler, Guritz, Holdiman, Langston, and Olson
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Klaas

The motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that the Kendall County Regional Planning Commission's Annual Meeting is Saturday, February 6, 2021, at 9:00 a.m.

CORRESPONDENCE

None

PUBLIC COMMENT

Mr. Asselmeier noted that there will be at least two (2) petitions on the March agenda.

ADJOURNMENT

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

The votes were as follows:

Yeas (7): Asselmeier, Belville, Gengler, Guritz, Holdiman, Langston, and Olson

Nays (0): None

Abstain (0): None

Absent (3): Briganti, Chismark, and Klaas

The motion carried.

The ZPAC, at 10:05 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
FEBRUARY 2, 2021**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Dan Keener	1107 A S. Bridge St Gulwell TX 75845	pk2032

Attachment 16, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

Kendall County Historic Courthouse
East Wing Conference Room
110 W. Madison Street (109 W. Ridge Street), Yorkville, Illinois

Unapproved - Meeting Minutes of February 24, 2021 - 7:00 p.m. (Hybrid Meeting)

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

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey (Attended Remotely), Dave Hamman (Attended Remotely), Karin McCarthy-Lange (Attended Remotely), Larry Nelson, Ruben Rodriguez, Bob Stewart, and Claire Wilson (Attended Remotely Starting at 7:06 p.m.)

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Dan Kramer, Pam Nelson, Scott Mulliner, Scott Gengler (Attended Remotely), Lucas Robinson (Attended Remotely), and Robert Long (Attended Remotely)

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member Stewart, to approve the agenda.

The votes were as follows:

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

Nays (0): None

Absent (1): Wilson

The motion carried.

APPROVAL OF MINUTES

Member Rodriguez made a motion, seconded by Member Bledsoe, to approve the minutes of the January 27, 2021, meeting and the February 6, 2021, annual meeting.

The votes were as follows:

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

Nays (0): None

Absent (1): Wilson

The motion carried.

PETITIONS

Petition 20-32 Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping, LLC

Mr. Asselmeier summarized the request.

Cindy Gates, on behalf of the Cindy Gates Trust, currently leases the subject property to Mark Cox of Cox Landscaping, LLC for use as a landscaping business.

Prior to the COVID-19 closures, the County received a complaint that a landscaping business was operating at the subject property without proper zoning. Efforts to determine if the use qualified for grandfathering were
KCRPC Meeting Minutes 2.24.21

unsuccessful and the Petitioner decided to pursue a map amendment and special use permit. The COVID-19 closures and efforts to obtain stormwater information caused the application to be delayed.

The subject property is split zoned between A-1 and B-3. The request makes the entire frontage of the parcels B-3 and establishes a special use permit for a landscaping business over the area zoned B-3.

The application materials, aerial of the site portion of the property, site plan, and the plat of the area proposed for rezoning were provided.

The property is approximately two point five (2.5) acres.

The County's Future Land Use Map calls for the property to be Suburban Residential. Yorkville's Future Land Use Map calls for the property to be Agricultural.

Route 34 is a State-maintained arterial highway. There is a trail along Route 34.

There are no floodplains or wetlands on the property.

Member Wilson arrived at this time (7:06 p.m.).

The adjacent land uses are agricultural to the north, east, and west, and commercial to the south.

The adjacent zonings are A-1, R-3 and B-3 and Planned Development B-3 and O in Yorkville.

The County's Future Land Use Map calls for the area to be Suburban Residential and the Yorkville Future Land Use Map calls for the area to be Suburban Neighborhoods and Mid-Density Residential.

Ms. Belville started attending the meeting remotely at this time (9:05 a.m.).

Zoning Districts within one half (1/2) mile include A-1, R-3, B-3 in the County and Planned Development R-3 and O in Yorkville.

Pictures of the property were provided.

Four (4) residential subdivisions are located within one half (1/2) mile of the subject property.

EcoCAT Report submitted and found the Fox River INAI Site, Yorkville Forested Seep and Fen INAI Site, and the River Redhorse in the area. Adverse impacts were unlikely and consultation was terminated.

The LESA Score was 115 indicating a low level of protection.

The Petitioners appeared before the Bristol Township Board on February 5, 2020, prior to submitting an application with the County. The Bristol Township Board voted in favor of the request. The minutes of this meeting were provided. Petition information was sent to Bristol Township on January 20, 2021.

Petition information was sent to the United City of Yorkville on January 20, 2021. Yorkville will be reviewing this proposal at their March meetings.

Petition information was sent to the Bristol-Kendall Fire Protection District on January 20, 2021.

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding the lack of a septic system on the property. The Petitioner's Attorney noted that porta-john was on the property and no customers are invited on the property. Employees do not linger on the property. Based on the current use and proposed use of the property, restroom facilities are not required. The well on the property had previously been used to water plants related to the former nursery business at the property. ZPAC recommended approval of the

proposed map amendment and special use permit with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes of the meeting were provided.

The subject property has been used as a landscaping business without proper zoning for many years and the Petitioners would like to become compliant with the Zoning Ordinance.

According to the submitted business plan, Cox Landscaping, LLC provides general landscaping services to commercial and residential customers. The business has a maximum fifteen (15) employees. Employees arrive at the property at approximately 6:45 a.m., go to work sites, and return to the property by 5:30 p.m. The business operates at maximum capacity from April 1st through Thanksgiving. A smaller number of employees work for the business from November through April.

The subject property is used for offices and storage of landscaping materials.

The subject property is used for wholesale purposes only; no customers come onto the property.

The property presently consists of one (1) one thousand thirty (1,030) square foot steel building. An approximately fifty-three (53) square foot metal shed is located northeast of the steel building. A metal storage bin is located to the southeast of the steel building. An approximately one hundred twenty (120) square foot frame shed is also located southeast of the steel building. A new shed is shown on the site plan; the new shed will be approximately eight feet (8') tall. Any new structures would require applicable building permits.

The property also has one (1) two hundred fifty-two (252) square foot concrete storage area, one (1) two hundred sixteen (216) square foot concrete storage area, one (1) seven hundred fourteen (714) square foot concrete storage area, and one (1) five hundred forty-four (544) square foot wood storage bay. The height of the storage areas is twelve feet (12').

One (1) diesel tank is located on the property.

The property is served by well. There is no septic on the premises.

The property drains to the southeast.

The main parking area consists of gravel and crushed asphalt.

A pulverized black dirt pile will be located on the northern portion of the property.

A stormwater management permit will be required. The stormwater information was provided.

The property has two (2) accesses off of Route 34.

One (1) two thousand five hundred (2,500) square foot gravel parking area is located west of the steel building and one (1) five thousand (5,000) square foot parking lot is located north of the steel building. There are twelve (12) parking spaces in the gravel parking area west of the steel building with an additional twelve (12) parking spaces to the east of the steel building.

Lights are presently located on the property by the sign, flagpole, and on the steel building. One (1) freestanding light is also located on the property next to the steel building. No additional lighting is planned.

The site has less than thirty (30) parking spaces. Therefore, a photometric plan is not required.

A sign is already located on the property. The sign is five feet (5') wide and two feet (2') tall. The sign is three point eight feet (3.8') off of the ground for a total height of slightly under six feet (6'). A light exists next to the sign and flagpole.

A wooden fence six feet (6') in height is located between the steel building and the berm. The Petitioners plan to install a cyclone mesh fence with slats to prevent viewing by the public. The fence will be approximately six feet (6') in height. A new fence gate is visible on the site plan.

Security cameras are also located on the steel building.

The Petitioners also plan to have a three foot (3') maximum height berm with black dirt and mulch with landscaping in the location shown on the site plan.

A berm already exists parallel to Route 34.

No additional plantings are planned for either berm.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the twelfth (12th) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact for the map amendment were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural and commercial purposes. The subject property has been used for a nursery and landscaping business for several years.

The Zoning classification of property within the general area of the property in question. The surrounding properties have business, office, residential, and agricultural zoning classifications. The subject property is split zoned A-1 Agricultural District and B-3 Highway Business District.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently split zoned A-1 and B-3. Landscaping businesses are special uses within both zoning classifications. However, from a regulatory and use standpoint, having a consistent zoning classification across both uses removes the possibilities of inconsistent and conflicting regulations that exist when a property possesses more than one (1) zoning classification.

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 along this portion of Route 34 is commercial, retail, office, similar related business uses.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Land Resource Management Plan calls for the subject property to be Suburban Residential and the Yorkville Comprehensive Plan calls for the property to be Agricultural even though a portion of the property has been zoned for business uses since the 1970s.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The owners of the business allowed by the special use permit will not invite the public onto the property.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The subject property has been used as a landscaping business for a number of years. Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, and aesthetics of the operations at the property. Therefore, the neighboring property owners should not suffer loss in property values and will not negatively impact the adjacent land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. The property has two (2) points of access off of Route 34. The site has adequate utilities and no customers of the business allowed by the special use permit will be invited onto the property. The owners of the business allowed by the special use permit have applied for applicable stormwater permits.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. True, the Petitioners are not requesting any variances.

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.”

Staff recommended approval of the requested map amendment. Staff also recommends approval of the requested special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan.
2. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
3. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan.
4. Equipment and vehicles related to the business may be stored outdoors.

5. Within six (6) months of approval of the ordinance allowing the special use for a landscaping business at the subject property, the owners or operators of the business allowed by this special use permit shall install a cyclone mesh fence approximately six (6') in height in substantially the location depicted on the site plan
6. One (1) business related sign five feet (5') wide by two feet (2') tall shall be allowed on the subject property as shown on the site plan. The sign can be a maximum four feet (4') off of the ground. The sign may be illuminated.
7. The owners of the business allowed by this special use permit may install necessary lighting for security purposes. All lights shall follow the lighting provisions contained in the Kendall County Zoning Ordinance.
8. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the site plan. The parking area shall be gravel.
9. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be installed and maintained in substantially the same location as shown on the site plan.
10. No landscape waste generated off the property can be burned on this site.
11. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:45 a.m. until 5:30 p.m.
14. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
16. 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.
17. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
18. 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.

Member McCarthy-Lange requested clarification on the rezoning request. Mr. Asselmeier responded that the area where the business was operating was split zoned. This proposal would bring the business area under one (1) zoning classification and would grant a special use permit for the landscaping business.

Member Wilson asked why the berm area did not screen the dirt pile. She also asked if any fencing would be around the dirt pile. Mr. Asselmeier responded that fencing would not be around the dirt pile. Dan Kramer, Attorney for the Petitioner, said the dirt pile was behind the berm. Mr. Kramer said more landscaping would be planted on the berm in the spring. The berm and dirt pile were not near the nearby residences. The dirt pile varies in size as projects occur.

Chairman Ashton expressed his frustration that applicants are submitting applications after starting operations without proper zoning.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the map amendment and special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on March 1, 2021.

Member Nelson recused himself at this time (7:26 p.m.).

Petition 21-03 Larry Nelson on Behalf of the L and P Nelson Trust 103

Mr. Asselmeier summarized the request.

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road. The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

The application materials, concept plan, Ordinance 2016-21, and aerial of the property were provided.

The expansion area is approximately thirty-one (31) acres in size.

The Future Land Use Plan calls for the property to be Rural Estate Residential and Countryside Residential.

Creek Road is a Township maintained Local Road. The County has a trail planned along Creek Road north of Frazier Road.

The One (100)-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

The adjacent land uses are Agricultural and an outlot to a residential subdivision.

The adjacent zonings are A-1 and A-1 SU in the County and AG-1 in Plano.

The County's Future Land Use Map calls for the area to be Agricultural, Countryside Residential, Rural Estate Residential, and Commercial. Plano's Future Land Use Map calls for the area to be Open Space, Low-Density Residential, and General Business.

The nearby zoning districts include A-1, A-1 SU, and R-3 in the County and AG-1, F-1, R-5, B-2, and B-5 in Plano.

The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

EcoCat submitted on January 5, 2021, and consultation was terminated.

NRI application submitted on January 8, 2021. The LESA Score was 188 indicating a low level of protection. The NRI Report was provided.

Little Rock Township was emailed information on January 19, 2021. The Township reviewed this proposal at their meeting on February 17, 2021. Overall, the Township was in favor of the proposal, but had concerns regarding the well and septic for the expansion area, the protocol for the people mover, and safety signage along Creek Road. The Township was working on a letter officially stating their position.

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

The City of Plano was emailed information on January 19, 2021. The Plano Planning Commission reviewed this proposal at their meeting on February 15, 2021. They recommended approval of the proposal on the condition that a traffic study of the intersection of Creek Road and Little Rock Road occur. Mr. Asselmeier read a letter from Tom Karpus of the City of Plano explaining the City's approval and concerns.

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding patrons crossing Creek Road to access amenities and facilities on the west of Creek Road. The Petitioner indicated that some form of people mover would be used to transport people across Creek Road. No pedestrian crossings were foreseen. The Petitioner noted that development of the property on the east side of Creek Road would take several years. ZPAC recommended approval of the proposal with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes were provided.

According to the business information provided, the Petitioner would like to expand operations of Woody's Orchard to the property they own on the east side of Creek Road. The Petitioners would like to construct approximately three (3) buildings with a total of thirty thousand square feet in substantially the locations shown on the concept plan. The concept plan also calls for two (2) parking areas and two (2) access points off of

Creek Road. Traffic circulation would be one (1) way throughout the property. The concept plan also calls for an apple tree area on the north side of the property.

The Petitioner would like the conditions and variances imposed by Ordinance 2016-21 to carry over to the new area of operations. The conditions from Ordinance 2016-21 are as follows:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to two hundred twenty-five (225), including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 a.m. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30 pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
 - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.
9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.

12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (10,000) square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12:10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

The variances from Ordinance 2016-21 are as follows:

1. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

According to the business plan information, the proposed use is "a hybrid use of agriculture, entertainment, food and family fun." Some commodities are grown onsite while others are grown offsite. Family friendly activities are also offered on the property.

No information was provided, either in the current application or in Ordinance 2016-21, regarding number of employees or number of events. Condition 3 of Ordinance 2016-21 stated that events cannot start prior to 7:00 a.m. any day of the week and shall end no later than 10:00 p.m. on Mondays thru Wednesdays and no later than 11:30 p.m. Thursdays thru Sundays. Banquets may end no later than midnight. Condition 2 of Ordinance 2016-21 stated that the maximum number of patrons at a banquet is limited to two hundred twenty-five (225), including vendors working at the property for a banquet.

The Petitioner did not indicate when they would start construction on the expansion, if the special use amendment was approved.

Building permits will be required for the proposed structures.

The Petitioner would like to amend Condition 3 of Ordinance 2016-21 by removing the three (3) building maximum. The total allowable square footage would remain at thirty thousand (30,000) and no non-agricultural building would be larger than ten thousand (10,000) square feet.

Section 7:01.D.32.g of the Kendall County Zoning Ordinance and Condition 10 of Ordinance 2016-21 requires a waste management plan be submitted and approved by the Kendall County Health Department prior to the operation of a micro distillery. Condition 11 of Ordinance 2016-21 requires adequate hand sanitation devices as determined by the Kendall County Health Department for the operation of a petting zoo. Condition 6 of Ordinance 2016-21 requires that any food prepared or sold on the property follow Kendall County Health Department regulations.

No information was provided regarding potable water availability or restroom facilities in the expansion area.

Electricity is onsite.

No information was provided for refuse control areas for refuse generated from the special uses.

The property fronts Creek Road. According to the concept plan, the way into the property would be a driveway across the street from the existing entrance to Woody's Orchard and the way out of the property would be through a driveway that lines up with Frazier Road.

The concept plan shows two (2) parking areas. No information was provided regarding the dimensions of the parking areas or the number of parking spaces. According to Condition 5 of Ordinance 2016-21, ADA parking spaces shall be marked and constructed with a hard surface. According to Condition 14 of Ordinance 2016-21, parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

According to Condition 4 of Ordinance 2016-21, all lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance. No information was provided regarding the number or location of lights.

According to Condition 13 of Ordinance 2016-21, all signage on the property shall follow the rules for signs in a Business District as outlined in Section 12:10 of the Zoning Ordinance. Signs may be externally illuminated. No information was provided regarding the number, location, or size of signs.

No specific information was provided regarding landscaping. The Petitioner indicated that they would provide additional landscaping information when applying for building permits.

No information was provided regarding specific noise control measures. The uses must follow the noise regulations in the Zoning Ordinance and the allowable noise levels listed in Ordinance 2016-21.

The proposed findings of fact for the special use permit were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. True. The Petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including a one-way traffic flow.

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

compatible with the surrounding area and/or the County as a whole. True. Conditions were included in the original special use permit ordinance that will regulate noise, lighting, and sanitation provisions.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Creek Road at the intersection with Frazier Road. Site plan, stormwater management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. The Petitioner was granted variances in the original special use permit ordinance. The Petitioner would like those variances extended to cover the special use expansion area.

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

The proposed findings of fact for the variances were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. While the subject property is not on an existing collector road, Creek Road is a well maintained Township Road which frequently accommodate truck traffic from the nearby Hillside Nursery. Commercial uses are called for in the vicinity of the subject property on the Future Land Use Maps for both Kendall County and City of Plano.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is true. This is a unique combination of uses and is not likely to be replicated in other areas of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioner did not create the setback requirements or access requirements.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variances will not impair the supply of light or air to neighboring properties. Since 2016, the Petitioner has demonstrated

no increased congestion on public streets by the uses allowed by the special use permit. There will be no increase in the danger of fire and no negative impacts to property values are foreseen.

Staff recommended approval of the requested amendment to special use permit granted by ordinance 2016-21 and the variances approved by Ordinance 2016-21 subject to the following conditions and restrictions:

1. The subject property shall be developed substantially in accordance with the concept plan. The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
 - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
 - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan. No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: “there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet.”
4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
5. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
6. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County’s Right to Farm Clause.
7. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
8. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Robert Long stated that his property is approximately two thousand feet (2,000’) to the proposed banquet center location and the closest existing home is approximately one thousand two hundred feet (1,200’) to the proposed banquet center. His concern was noise, but he was generally favorable of the proposal. He was also concerned about preservation of the Little Rock Creek watershed.

Member Wilson asked about outdoor bands or outdoor weddings. Mr. Nelson said that the answer to that question was undetermined at this time. Mr. Nelson also noted the existing noise regulations and previous noise

tests that he has done on the existing business. Mr. Nelson said that he intends to abide by the conditions of the special permit. Member Wilson expressed concerns regarding the Sheriff's Department obtaining noise measurements. Mr. Nelson stated that the closest house was approximately four hundred feet (400') from the proposed uses. The County has not received any noise complaints from the existing uses.

Member Rodriguez stated that he has gone to Woody's and thinks the business is remarkable. He noted the existing trees between the subject property and the nearby houses. Mr. Long noted that the trees do not block the noise.

Mr. Nelson and Mr. Long encouraged mutual respect between the applicant and neighbors.

Mr. Nelson noted the installation of the driveway on the west side of Creek Road to address potential traffic concerns.

Mr. Nelson noted that the property is highly erodible.

Mr. Nelson requested that the noise regulations apply only to the homes in existence at the time of special use permit approval. An aerial map could be added as an exhibit to the ordinance. Mr. Long noted that vacant residential lots exist in Lakewood Springs Club.

Member Rodriguez made a motion, seconded by Member Bledsoe, to recommend approval of special use permit and variances with the conditions proposed by Staff and with the amendment that the noise regulations apply to those residential structures that existed on the date of approval of the special use permit.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (0): None
Abstain (1): Nelson

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on March 1, 2021.

Member Nelson returned as a Member of the Commission at this time (8:04 p.m.)

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

Approval to Initiate Amendments to the Future Land Use Map in the Kendall County Land Resource Management Plan by Having the Transportation Plan Correspond to the 2020-2040 Long Range Transportation Plan, Updating Municipal Boundaries, Reclassifying Islands in the Fox River from Unknown to Open Space and Reclassifying the Remaining Unknown Properties to Match Adjoining Land Use Classifications

Mr. Asselmeier summarized the request.

In December 2019, the County Board approved a 2019-2039 Long Range Transportation Plan. In December 2020, the County Board approved a 2020-2040 Long Range Transportation Plan that was similar to the 2019-2039 Long Rang Transportation Plan.

The Plan has several changes from the Future Land Use Map contained in the Land Resource Management Plan. After discussions with Fran Klaas, at their meeting on October 28, 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee recommended the following changes to the Kendall County Land Resource Management Plan:

Remove

- Prairie Parkway
- Lisbon / Helmar Bypass
- Caton Farm Road West Route 71
- Fox River Drive Westerly Bypass of Village of Newark
- Whitfield Road Extension North to Griswold Springs Road
- Gates Lane West of Route 47
- County has now taken position to keep WIKADUKE Trail on the existing Stewart Road alignment all the way to Rance Road and then extend a new alignment northeasterly to Route 30 and Heggs Road, using the Village of Oswego's alignment for the WIKADUKE Trail.

Add

- Millington Road Extending North of Lions Road to Connect to Route 34
- Walker Road Relocated West of Route 71 to Make Connection to New Fox River Drive / Crimmins Road intersection
- Westerly Extension of Collins Road West of Minkler Road to Route 71
- Connecting Millbrook Road with the Millbrook Bridge by Aligning Millbrook Road and Whitfield Road behind the Existing Bank Building
- Having Douglas Road's Alignment Correspond to the Village of Oswego's Plans
- Aligning Cannonball Trail to Dickson Road and Gordon Street
- Extending Cherry Road into the Henneberry Woods Forest Preserve
- Extending Johnson Road East from Ridge Road to the County Line
- Miller Road Extended in DeKalb County

Changes in Land Use

- Changing the Suburban Residential Classification for the Properties South of the Johnson Road Extension to Mixed Use Business. Mr. Asselmeier noted that these would be the only properties in Na-Au-Say Township classified as Mixed Use Business.
- Updating the Future Land Use Map to Reflect Current Municipal Boundaries
- Correcting the Classification of the Minooka School District Property Near the Intersection of Route 52 and County Line Road
- Classifying the Parcels of Land Shown as "Unknown" on the Future Land Use Map to Match Adjoining Properties and/or Uses

The current Future Land Use Map, an updated Future Land Use Map, and updated trail map were provided. The redline version of the related text was also provided. The listing of parcels changed from unknown to a different use was also provided.

Mr. Asselmeier noted that Bristol Township submitted an email in favor of the proposal. Oswego Township submitted an email express concerns about several local roads. The County's opinion was that the concerns expressed by Oswego Township won't manifest themselves until the area is annexed by the Village of Oswego.

Member Nelson made a motion, seconded by Member Rodriguez, to initiate the amendment as proposed.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (0): None

The motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier said that Petitions 20-02 and 20-05 were withdrawn by the Petitioner. The Planning, Building and Zoning Committee will be discussing the next steps for this property at their March 8, 2021, meeting.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier said that there are four (4) agenda items for the March meeting. These include a map amendment request at the southwest corner of Galena and East Beecher Roads, a request for a special use permit for a flea market on Brisbin Road, a request for a banquet facility on Van Dyke Road, and the Land Resource Management Plan amendment.

Member Nelson stated the Comprehensive Land Plan and Ordinance Committee will be reviewing the land uses and zoning classifications for properties along Eldamain Road between the Fox River and Route 71.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Rodriguez, to adjourn.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (0): None

The motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:14 p.m.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
FEBRUARY 24, 2021**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Dor Kov	ret. 20-32	[REDACTED]
Scott Muller	[REDACTED]	[REDACTED]



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-03

**Larry Nelson on Behalf of the L and P Nelson Trust 103
Major Amendment to Existing A-1 Special Use for Banquet
Facility, Micro Distillery, Nano Brewery, Production and Sale
of Sweet Cider, Year Round Seasonal Festival with Petting Zoo,
and Related Variances Granted by Ordinance 2016-21**

INTRODUCTION

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road. The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

The application materials are included as Attachment 1. The concept plan is included as Attachment 2. Ordinance 2016-21 is included as Attachment 3. The aerial of the property is included as Attachment 4.

SITE INFORMATION

PETITIONER Larry Nelson on Behalf of the L and P Nelson Trust 103

ADDRESS 3210 Creek Road

LOCATION East Side of Creek Road at the T-Intersection Created by Creek and Frazier Roads



TOWNSHIP Little Rock

PARCEL #S 01-16-300-007 and 01-21-100-005

LOT SIZE Expansion Area is 30.99 +/- Acres; Original Area is 45.85 +/- Acres

EXISTING LAND USE Agricultural and Woody's Orchard

ZONING A-1 Agricultural District and A-1 Special Use

LRMP	Current Land Use	Agricultural and Woody's Orchard
	Future Land Use	Rural Estate Residential (Max 0.45 Du/Acre) and Countryside Residential (Max 0.33 Du/Acre)
	Roads	Creek Road is a township maintained Local Road.
	Trails	The County has a trail planned along Creek Road north of Frazier Road.
	Floodplain/Wetlands	The 100-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

REQUESTED ACTION Major Amendment to an Existing A-1 Special Use Permit for a Banquet Hall, Nano Brewery, Micro Distillery, Seasonal Festival with Petting Zoo, and Production and Sale of Sweet Cider with Variances

APPLICABLE REGULATIONS Section 7:01.D.12 – A-1 Special Uses – Permits Banquet Facilities with Certain Conditions

Section 7:01.D.12.a – Requires Banquet Facilities to be Located on an Arterial or Major Collector Road

Section 7:01.D.32 – A-1 Special Uses – Permits Micro Distilleries with Certain Conditions

Section 7:01.D.32.a – Requires Micro Distilleries to be Located on Major Collector of Higher Roads

Section 7:01.D.33 – A-1 Special Uses – Permits Nano Breweries with Certain Conditions

Section 7:01.D.33.a – Requires Nano Breweries to be Located on Major Collector of Higher Roads

Section 7:01.D.45 – A-1 Special Uses – Permits Production and Sale of Sweet Cider with Certain Conditions Including Setting a Maximum Building Square Footage at One Thousand (1,000) Square Feet.

Section 7:01.E.10 – A-1 Conditional Uses – Permits Seasonal Festivals with Petting Zoos with Certain Conditions

Section 7:01.E.10.i – Forbids the Sale of Alcohol at Seasonal Festivals

Section 7:01.E.10.j – Limits Seasonal Festivals to One (1) Event Per Year

Section 7:01.E.10.k – Limits Seasonal Festivals to Ninety (90) Consecutive Calendar Days

Section 7:01.G.2.b – Parking Not Allowed in Front Yard Setback Which is One Hundred Feet (100') from the Right-of-Way Line

Section 13:04 – Variance Procedures

Section 13.08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Estate Residential (Max 0.45 DU/Acre)	A-1 and R-3
South	Agricultural	A-1	Commercial	A-1
East	Agricultural/Wooded Outlot of Residential Subdivision	A-1 (County) AG-1 (Plano)	Open Space/Low Density Residential (Max 2.25 DU/Acre)/General Business (Plano)	A-1 (County) AG-1, F-1, R-5, B-2, and B-5

West	Agricultural/Residential	A-1 and A-1 SU	Agricultural/Countryside/Residential (Max 0.33 DU/Acre)/Commercial	(Plano) A-1 and A-1 SU
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The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on January 5, 2021, and consultation was terminated (see Attachment 1, Pages 13-15)

NATURAL RESOURCES INVENTORY

NRI application submitted on January 8, 2021 (see Attachment 1, Pages 11 and 12). The LESA Score was 188 indicating a low level of protection. The NRI Report is included as Attachment 6.

ACTION SUMMARY

LITTLE ROCK TOWNSHIP

Little Rock Township was emailed information on January 19, 2021. The Township reviewed this proposal at their meeting on February 17, 2021. Overall, the Township was in favor of the proposal, but had concerns regarding the well and septic for the expansion area, the protocol for the people mover, and safety signage along Creek Road. As of the date of this memo, the Township is working on a letter officially stating their position.

LITTLE ROCK FOX FIRE PROTECTION DISTRICT

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

CITY OF PLANO

The City of Plano was emailed information on January 19, 2021. The Plano Planning Commission reviewed this proposal at their meeting on February 15, 2021. They recommended approval of the proposal on the condition that a traffic study of the intersection of Creek Road and Little Rock Road occur. The Plano City Council met on February 22, 2021, and concurred with the Plano Planning Commission's opinion. Plano's comment letter is included as Attachment 7.

ZPAC

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding patrons crossing Creek Road to access amenities and facilities on the west of Creek Road. The Petitioner indicated that some form of people mover would be used to transport people across Creek Road. No pedestrian crossings were foreseen. The Petitioner noted that development of the property on the east side of Creek Road would take several years. ZPAC recommended approval of the proposal with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes are included as Attachment 5.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 24, 2021. One (1) neighbor, Robert Long, that he was concerned about noise and the preservation of the Little Rock Creek watershed, but was generally in favor of the proposal. The Petitioner stated that they would abide by the County's noise regulations. The Petitioner was unsure if outdoor music would occur at the property as part of banquets. The Petitioner request that the noise regulations apply on to the home in existence at the time of the issues of the special use permit. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the amendment regarding the noise regulations as requested by the Petitioner by a vote of nine (9) in favor and zero (0) in opposition. The minutes are included as Attachment 8.

GENERAL

According to the business information provided (see Attachment 1, Page 2), the Petitioner would like to expand operations of Woody's Orchard to the property they own on the east side of Creek Road. The Petitioners would like to construct approximately three (3) buildings with a total of thirty thousand square feet in substantially the locations shown on the concept plan (See Attachment 2). The concept plan also calls for two (2) parking areas and two (2) access points off of Creek Road. Traffic circulation would be one (1) way throughout the property. The concept plan also calls for an apple tree area on the north side of the property.

The Petitioner would like the conditions and variances imposed by Ordinance 2016-21 to carry over to the new area of operations. The conditions from Ordinance 2016-21 are as follows:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to two hundred twenty-five (225), including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 a.m. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30 pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
 - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.
9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.

12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (10,000) square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12:10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

The variances from Ordinance 2016-21 are as follows:

1. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

BUSINESS OPERATION

According to the business plan information provided on Attachment 1, Page 2, the proposed use is "a hybrid use of agriculture, entertainment, food and family fun." Some commodities are grown onsite while others are grown offsite. Family friendly activities are also offered on the property.

No information was provided, either in the current application or in Ordinance 2016-21, regarding number of employees or number of events. Condition 3 of Ordinance 2016-21 stated that events cannot start prior to 7:00 a.m. any day of the week and shall end no later than 10:00 p.m. on Mondays thru Wednesdays and no later than 11:30 p.m. Thursdays thru Sundays. Banquets may end no later than midnight. Condition 2 of Ordinance 2016-21 stated that the maximum number of patrons at a banquet is limited to two hundred twenty-five (225), including vendors working at the property for a banquet.

The Petitioner did not indicate when they would start construction on the expansion, if the special use amendment was approved.

BUILDING CODES

Building permits will be required for the proposed structures.

The Petitioner would like to amend Condition 3 of Ordinance 2016-21 by removing the three (3) building maximum. The total allowable square footage would remain at thirty thousand (30,000) and no non-agricultural building would be larger than ten thousand (10,000) square feet.

ENVIRONMENTAL HEALTH

Section 7:01.D.32.g of the Kendall County Zoning Ordinance and Condition 10 of Ordinance 2016-21 requires a waste management plan be submitted and approved by the Kendall County Health Department prior to the operation of a micro distillery. Condition 11 of Ordinance 2016-21 requires adequate hand sanitation devices as determined by the Kendall County Health Department for the operation of a petting zoo. Condition 6 of

Ordinance 2016-21 requires that any food prepared or sold on the property follow Kendall County Health Department regulations.

No information was provided regarding potable water availability or restroom facilities in the expansion area.

Electricity is onsite.

No information was provided for refuse control areas for refuse generated from the special uses.

ROAD ACCESS

The property fronts Creek Road. According to the concept plan (See Attachment 2), the way into the property would be a driveway across the street from the existing entrance to Woody's Orchard and the way out of the property would be through a driveway that lines up with Frazier Road.

PARKING AND INTERNAL TRAFFIC CIRCULATION

The concept plan shows two (2) parking areas. No information was provided regarding the dimensions of the parking areas or the number of parking spaces. According to Condition 5 of Ordinance 2016-21, ADA parking spaces shall be marked and constructed with a hard surface. According to Condition 14 of Ordinance 2016-21, parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

LIGHTING

According to Condition 4 of Ordinance 2016-21, all lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance. No information was provided regarding the number or location of lights.

SIGNAGE

According to Condition 13 of Ordinance 2016-21, all signage on the property shall follow the rules for signs in a Business District as outlined in Section 12:10 of the Zoning Ordinance. Signs may be externally illuminated. No information was provided regarding the number, location, or size of signs.

LANDSCAPING

No specific information was provided regarding landscaping. The Petitioner indicated that they would provide additional landscaping information when applying for building permits.

NOISE CONTROL

No information was provided regarding specific noise control measures. The uses must follow the noise regulations in the Zoning Ordinance and the allowable noise levels listed in Ordinance 2016-21.

FINDINGS OF FACT-SPECIAL USE PERMIT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. True. The Petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including a one-way traffic flow.

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

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The project will have a one-way circulation system, with vehicles

entering from Creek Road and exiting onto Creek Road at the intersection with Frazier Road. Site plan, stormwater management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. The Petitioner was granted variances in the original special use permit ordinance. The Petitioner would like those variances extended to cover the special use expansion area.

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

FINDINGS OF FACT-VARIANCES

§ 13:04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. While the subject property is not on an existing collector road, Creek Road is a well maintained Township Road which frequently accommodate truck traffic from the nearby Hillside Nursery. Commercial uses are called for in the vicinity of the subject property on the Future Land Use Maps for both Kendall County and City of Plano.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is true. This is a unique combination of uses and is not likely to be replicated in other areas of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioner did not create the setback requirements or access requirements.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variances will not impair the supply of light or air to neighboring properties. Since 2016, the Petitioner has demonstrated no increased congestion on public streets by the uses allowed by the special use permit. There will be no increase in the danger of fire and no negative impacts to property values are foreseen.

RECOMMENDATION

Staff recommends approval of the requested amendment to special use permit granted by ordinance 2016-21 and the variances approved by Ordinance 2016-21 subject to the following conditions and restrictions:

1. The subject property shall be developed substantially in accordance with the concept plan (Attachment 2). The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:

- a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
 - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan (Attachment 2). No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet."
 4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
 5. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
 6. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
 7. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
 8. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
 9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

ATTACHMENTS

1. Application Materials
2. Concept Plan
3. Ordinance 2016-21
4. Aerial
5. February 2, 2021 ZPAC Minutes
6. NRI
7. February 23, 2021 City of Plano Letter
8. February 24, 2021 RPC Minutes



-Amendment-

DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

To Pin

APPLICATION

PROJECT NAME *Woody's Orchard East (originally Cider Creek)* FILE #:

SCANNED

NAME OF APPLICANT <i>L+P Nelson Trust 103</i>		
CURRENT LANDOWNER/NAME(s) <i>same</i>		
SITE INFORMATION ACRES <i>30.99</i>	SITE ADDRESS OR LOCATION <i>3210 Creek Rd</i>	ASSESSOR'S ID NUMBER (PIN) <i>01-16-300-007 and 01-20-400-005</i>
EXISTING LAND USE <i>A</i>	CURRENT ZONING <i>A</i>	LAND CLASSIFICATION ON LRMP <i>A 01-21-100-005</i>
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <i>A-SU</i>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input checked="" type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input checked="" type="checkbox"/> Major, <input type="checkbox"/> Minor) <i>See File 1625</i>		
PRIMARY CONTACT <i>Larry Nelson</i>	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
ENGINEER CONTACT <i>same</i>	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE <i>1-12-21</i>

FILE PAID: \$1255
CHECK [REDACTED]

RECEIVED

JAN 14 2021

KENDALL COUNTY
PLANNING, BUILDING & ZONING

¹ Primary Contact will receive all correspondence from County
² Engineering Contact will receive all correspondence from the County's Engineering Consultants

Zoning Request

Woody's Major Amendment A-1SU

Woody's will be developed over a number of years as a hybrid use of agriculture, entertainment, food and family fun. Typically known as a U-Pick Orchard, offering commodities grown on and off the site, food produced from the commodities along with other food and refreshments, entertainment and activities will also be provided.

We are requesting expansion of our A-1 SU of the 45 acre parcel to add 30 acres on the East side of Creek Road in this application per Permit Section 7.01 D-Ag Special Uses Permitted; D-10 Banquet Halls, D-29 Micro Distillery; D-30 Nano Breweries; and D-42 (which is labeled as 32 (duplicated)) Production and sale of sweet cider (with the restriction of "Total retail area not to exceed 1,000 square feet" removed) and "E Conditional Use" as provided in JXV – to be a year round usage and removing restrictions IV, IX, X, XI.

Additionally, we are requesting a variance from the requirement the facility be located on a major collector or arterial roadway and if needed a variance removing restrictions on D-42 "retail area not to exceed 1,000 sq feet", and the restriction on "E Conditional Use" J to be year round usage and removing restrictions IV, IX, X, XI.

Note: Woody's (Originally Cider Creek) is a dba of The Bluffs, Inc., an Illinois corporation owned by the Nelson family/Trust.

As this is a major change to an Existing A-SU we ask for the same Kendall County Ordinance as 2016-21 adding the additional 30.97 acres and max of 3 additional 10,000 sq ft buildings, totaling 6 10,000 sq ft buildings or the equivalent square footage in additional buildings. Also the 30 ft set back included Creek Road.

LEGAL DESCRIPTION OF 30.9927-ACRE ZONING TRACT LYING EAST OF CREEK ROAD:

That Part of Sections 16 and 21, Township 37 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at the Northwest Corner of Section 20, Township and Range aforesaid; thence Southerly along the West Line of said Section 20, 330.3 feet; thence South $41^{\circ}40'$ East, 312.2 feet to the center line of vacated Sedgewick Road; thence North $88^{\circ}09'00''$ East along the center line of said vacated Sedgewick Road, 5796.01 feet to the center line of Creek Road; thence North $09^{\circ}26'52''$ West along said center line of Creek Road, 591.65 feet; thence Northwesterly along said center line, being a curve to the left with a radius of 1494.95 feet and a chord bearing of North $14^{\circ}29'40''$ West, an arc distance of 263.36 feet to the Southerly Line of a Tact conveyed to Barbara Yundt by Trustee's Deed recorded as Document No. 81-843 on March 11, 1981; thence South $87^{\circ}39'00''$ East along said Southerly Line of the Yundt Tact, 575.0 feet for a point of beginning; then continuing South $87^{\circ}39'00''$ East along said Southerly Line of the Yundt tract, 910.0 feet; thence South $19^{\circ}16'54''$ West, 658.0 feet; thence South $11^{\circ}36'04''$ West, 1037.0 feet; thence South $40^{\circ}01'20''$ East, 639.14 feet to the center line of Little Rock Creek; thence South $48^{\circ}30'00''$ West, along said center line, 82.0 feet; thence South $29^{\circ}58'17''$ West, along said center line, 179.23 feet to the center line of Creek Road; thence North $44^{\circ}01'24''$, along said center line, 745.32 feet; thence North $44^{\circ}54'15''$ West, along said center line, 514.15 feet; thence Northwesterly, along said center line, being a curve to the right with a radius of 875.40 feet and a chord bearing of North $36^{\circ}38'03''$ West, an arc distance of 252.71 feet to the intersection of the center line of Frazier Road and the center line of Creek Road; thence continuing Northwesterly along the last described course and said Creek Road center line, being a curve to the right with a radius of 875.40 feet, and a chord bearing of North $27^{\circ}02'41''$ West, an arc distance of 40.32 feet to the Easterly Extension of the North Line of Fraizer Road; thence North $55^{\circ}49'05''$ East along said Easterly Extension of the North Line of Fraizer Road, 555.60 feet to a line drawn South $09^{\circ}26'52''$ East from the point of beginning; thence North $09^{\circ}26'52''$ West, 935.73 to the point of beginning, all in Little Rock Township, Kendall County, Illinois.



201 4086854-2

DEBEE
TELETYPE
ADDRESS

RECEIVED: 4/26/51 4:30 PM
TEL: 41.68
PAGE: 2

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Prepared By: _____
See dck

Mail to: _____
See dck

CTIC #

880013655

*Re Record to:
correct
Buyers name*

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING
INFORMATION AND MICROFILMING.



TRUSTEE'S DEED

INSTRUMENT PREPARED BY:

McDERMOTT WILL & EMERY LLP
227 WEST MONROE STREET
CHICAGO, ILLINOIS 60606
ATTN: DAVID P. DeYOE

CTIC
880013655

20140005342

DEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED: 4/24/2014 6:40 AM
TRSD: 2100.00 RHPFS FEE: 10.00
PAGES: 5

[Above Space for Recorder's Use Only]

THE NORTHERN TRUST COMPANY, an Illinois banking corporation of Chicago, Illinois, as Trustee under the provisions of a Trust Agreement dated January 10, 1953 and known as Trust No. 26766, "Grantor", for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and pursuant to the power and authority given it as such Trustee CONVEYS and QUITCLAIMS to Dallas C. Ingemunson, not personally, but as Trustee of The LP Trust Number 103 dated 12/26/2012, "Grantee", whose mailing address is 759 John Street, Suite A, Yorkville, Illinois, its interest in the following described real estate situated in the County of Kendall and State of Illinois, to-wit:

** Nelson*

- SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A -

This conveyance is made without warranty, express or implied, and is made by THE NORTHERN TRUST COMPANY in its stated fiduciary capacity and on condition it shall have no liability in its individual capacity on any agreement, warranty or indemnity herein contained, or implied. Any recourse under and by virtue of this deed shall be had against the trust estate only.

IN WITNESS WHEREOF, the Grantor, THE NORTHERN TRUST COMPANY, has caused its name to be signed by its duly authorized officer effective as of the 16th day of April, 2014.

*Re Record to
add "Nelson"
after LP*

THE NORTHERN TRUST COMPANY,
as Trustee as aforesaid and not personally

By: 
Its: VICE PRESIDENT

EXHIBIT A

LEGAL DESCRIPTION

THAT PART OF SECTIONS 16, 20 AND 21, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 20, 330.3 FEET; THENCE SOUTH 41 DEGREES 40 MINUTES EAST, 312.2 FEET TO THE CENTER LINE OF VACATED SEDGEWICK ROAD; THENCE NORTH 88 DEGREES 09 MINUTES 00 SECONDS EAST ALONG THE CENTER LINE OF SAID VACATED SEDGEWICK ROAD, 5796.01 FEET TO THE CENTER LINE OF CREEK ROAD; THENCE NORTH 09 DEGREES 26 MINUTES 52 SECONDS WEST ALONG SAID CENTER LINE OF CREEK ROAD, 591.65 FEET; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE LEFT WITH A RADIUS OF 1494.95 FEET AND A CHORD BEARING OF NORTH 14 DEGREES 29 MINUTES 40 SECONDS WEST, AN ARC DISTANCE OF 263.36 FEET TO THE SOUTHERLY LINE OF A TRACT CONVEYED TO BARBARA YUNDT BY TRUSTEE'S DEED RECORDED AS DOCUMENT NO. 81-843 ON MARCH 11, 1981; THENCE SOUTH 87 DEGREES 39 MINUTES 00 SECONDS EAST, ALONG SAID SOUTHERLY LINE OF YUNDT TRACT, 575.0 FEET FOR A POINT OF BEGINNING; THEN CONTINUING SOUTH 87 DEGREES 39 MINUTES 00 SECONDS EAST ALONG SAID SOUTHERLY LINE OF YUNDT TRACT, 1141.02 FEET TO THE CENTER LINE OF LITTLE ROCK CREEK AS LOCATED ON SEPTEMBER 22, 1971; THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG THE CENTER LINE OF LITTLE ROCK CREEK, TO A POINT ON THE CENTER LINE OF LAURIE ROAD EXTENDED SOUTHEASTERLY, SAID LINE HAVING A BEARING OF NORTH 41 DEGREES 36 MINUTES 00 SECONDS WEST; THENCE NORTH 41 DEGREES 36 MINUTES 00 SECONDS WEST ALONG THE CENTER LINE OF LAURIE ROAD, 1157.17 FEET TO THE CENTER LINE OF FRAIZER ROAD; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE LEFT WITH A RADIUS OF 1910.0 FEET AND A CHORD BEARING OF NORTH 62 DEGREES 02 MINUTES 46 SECONDS EAST, AN ARC DISTANCE OF 457.61 FEET; THENCE NORTH 55 DEGREES 10 MINUTES 57 SECONDS EAST ALONG SAID CENTER LINE OF FRAIZER ROAD, 590.31 FEET; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 68780.0 FEET AND A CHORD BEARING OF NORTH 55 DEGREES 30 MINUTES 01 SECONDS EAST, AN ARC DISTANCE OF 762.94 FEET; THENCE NORTH 55 DEGREES 49 MINUTES 05 SECONDS EAST ALONG SAID CENTER LINE OF FRAIZER ROAD, 2473.06 FEET TO THE CENTER LINE OF CREEK ROAD; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 875.40 FEET; AND A CHORD BEARING OF NORTH 27 DEGREES 02 MINUTES 41 SECONDS WEST, AN ARC DISTANCE OF 40.32 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF FRAIZER ROAD; THENCE NORTH 55 DEGREES 49 MINUTES 05 SECONDS EAST ALONG SAID EASTERLY EXTENSION OF THE NORTH LINE OF FRAIZER ROAD, 555.60 TO A LINE DRAWN SOUTH 09 DEGREES 26 MINUTES 52 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 09 DEGREES 26 MINUTES 52 SECONDS WEST, 935.73 FEET TO THE POINT OF BEGINNING, ALL IN LITTLE ROCK TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PIN's: 01-21-100-002-0000; 01-16-300-004-0000; 01-20-200-001-0000; 01-16-300-005-0000

Property address: Property located in Little Rock Township, Kendall County, IL

AFFIDAVIT

(FILE WITH PAUL P. ANDERSON, RECORDER OF DEEDS OF KENDALL COUNTY)

STATE OF ILLINOIS

COUNTY OF KENDALL

} SS.

DOCUMENT # _____

David P DeJoy

, being duly sworn on oath, states that

_____ resides at _____ that the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of the land is into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
4. The division is of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
6. The conveyance is of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easement of access.
7. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance is of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. The conveyance is made to correct descriptions in prior conveyances.
10. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access.
11. The sale is of a single lot of less than five acres from a larger tract, evidenced by a survey made by a registered surveyor which single lot is the first sale from said larger tract as determined by the dimensions and configurations thereof on October 1, 1973, and which sale does not violate any local requirements applicable to the subdivision of land.

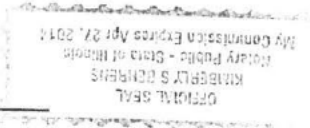
CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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

SUBSCRIBED AND SWORN to before me

this 16 day of Apr, 2014

Notary Public





CHICAGO TITLE INSURANCE COMPANY

ORDER NUMBER: [REDACTED]
 STREET ADDRESS: [REDACTED]
 CITY: PLANO COUNTY: KENDALL
 TAX NUMBER:

LEGAL DESCRIPTION:

THAT PART OF SECTIONS 16, 20 AND 21, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 20, 330.3 FEET; THENCE SOUTH 41 DEGREES 40 MINUTES EAST, 312.2 FEET TO THE CENTER LINE OF VACATED SEDGEWICK ROAD; THENCE NORTH 88 DEGREES 09 MINUTES 00 SECONDS EAST ALONG THE CENTER LINE OF SAID VACATED SEDGEWICK ROAD, 5796.01 FEET TO THE CENTER LINE OF CREEK ROAD; THENCE NORTH 09 DEGREES 26 MINUTES 52 SECONDS WEST ALONG SAID CENTER LINE OF CREEK ROAD, 591.65 FEET; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE LEFT WITH A RADIUS OF 1494.95 FEET AND A CHORD BEARING OF NORTH 14 DEGREES 29 MINUTES 40 SECONDS WEST, AN ARC DISTANCE OF 263.36 FEET TO THE SOUTHERLY LINE OF A TRACT CONVEYED TO BARBARA YUNDT BY TRUSTEE'S DEED RECORDED AS DOCUMENT NO. 81-843 ON MARCH 11, 1981; THENCE SOUTH 87 DEGREES 39 MINUTES 00 SECONDS EAST, ALONG SAID SOUTHERLY LINE OF YUNDT TRACT, 575.0 FEET FOR A POINT OF BEGINNING; THEN CONTINUING SOUTH 87 DEGREES 39 MINUTES 00 SECONDS EAST ALONG SAID SOUTHERLY LINE OF YUNDT TRACT, 1141.02 FEET TO THE CENTER LINE OF LITTLE ROCK CREEK AS LOCATED ON SEPTEMBER 22, 1971; THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG THE CENTER LINE OF LITTLE ROCK CREEK, TO A POINT ON THE CENTER LINE OF LAURIE ROAD EXTENDED SOUTHEASTERLY, SAID LINE HAVING A BEARING OF NORTH 41 DEGREES 36 MINUTES 00 SECONDS WEST; THENCE NORTH 41 DEGREES 36 MINUTES 00 SECONDS WEST ALONG THE CENTER LINE OF LAURIE ROAD, 1157.17 FEET TO THE CENTER LINE OF FRAIZER ROAD; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE LEFT WITH A RADIUS OF 1910.0 FEET AND A CHORD BEARING OF NORTH 62 DEGREES 02 MINUTES 46 SECONDS EAST, AN ARC DISTANCE OF 457.61 FEET; THENCE NORTH 55 DEGREES 10 MINUTES 57 SECONDS EAST ALONG SAID CENTER LINE OF FRAIZER ROAD, 590.31 FEET; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 68780.0 FEET AND A CHORD BEARING OF NORTH 55 DEGREES 30 MINUTES 01 SECONDS EAST, AN ARC DISTANCE OF 762.94 FEET; THENCE NORTH 55 DEGREES 49 MINUTES 05 SECONDS EAST ALONG SAID CENTER LINE OF FRAIZER ROAD, 2473.06 FEET TO THE CENTER LINE OF CREEK ROAD; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 875.40 FEET; AND A CHORD BEARING OF NORTH 27 DEGREES 02 MINUTES 41 SECONDS WEST, AN ARC DISTANCE OF 40.32 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF FRAIZER ROAD; THENCE NORTH 55 DEGREES 49 MINUTES 05 SECONDS EAST ALONG SAID EASTERLY EXTENSION OF THE NORTH LINE OF FRAIZER ROAD, 555.60 TO A LINE DRAWN SOUTH 09 DEGREES 26 MINUTES 52 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 09 DEGREES 26 MINUTES 52 SECONDS WEST, 935.73 FEET TO THE POINT OF BEGINNING, ALL IN LITTLE ROCK TOWNSHIP, KENDALL COUNTY, ILLINOIS



PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET - ROOM 203 YORKVILLE, ILLINOIS 60560-1498

630.553-4141 • FAX 630.553-4179

ADDRESS NOTIFICATION

DATE: 01/07/2021

OWNER: LP NELSON TRUST

Parcel#: 01-21-100-005

Lot#:

Subdivision:

ADDRESS: 3210 CREEK ROAD
PLANO, IL. 60545

If you have any questions, please feel free to contact our office.

Brian Holdiman
Kendall County Code Official

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1-11-2021

1. Applicant Woody's Orchard - Landowner L & P Nelson Trust 103
Address 16524 Frazier Rd
City Plano State IL Zip 60545

2. Nature of Benefit Sought Trust

3. Nature of Applicant: (Please check one)

- Natural Person (a)
- Corporation (b)
- Land Trust/Trustee (c)
- Trust/Trustee (d)
- Partnership (e)
- Joint Venture (f)

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
<u>Pam Nelson</u>	[REDACTED]	} <u>L & P Nelson</u> <u>Control Trust</u>
<u>Larry Nelson</u>	[REDACTED]	
<u>Doug Nelson</u>	[REDACTED]	
<u>Jenny Beckman</u>	[REDACTED]	
<u>Sgt. Killian, Lt. Grant</u>	[REDACTED]	

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
Larry Nelson [REDACTED]

VERIFICATION

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

Subscribed and sworn to before me this 10 day of January AD. 2021

(seal)



[REDACTED]

Notary Public



Kendall County Soil & Water Conservation District

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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Woody's Orchard (L+P Nelson Trust) (103) Contact Person: Larry Nelson
 Address: [REDACTED]
 City, State, Zip: [REDACTED]
 Phone Number: [REDACTED]
 Email: [REDACTED]

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

Site Location & Proposed Use

Township Name Kendall Township 37N N, Range 6E E, Section(s) 16
 Parcel Index Number(s) 01-16-300-007 and 01-20-400-005
 Project or Subdivision Name Woody's Orchard Number of Acres 30 +/-
 Current Use of Site Ag Proposed Use Ag-SU
 Proposed Number of Lots N/A Proposed Number of Structures See Application
 Proposed Water Supply Well Proposed type of Wastewater Treatment Septic
 Proposed type of Storm Water Management N/A

Type of Request

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

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

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

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

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

Fee for first five acres and under	\$ 375.00
<u>26</u> Additional Acres at \$18.00 each	\$ 468.00
Total NRI Fee	\$ 843.00

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

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

[REDACTED]
 Petitioner or Authorized Agent

1-08-2021
 Date

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

FOR OFFICE USE ONLY

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

WOODY'S ORCHARD
 Mailing - 16524 Frazier Road
 Deliveries - 16000 Frazier Road
 Plano, IL 60545
 Accounting@WoodysOrchard.com

FIRST NATIONAL BANK OF OMAHA
 SANDWICH, IL 60548
 Sandwich, IL 60548
 70-262719

1/11/2021

PAY TO THE ORDER OF Kendall County Soil & Water Conservation \$ **843.00

Eight Hundred Forty-Three and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

Kendall County Soil & Water Conservation
 7775A Route 47 (USDA Service Center)
 Yorkville, IL 60560

MEMO Natural Resource Information Report Application

© 2014 INTUIT INC. 1-800-333-8310

Details on Back

Intuit® CheckLock™ Secure Check

Woody's Orchard

Date	Type	Reference	Original Amt.	Balance Due	1/11/2021 Discount	Payment
1/11/2021	Bill		843.00	843.00		843.00
				Check Amount		843.00

..Woody's - Operating- Natural Resource Information Report Application 843.00

Woody's Orchard

Date	Type	Reference	Original Amt.	Balance Due	1/11/2021 Discount	Payment
1/11/2021	Bill		843.00	843.00		843.00
				Check Amount		843.00

PAYMENT RECORD

..Woody's - Operating- Natural Resource Information Report Application 843.00





Applicant: Larry Nelson

IDNR Project Number: 2109101

Contact: Same

Date: 01/05/2021

Address: [Redacted]

Project: Woodys east

Address: 16524 frazier rd, Plano

Description: Farm land to be use by woodys Orchard east of creek rd

own by L & P Nelson Trust

Natural Resource Review Results

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

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

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

Location

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



County: Kendall

Township, Range, Section:

37N, 6E, 16

37N, 6E, 21

IL Department of Natural Resources

Contact

Adam Rawe

217-785-5500

Division of Ecosystems & Environment

Government Jurisdiction

kendall county

Larry Nelson



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: 2109101

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: 2109101



EcoCAT Receipt	Project Code 2109101
-----------------------	-----------------------------

APPLICANT	DATE
-----------	------

Larry Nelson Same [REDACTED]	1/5/2021
------------------------------------	----------

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

EcoCAT Consultation	\$ 125.00	\$ 2.81	\$ 127.81
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TOTAL PAID \$ 127.81

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

FINDINGS OF FACT SPECIAL USE

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **True. The petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including landscape screening and a one-way traffic flow.***

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

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Frazier Road as illustrated on the attached Concept Plan. A site plan, storm water management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements (banquet hall, bakery/restaurant/store). The Little Rock/Fox Fire Protection District has approved the proposed one-way road network.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **The petitioners have provided a concept plan that complies with the requirements for the proposed use including parking. Modifications to code requirements include:***

- a) That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan)
- b) The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed 10,000 square feet per building.
- c) That parking be allowed within 30' of the Frazier Road right-of-way (reduced from the 100' agricultural setback).

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use is consistent with the commercial use illustrated on the Future Land Use Plan within the County's LRMP. The agricultural nature of this facility is consistent with the overall character of the area.***

FINDINGS OF FACT VARIANCES

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. While the subject property is not on an existing collector road, both Frazier Road and Creek Road are well maintained Township Roads which frequently accommodate truck traffic from the nearby Hillside Nursery. The subject property is planned for commercial use on the County's Future Land Use Plan. The property owner has already installed a significant landscape buffer along both Frazier Road and Creek Road. This dense planting will help maintain the agricultural character of the area while allowing parking within the required 100' agricultural setback.

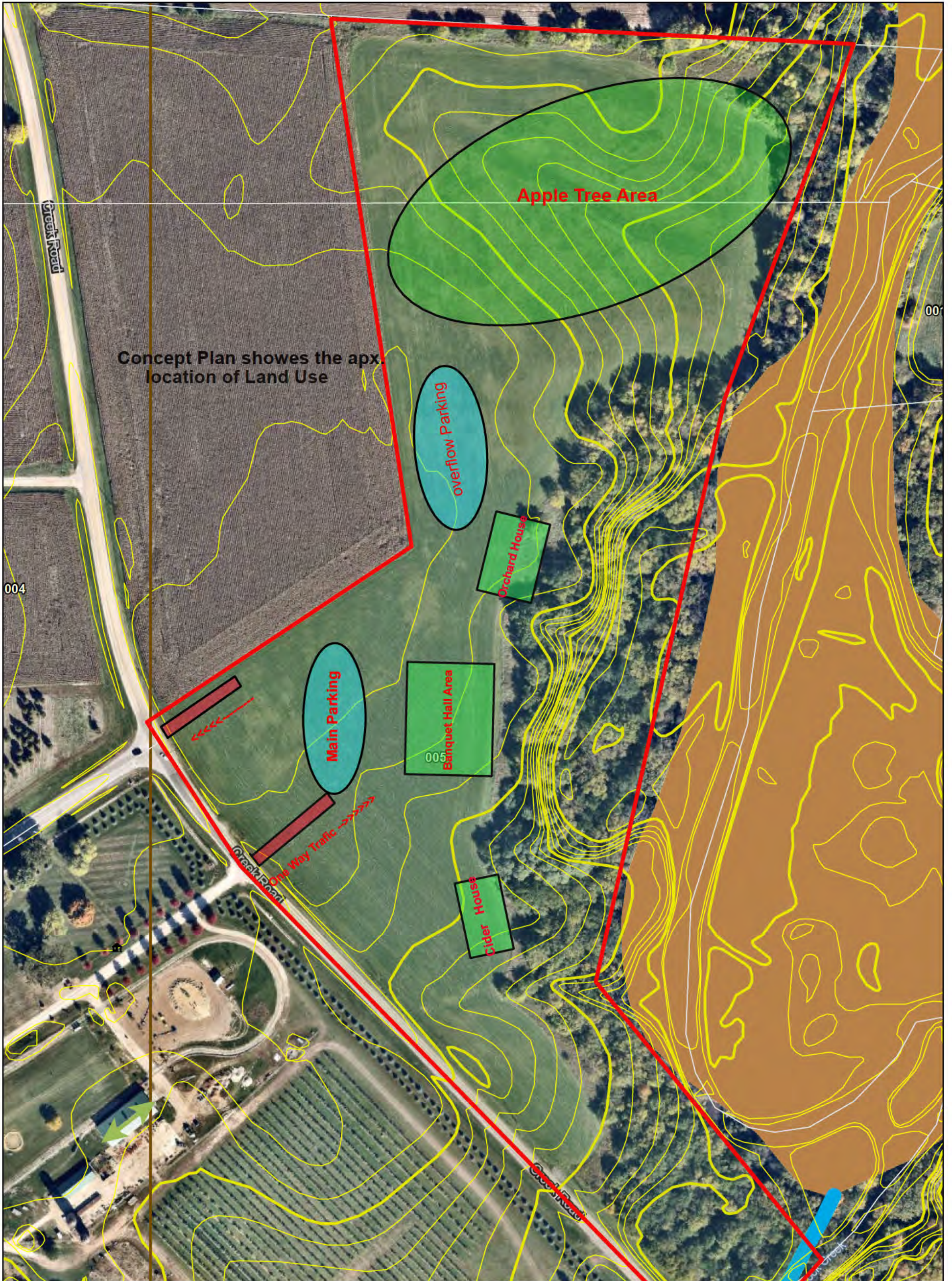
That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. True. This is a unique combination of uses, and is not likely to be replicated in other areas of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The code requirements for a location on a collector road, a 100' parking setback, and maximum 1,000 square foot retail store were not created by the applicant.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses (apple orchard, cider mill) are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare. The nearest home is approximately one-half mile from the proposed buildings.

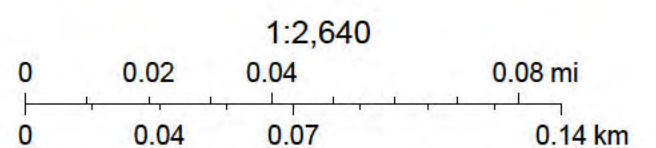
That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The Little Rock/Fox Township Fire Protection District has reviewed and approved the proposed special use, as has the Little Rock Township Road Commissioner.

Concept Planing of Woody' Site East of Creek Rd.



January 7, 2021

- Kendall County Address Points
- Parcels
- parcel
- Kendall County FEMA FIRM Panels
- 2018 Contours
- Contour
- Index Line
- USA Wetlands
- Marine
- Estuarine
- Palustrine
- Riverine
- Lacustrine



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 Map data © OpenStreetMap contributors, Map layer by Esri
 Source: US Fish and Wildlife Service, Esri



201600017059

DEBBIE
GILLETTE
KENDALL COUNTY, IL

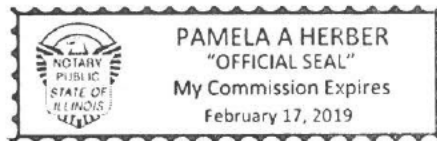
RECORDED: 10/26/2016 3:31 PM
ORDI: 52.00 RHSPS FEE: 10.00
PAGES: 7

State of Illinois
County of Kendall

Zoning Petition
#16-25

ORDINANCE # 2016-21
GRANTING A SPECIAL USE AND VARIANCES FOR
THE BLUFFS, INC., D/B/A CIDER CREEK LOCATED AT
15888 FRAZIER ROAD IN LITTLE ROCK TOWNSHIP

Mailed to and Prepared by:
Jeff Wilkins
111 West Fox Street
Yorkville, IL 60543



SEAL

Subscribed and sworn to before me
This 28 day of October, 2016

Jeff Wilkins
Kendall County Administrator

Notary Public

ORDINANCE NUMBER 2016 - 21

GRANTING A SPECIAL USE AND VARIANCES FOR
THE BLUFFS, INC., D/B/A CIDER CREEK LOCATED AT
15888 FRAZIER ROAD IN LITTLE ROCK TOWNSHIP

WHEREAS, THE L&P Nelson Trust 103 has filed a petition for a Special Use within the A-1 Agricultural District for a 45.8-acre property located at the southwest corner of Creek Road and Frazier Road. The street address is 15888 Frazier Road (PIN# 01-20-400-006 and 005), in Little Rock Township; and

WHEREAS, said property is legally described as:

That Part of the East Half of Section 20 and that Part of the West Half of Section 21, Township 37 North, Range 6 East of the Third Principal Meridian described as follows: Beginning at the intersection of the centerlines of Frazier Road and Creek Road; thence South 55°49'05" West, along said centerline of Frazier Road, 1980.0 feet; thence South 37°40'55" East, 537.0 feet; thence North 68°19'05" East, 1250.0 feet; thence South 51°40'55" East, 616.0 feet; thence North 72°41'29" East, 607.87 feet to the centerline of Little Rock Creek; thence North 38°00'00" East, along said centerline, 106.0 feet; thence North 29°00'00" East, along said centerline, 104.0 feet to said centerline of Creek Road; thence North 44°01'24" West, along said centerline, 745.32 feet; thence North 44°54'15" West, along said centerline, 514.15 feet; thence Northwesterly, along said centerline being a tangential curve to the right with a radius of 875.40 feet, an arc distance of 252.71 feet to the point of beginning in Little Rock Township, Kendall County, Illinois.

WHEREAS, said property is zoned A-1 Agricultural and shown primarily as commercial on the Kendall County Future Land Use Plan; and

WHEREAS, said petition is to obtain an A-1 Special Use Permit to operate a banquet hall, nano-brewery, a micro-distillery, a year around seasonal festival, a petting zoo, and production and sale of sweet cider, hard cider, wine, jams and wine jams. The petition also includes a request for variances from the following zoning code requirements:

- A. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to a road designated as a major collector (or higher) – neither Creek Road or Frazier Road are collectors
- B. The retail sales areas on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.
- C. That parking be allowed within the 100' agricultural setback and;

WHEREAS, all special use and variance 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 and the Zoning Board of Appeals, both on October 3rd, 2016; and

WHEREAS, the findings of fact for the Special Use were approved 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. **True. The petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including landscape screening and a one-way traffic flow.***

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

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Frazier Road as illustrated on the attached Concept Plan. A site plan, storm water management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements (banquet hall, bakery/restaurant/store. The Little Rock/Fox Fire Protection District has approved the proposed one-way road network.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The petitioners have provided a concept plan that complies with the requirements for the proposed use including parking. Modifications to code requirements include:***

- a) That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan)
- b) The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed 10,000 square feet per building.
- c) That parking be allowed within 30' of the Frazier Road right-of-way (reduced from the 100' agricultural setback).

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use is consistent with the commercial use illustrated on the Future Land Use Plan within the County's LRMP. The agricultural nature of this facility is consistent with the overall character of the area.***

WHEREAS, the findings of fact for the Variances were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of

the regulations were carried out. While the subject property is not on an existing collector road, both Frazer Road and Creek Road are well maintained Township Roads which frequently accommodate truck traffic from the nearby Hillside Nursery. The subject property is planned for commercial use on the County's Future Land Use Plan. The property owner has already installed a significant landscape buffer along both Frazier Road and Creek Road. This dense planting will help maintain the agricultural character of the area while allowing parking within the required 100' agricultural setback.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. True. This is a unique combination of uses, and is not likely to be replicated in other areas of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The code requirements for a location on a collector road, a 100' parking setback, and maximum 1,000 square foot retail store were not created by the applicant.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses (apple orchard, cider mill) are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare. The nearest home is approximately one-half mile from the proposed buildings.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The Little Rock/Fox Township Fire Protection District has reviewed and approved the proposed special use, as has the Little Rock Township Road Commissioner.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use Hearing Officer and the Zoning Board of Appeals and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use permit for the operation of a banquet hall, nano-brewery, a micro-distillery, a year around seasonal festival, a petting zoo, and production and sale of sweet cider in accordance to the submitted Concept Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to 225, including any vendors working on the property for a banquet.

3. No event activity shall start earlier than 7:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11 02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
 - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County (including County Liquor Control) rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro-distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.
12. There shall be a maximum of three new buildings, with a maximum size of 10,000 square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12.10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of 30' from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

State of Illinois
County of Kendall

Zoning Petition
#16-25

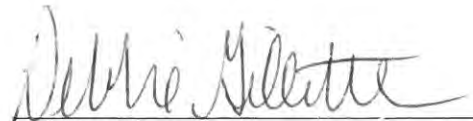
this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 18th day of October, 2016.

Attest:



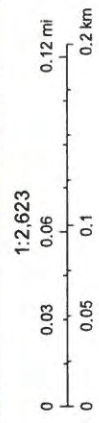
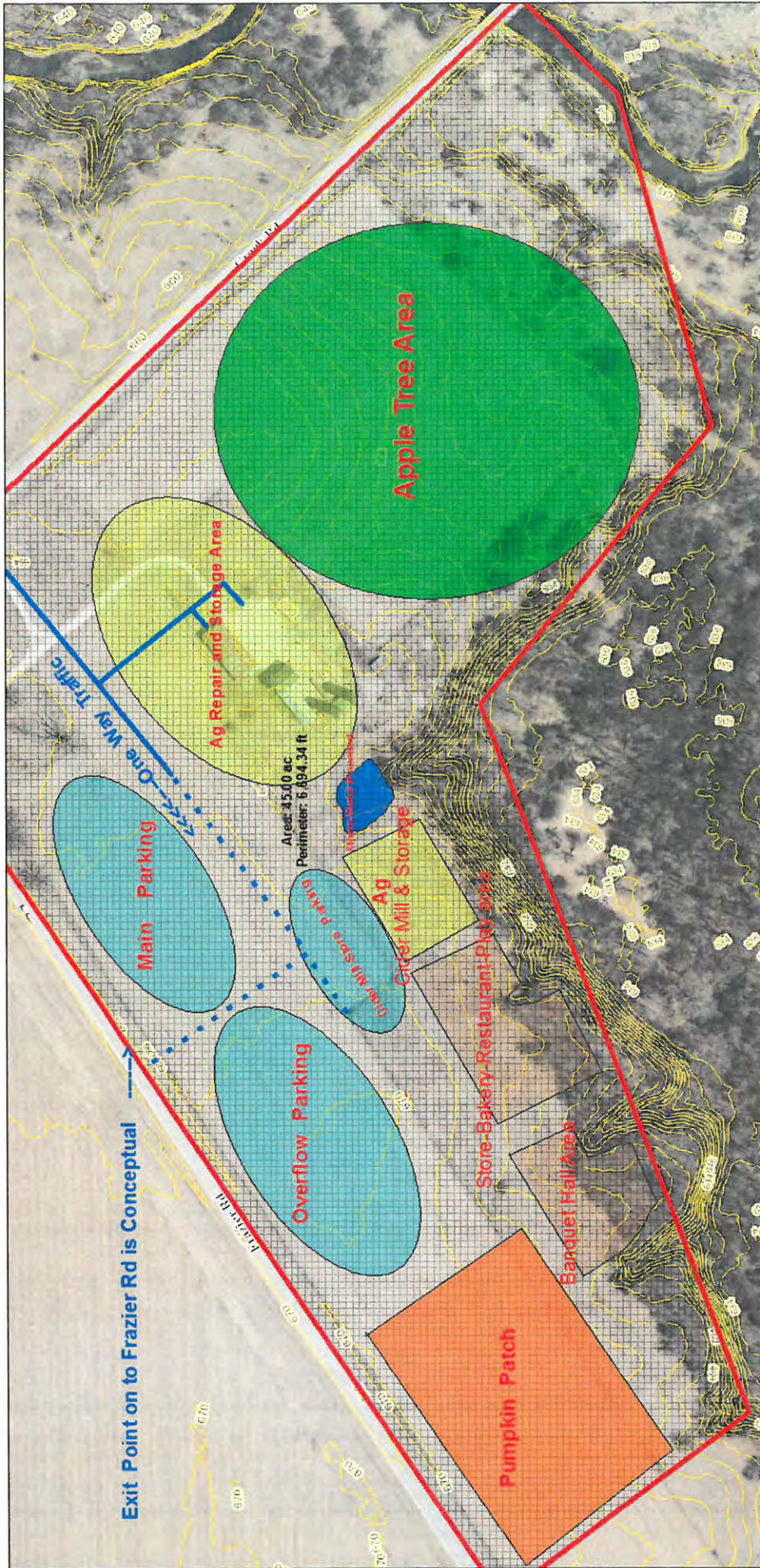
John A. Shaw
Kendall County Board Chairman



Debbie Gillette
Kendall County Clerk

POOR COPY
RECORDER'S OFFICE
NOT RESPONSIBLE

Concept planning of Cider Creek site



September 6, 2016
Road Names

Kendall County Illinois GIS

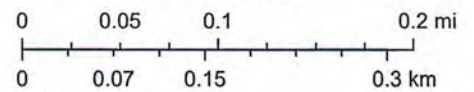
Cider Creek Sept 6, 2016
Cider Creek


Pin 01-21-100-005 Both sides of Creek Rd




January 13, 2021

1:8,400



 Kendall County Address Points

Parcels

 parcel

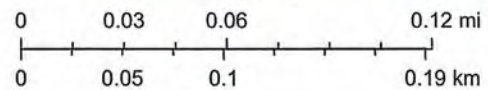
© OpenStreetMap (and) contributors, CC-BY-SA, Map data © OpenStreetMap contributors, Map layer by Esri

Pin 01-16-300-007 Woodys North End, East side Creek Rd




January 13, 2021

1:4,800



 Kendall County Address Points

Parcels

 parcel

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**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
February 2, 2021 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department (Attended Remotely Starting at 9:05 a.m.)
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department (Attended Remotely)
Commander Jason Langston – Sheriff’s Department (Attended Remotely)
Alyse Olson – Soil and Water Conservation District (Attended Remotely)

Absent:

Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC

Audience:

Dan Kramer, Jason Engberg (Attended Remotely), Mike Torrence (Attended Remotely), Larry Nelson (Attended Remotely), Doug Nelson (Attended Remotely), Tom Karpus (Attended Remotely), John Whitehouse (Attended Remotely), and Kelly Schomer (Attended Remotely)

AGENDA

Mr. Guritz made a motion, seconded by Mr. Holdiman, to approve the agenda as presented.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson
Nays (0): None
Abstain (0): None
Absent (3): Belville, Briganti, and Chismark

The motion carried.

MINUTES

Mr. Guritz made a motion, seconded by Mr. Holdiman, to approve the January 5, 2021, meeting minutes.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson
Nays (0): None
Abstain (0): None
Absent (3): Belville, Briganti, and Chismark

The motion carried.

PETITIONS

Petition 20-32 Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping, LLC

Mr. Asselmeier summarized the request.

Cindy Gates, on behalf of the Cindy Gates Trust, currently leases the subject property to Mark Cox of Cox Landscaping, LLC for use as a landscaping business.

Prior to the COVID-19 closures, the County received a complaint that a landscaping business was operating at the subject property without proper zoning. Efforts to determine if the use qualified for grandfathering were unsuccessful and the Petitioner decided to pursue a map amendment and special use permit. The COVID-19 closures and efforts to obtain stormwater information caused the application to be delayed.

The subject property is split zoned between A-1 and B-3. The request makes the entire frontage of the parcels B-3 and establishes a special use permit for a landscaping business over the area zoned B-3.

The application materials, aerial of the site portion of the property, site plan, and the plat of the area proposed for rezoning were provided.

The property is approximately two point five (2.5) acres.

The County's Future Land Use Map calls for the property to be Suburban Residential. Yorkville's Future Land Use Map calls for the property to be Agricultural.

Route 34 is a State-maintained arterial highway. There is a trail along Route 34.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural to the north, east, and west, and commercial to the south.

The adjacent zonings are A-1, R-3 and B-3 and Planned Development B-3 and O in Yorkville.

The County's Future Land Use Map calls for the area to be Suburban Residential and the Yorkville Future Land Use Map calls for the area to be Suburban Neighborhoods and Mid-Density Residential.

Ms. Belville started attending the meeting remotely at this time (9:05 a.m.).

Zoning Districts within one half (1/2) mile include A-1, R-3, B-3 in the County and Planned Development R-3 and O in Yorkville.

Pictures of the property were provided.

Four (4) residential subdivisions are located within one half (1/2) mile of the subject property.

EcoCAT Report submitted and found the Fox River INAI Site, Yorkville Forested Seep and Fen INAI Site, and the River Redhorse in the area. Adverse impacts were unlikely and consultation was terminated.

The LESA Score was 115 indicating a low level of protection.

The Petitioners appeared before the Bristol Township Board on February 5, 2020, prior to submitting an application with the County. The Bristol Township Board voted in favor of the request. The minutes of this meeting were provided. Petition information was sent to Bristol Township on January 20, 2021.

Petition information was sent to the United City of Yorkville on January 20, 2021.

Petition information was sent to the Bristol-Kendall Fire Protection District on January 20, 2021.

The subject property has been used as a landscaping business without proper zoning for many years and the Petitioners would like to become compliant with the Zoning Ordinance.

According to the business plan provided, Cox Landscaping, LLC provides general landscaping services to commercial and residential customers. The business has a maximum fifteen (15) employees. Employees arrive at the property at approximately 6:45 a.m., go to work sites, and return to the property by 5:30 p.m. The business operates at maximum capacity from April 1st through Thanksgiving. A smaller number of employees work for the business from November through April.

The subject property is used for offices and storage of landscaping materials.

The subject property is used for wholesale purposes only; no customers come onto the property.

The property presently consists of one (1) one thousand thirty (1,030) square foot steel building. An approximately fifty-three (53) square foot metal shed is located northeast of the steel building. A metal storage bin is located to the southeast of the steel building. An approximately one hundred twenty (120) square foot frame shed is also located southeast of the steel building. A new shed is shown on the site plan; the new shed will be approximately eight feet (8') tall. Any new structures would require applicable building permits.

The property also has one (1) two hundred fifty-two (252) square foot concrete storage area, one (1) two hundred sixteen (216) square foot concrete storage area, one (1) seven hundred fourteen (714) square foot concrete storage area, and one (1) five hundred forty-four (544) square foot wood storage bay. The height of the storage areas is twelve feet (12').

One (1) diesel tank is located on the property.
The property is served by well. There is no septic on the premises.

The property drains to the southeast.

The main parking area consists of gravel and crushed asphalt.

A pulverized black dirt pile will be located on the northern portion of the property.

A stormwater management permit will be required. The stormwater information was provided.

The property has two (2) accesses off of Route 34.

One (1) two thousand five hundred (2,500) square foot gravel parking area is located west of the steel building and one (1) five thousand (5,000) square foot parking lot is located north of the steel building. There are twelve (12) parking spaces in the gravel parking area west of the steel building with an additional twelve (12) parking spaces to the east of the steel building.

Lights are presently located on the property by the sign, flagpole, and on the steel building. One (1) freestanding light is also located on the property next to the steel building. No additional is planned.

The site has less than thirty (30) parking spaces. Therefore, a photometric plan is not required.

A sign is already located on the property. The sign is five feet (5') wide and two feet (2') tall. The sign is three point eight feet (3.8') off of the ground for a total height of slightly under six feet (6'). A light exists next to the sign and flagpole.

A wooden fence six feet (6') in height is located between the steel building and the berm. The Petitioners plan to install a cyclone mesh fence with slats to prevent viewing by the public. The fence will be approximately six feet (6') in height. A new fence gate is visible on the site plan.

Security cameras are also located on the steel building.

The Petitioners also plan to have a three foot (3') maximum height berm with black dirt and mulch with landscaping in the location shown on the site plan.

A berm already exists parallel to Route 34.

No additional plantings are planned for either berm.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the twelfth (12th) special use permit for a landscaping business in unincorporated Kendall County.

Before issuing a recommendation, Staff would like comments from the United City of Yorkville, the Bristol-Kendall Fire Protection District, and ZPAC members.

Mr. Gengler asked about the lack of the septic system. There is no septic system on the property. Ms. Belville asked if restrooms would be required on the property. Dan Kramer, Attorney for the Petitioner, noted that a porta-john is onsite, but no customers come onto the property and employees do not linger at the property. Mr. Holdiman noted that no bathrooms were required based on the current proposal.

Ms. Belville asked about the reason for the well on the property. Mr. Kramer provided a history of the property. The property was used as a nursery with a landscaping business. The water was used to water the plants at the nursery. A retail nursery was also located on the property. The well would continue to be kept active.

Mr. Gengler asked about the northern entrance. The driveway north of the property line is not owned by the Petitioners and leads to the adjacent farm field.

Mr. Klaas noted that the trail already existed on the north side of Route 34. Mr. Kramer noted that IDOT affirmed the cuts along Route 34.

Mr. Kramer stated that he reviewed Mr. Asselmeier's proposed conditions. He requested that the restriction regarding customers coming onto the property be changed to state that the Petitioners would not invite customers onto the property. Mr. Kramer also requested the special use run with the land and not with the Petitioners.

No burning shall occur onsite.

Mr. Klaas asked if the County had received any objections to this proposal. Mr. Asselmeier responded that the County had not received any objections. Jason Engberg, from the United City of Yorkville, responded that Yorkville had also not received any comments regarding this proposal.

Yorkville will review the proposal in March.

Mr. Asselmeier made a motion, seconded by Mr. Guritz, to recommend approval of the map amendment and special use permit.

The votes were as follows:

Yeas (8): Asselmeier, Belville, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson

Nays (0): None

Abstain (0): None

Absent (2): Briganti and Chismark

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on February 24, 2021.

Petition 21-03 Larry Nelson on Behalf of the L and P Nelson Trust

Mr. Asselmeier summarized the request.

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road. The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

The application materials, concept plan, Ordinance 2016-21, and aerial of the property were provided.

The expansion area is approximately thirty-one (31) acres in size.

The Future Land Use Plan calls for the property to be Rural Estate Residential and Countryside Residential.

Creek Road is a Township maintained Local Road. The County has a trail planned along Creek Road north of Frazier Road.

The One (100)-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

The adjacent land uses are Agricultural and an outlot to a residential subdivision.

The adjacent zonings are A-1 and A-1 SU in the County and AG-1 in Plano.

The County's Future Land Use Map calls for the area to be Agricultural, Countryside Residential, Rural Estate Residential, and Commercial. Plano's Future Land Use Map calls for the area to be Open Space, Low-Density Residential, and General Business.

The nearby zoning districts include A-1, A-1 SU, and R-3 in the County and AG-1, F-1, R-5, B-2, and B-5 in Plano.

The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

EcoCat submitted on January 5, 2021, and consultation was terminated.

NRI application submitted on January 8, 2021.

Little Rock Township was emailed information on January 19, 2021.

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

The City of Plano was emailed information on January 19, 2021.

According to the business information provided, the Petitioner would like to expand operations of Woody's Orchard to the property they own on the east side of Creek Road. The Petitioners would like to construct approximately three (3) buildings with a total of thirty thousand square feet in substantially the locations shown on the concept plan. The concept plan also calls for two (2) parking areas and two (2) access points off of Creek Road. Traffic circulation would be one (1) way throughout the property. The concept plan also calls for an apple tree area on the north side of the property.

The Petitioner would like the conditions and variances imposed by Ordinance 2016-21 to carry over to the new area of operations. The conditions from Ordinance 2016-21 are as follows:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to two hundred twenty-five (225), including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 a.m. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30 pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
 - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.

- c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.
9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.
12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (10,000) square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12:10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

The variances from Ordinance 2016-21 are as follows:

1. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

According to the business plan information provided, the proposed use is "a hybrid use of agriculture, entertainment, food and family fun." Some commodities are grown onsite while others are grown offsite. Family friendly activities are also offered on the property.

No information was provided, either in the current application or in Ordinance 2016-21, regarding number of employees or number of events. Condition 3 of Ordinance 2016-21 stated that events cannot start prior to 7:00 a.m. any day of the week and shall end no later than 10:00 p.m. on Mondays thru Wednesdays and no later than 11:30 p.m. Thursdays thru Sundays. Banquets may end no later than midnight. Condition 2 of Ordinance 2016-21 stated that the maximum number of patrons at a banquet is limited to two hundred twenty-five (225), including vendors working at the property for a banquet.

The Petitioner did not indicate when they would start construction on the expansion, if the special use amendment was approved.

Building permits will be required for the proposed structures.

The Petitioner would like to amend Condition 3 of Ordinance 2016-21 by removing the three (3) building maximum. The total allowable square footage would remain at thirty thousand (30,000) and no non-agricultural building would be larger than ten thousand (10,000) square feet.

Section 7:01.D.32.g of the Kendall County Zoning Ordinance and Condition 10 of Ordinance 2016-21 requires a waste management plan be submitted and approved by the Kendall County Health Department prior to the operation of a micro distillery. Condition 11 of Ordinance 2016-21 requires adequate hand sanitation devices as determined by the Kendall County Health Department for the operation of a petting zoo. Condition 6 of Ordinance 2016-21 requires that any food prepared or sold on the property follow Kendall County Health Department regulations.

No information was provided regarding potable water availability or restroom facilities in the expansion area.

Electricity is onsite.

No information was provided for refuse control areas for refuse generated from the special uses.

The property fronts Creek Road. According to the concept plan, the way into the property would be a driveway across the street from the existing entrance to Woody's Orchard and the way out of the property would be through a driveway that lines up with Frazier Road.

The concept plan shows two (2) parking areas. No information was provided regarding the dimensions of the parking areas or the number of parking spaces. According to Condition 5 of Ordinance 2016-21, ADA parking spaces shall be marked and constructed with a hard surface. According to Condition 14 of Ordinance 2016-21, parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

According to Condition 4 of Ordinance 2016-21, all lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance. No information was provided regarding the number or location of lights.

According to Condition 13 of Ordinance 2016-21, all signage on the property shall follow the rules for signs in a Business District as outlined in Section 12:10 of the Zoning Ordinance. Signs may be externally illuminated. No information was provided regarding the number, location, or size of signs.

No specific information was provided regarding landscaping. The Petitioner indicated that they would provide additional landscaping information when applying for building permits.

No information was provided regarding specific noise control measures. The uses must follow the noise regulations in the Zoning Ordinance and the allowable noise levels listed in Ordinance 2016-21.

Before issuing a final recommendation, Staff would like comments from ZPAC Members, Little Rock Township, City of Plano, and the Little Rock Fox Fire Protection District.

As of the date of the provided memo, the proposed conditions for the amendment are as follows:

1. The subject property shall be developed substantially in accordance with the concept plan (Attachment 2). The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
 - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
 - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan (Attachment 2). No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet.

4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
5. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
6. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
7. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
8. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Gengler asked about patrons crossing Creek Road. Larry Nelson stated that they would have a people mover that would move people from one picking area to another picking area. Commander Langston asked about a pedestrian crossing. Mr. Nelson felt that pedestrian crossings of Creek Road would not occur and any crossing would occur by people move. Mr. Nelson offered to talk with the Sheriff's Office to discuss implementing strategies to prevent pedestrian crossings. They will develop a protocol for the people mover.

Mr. Nelson noted that he and his son met with the Little Rock Township Board and he has discussed this proposal with the Little Rock Township Road Commissioner and the Mayor of Plano.

Mr. Nelson noted that the Little Rock Fox Fire Protection favored the proposed traffic pattern with no staging on Creek or Frazier Roads. Mr. Nelson noted that topography limits the number of possible locations to have cars turning onto Creek Road.

Mr. Nelson stated the apple orchard will expand and they are moving the pumpkin patch. He stated that they are developing a several year plan for Woody's.

Mr. Guritz noted his partnerships with organizations and property owners regarding ecosystem protection in the area. He asked if the Petitioner had considered erosion issues along the bluffs and possible partnership opportunities. Mr. Nelson responded he is cleaning up the ravines and is installing large boulders. Mr. Nelson is concerned about erosion control and has been sensitive to the bluffs and he is trying to implement best practices for erosion control.

Ms. Belville requested a meeting regarding well and septic service on the property. She discussed the non-community well testing requirements. Mr. Nelson noted that the septic is four (4) times larger than required. He has obtained core samples on the east of Creek Road and the soils look good for a septic system; there was no high water table.

Mr. Asselmeier asked if bathroom facilities and potable water facilities will be located in the expanded area. Mr. Nelson responded those facilities will stay in the old area, but they will have porta-johns near the you-pick apple area when that service starts on the east side of Creek Road.

Tom Karpus, City of Plano, noted that Plano has no objections at this time.

Mr. Guritz made a motion, seconded by Mr. Holdiman, to recommend approval of the amendments to the special use permit and variances as requested.

Yeas (8): Asselmeier, Belville, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson
Nays (0): None
Abstain (0): None
Absent (2): Briganti and Chismark

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on February 24, 2021.
ZPAC Meeting Minutes 02.02.21

Petition 21-04 Oswegoland Park District

Mr. Asselmeier summarized the request.

The Oswegoland Park District would like to construct an approximately three thousand four hundred twenty-six (3,426) square foot addition on the northwest corner of their property at 0 Boulder Hill Pass.

Section 13:10 of the Zoning Ordinance requires site plan review for structures on properties zoned B-3.

The application material, plat of survey, site plan, photometric plan, landscaping plan, improvement plan, including elevations and project timeline, and renderings were provided.

The site is approximately two point three-nine (2.39) acres.

The Future Land Use is Suburban Residential.

Boulder Hill Pass is a local road maintained by Oswego Township. The property does not have access to Route 25 or Aldon Road. There is an existing trail along Route 25. No trails are planned along Boulder Hill Pass or Aldon Road.

The far southwest corner of the property is in the five (500)-year floodplain. There are no wetlands on the property.

The adjacent land uses are single-family residential, duplex, apartments, gas station, Boulder Hill Market, office building and the Fox River.

The adjacent zonings are A-1, R-3 SU, R-6, R-7, B-1, and B-3.

The Future Land Use Map calls for the area to be Suburban Residential and Unknown. The Unknown property is proposed to be Conservation.

Mr. Klaas stopped attending the meeting remotely at this time (9:54 a.m.).

Pictures of the property were provided.

The special use permit to the east is for a duplex.

Petition information was sent to Oswego Township on January 25, 2021.

Petition information was sent to the Village of Montgomery on January 25, 2021.

Petition information was sent to the Oswego Fire Protection District on January 25, 2021. The Oswego Fire Protection submitted an email on January 25, 2021, stating if a proper and compliant fire alarm/sprinkler system were provided or maintained, the Fire Protection District would not have any objections.

As noted in the project narrative, the Petitioner wishes to construct the proposed addition, include Americans with Disabilities Act Parking and related access, parking facility improvements, the installation of a new fire suppression system, and the installation of a new gravity sanitary sewer service. The plan also includes the addition of a rain garden.

The existing building was originally constructed in 1960 as a fourteen thousand nine hundred fifty-six (14,956) square foot car dealership. The building has been remodeled several times since original construction. A complete breakdown of usage by square footage, both existing and proposed were provided.

The property where the building is located has been zoned B-3 since 1974. The strip of land to the north of the building has been zoned R-7 since 1967.

Pursuant to Section 13:10.D of the Kendall County Zoning Ordinance, the following shall be taken into account when reviewing Site Plans (Staff comments in bold):

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to

preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. The majority of the subject property is already an improved commercial/indoor recreational use. The landscaping plan includes a new rain garden area with native plantings surrounded by a natural turf area to the north of the building. Mulch beds will be installed around the addition and landscape bed plantings will be installed to the west of the addition. No existing trees or landscaping will be removed from the property. Most of the site is already impervious surface and the Petitioners are increasing the impervious area by approximately nine hundred (900) square feet. No construction is planned in the area in the 500-year floodplain. No slopes exist on the property. A stormwater pollution prevention plan is included in the improvement plans.

Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. The property already possesses access off of Boulder Hill Pass. No additional access points off of Route 25 or Aldon Road are planned. As part of the project, the number of parking spaces shall be reduced from one hundred five (105) to ninety-four (94). The number of handicapped accessible spaces shall be reduced from five (5) to four (4).

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. No conflicts are foreseen. The parking lot will meet applicable surfacing requirements.

Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. The top of the parapet of the addition, which is the highest point of the addition, will be approximately seventeen feet, three inches (17'3") in height. This is the same height as the existing parapets. No impacts to shadow, noise, odor, traffic, drainage, or utilities are foreseen.

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

Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. The exterior of the addition will consist of an alpine timber colored stone veneer and a Navajo beige colored cement lap siding to match the existing siding. A non-illuminated, lettered sign will be on the addition.

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. The proposed addition is in harmony with the existing use and neighboring uses.

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

Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. The proposed addition will be landscaped with the rain garden and existing vegetation creating buffer with the properties to the north. No issues regarding noise, smoke, vapors, fumes, dust, odors, glare, or stormwater runoff are foreseen.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. The property has access from Boulder Hill Pass. Circulation already exists in the property for emergency vehicles.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. The existing units on the roof are unscreened; the new units on the roof will also be unscreened.

Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. The proposal calls for ten (10) single head poles on the property. All existing lighting will be replaced with energy efficient LED fixtures. Egress door lighting will be installed on the addition. Two (2) existing, illuminated monument signs are located on the property.

Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. The refuse enclosure area will be located near the northeast corner of the building. The enclosure will be board-on-board fencing with swings gates. The fencing will be six feet (6') in height.

Pending comments from ZPAC members, Staff recommends approval of the proposed site plan as proposed with the following conditions:

1. The site shall be developed substantial in conformance with the submitted site plan, photometric plan, landscaping plan, improvement plan, and renderings.
2. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development and the type of use proposed for the site, including, but, not limited to, securing the applicable building permits.

John Whitehouse, Engineer for the Petitioner, noted that three (3) trees and some shrubs at the existing entrance on the northern end of the building that will be removed. Shrubs will be placed as foundation plantings around the building and the trees will be replaced at the northerly corner of the property.

Mr. Asselmeier asked about pre- and post-construction runoff volumes and documentation that a reduction in the pollutant load will occur. Mr. Whitehouse responded they will be submitting calculations of volumes as requested.

Mr. Whitehouse noted that a new water service will be installed. They are working to secure necessary permits from the Village of Montgomery. They will be installing a new six inch (6") water service off of Aldon Road and adding a hydrant.

Mr. Asselmeier made a motion, seconded by Mr. Guritz, to recommend approval of the site plan with the conditions proposed by Staff and the amendment regarding the removal and replacement of the three (3) trees and shrubs at the northern end of the building.

The votes were as follows:

Yeas (7): Asselmeier, Belville, Gengler, Guritz, Holdiman, Langston, and Olson
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Klaas

The motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that the Kendall County Regional Planning Commission's Annual Meeting is Saturday, February 6, 2021, at 9:00 a.m.

CORRESPONDENCE

None

PUBLIC COMMENT

Mr. Asselmeier noted that there will be at least two (2) petitions on the March agenda.

ADJOURNMENT

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

The votes were as follows:

Yeas (7): Asselmeier, Belville, Gengler, Guritz, Holdiman, Langston, and Olson

Nays (0): None

Abstain (0): None

Absent (3): Briganti, Chismark, and Klaas

The motion carried.

The ZPAC, at 10:05 a.m., adjourned.

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

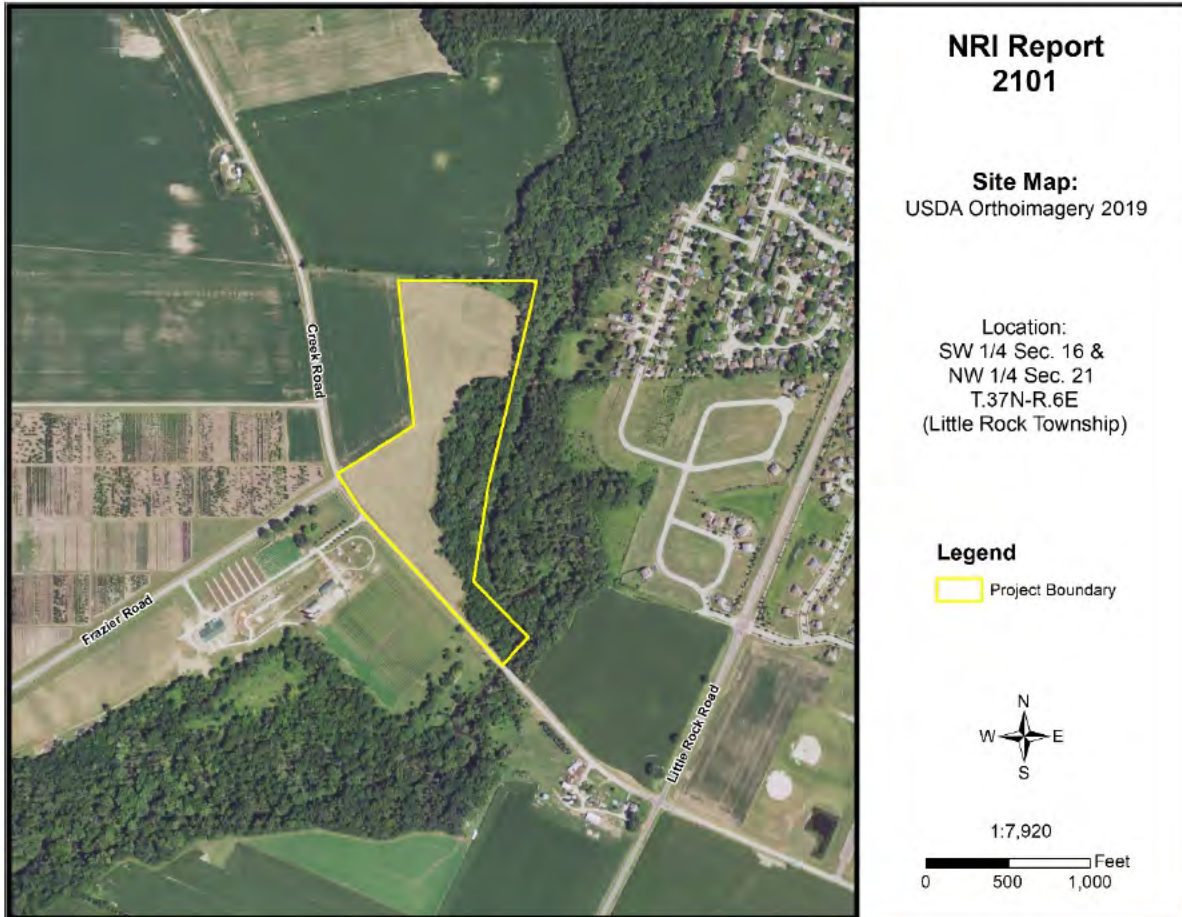
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**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
FEBRUARY 2, 2021**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Dan Keener	1107 A S. Bridge St Gulwell TX 75845	dk@20-32

NATURAL RESOURCE INFORMATION (NRI) REPORT: #2101



Feb
2021

Petitioner: Woody's Orchard (L&P Nelson Trust 103)
Contact: Larry Nelson

Prepared By:



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

**KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT
NATURAL RESOURCE INFORMATION (NRI) REPORT**

Natural Resource Information Report Number	2101
Date District Board Reviews Application	February 2021
Applicant's Name	Woody's Orchard (L&P Nelson Trust 103)
Size of Parcel	+/- 30.99 acres
Current Zoning & Use	A-1 Agricultural; Woody's Orchard
Proposed Zoning & Use	A-1 Special Use; Banquet Hall, Nano Brewery, Micro Distillery, Seasonal Festival with Petting Zoo, & Production/Sale of Sweet Cider
Parcel Index Number(s)	01-16-300-007; 01-21-100-005
Contact Person	Larry Nelson

Copies of this report or notification of the proposed land-use change was provided to:	Yes	No
The Applicant	X	
The Applicant's Legal Representation		X
The Local/Township Planning Commission	X	
The Village/City/County Planning and Zoning Department or Appropriate Agency	X	
The Kendall County Soil and Water Conservation District Files	X	

Report Prepared By: *Alyse Olson* Position: *Resource Conservationist*

PURPOSE AND INTENT

The purpose of this report is to provide officials of the local governing body and other decision-makers with natural resource information. This information may be useful when undertaking land use decisions concerning variations, amendments or relief of local zoning ordinances, proposed subdivision of vacant or agricultural lands and the subsequent development of these lands. This report is a requirement under Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

The intent of this report is to present the most current natural resource information available in a readily understandable manner. It contains a description of the present site conditions, the present resources, and the potential impacts that the proposed change may have on the site and its resources. The natural resource information was gathered from standardized data, on-site investigations and information furnished by the petitioner. This report must be read in its entirety so that the relationship between the natural resource factors and the proposed land use change can be fully understood.

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

This report, when used properly, will provide the basis for proper land use change decisions and development while protecting the natural resource base of the county. It should not be used in place of detailed environmental and/or engineering studies that are warranted under most circumstances, but in conjunction with those studies.

The conclusions of this report in no way indicate that a certain land use is not possible, but it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Any questions on the technical data supplied in this report or if anyone feels that they would like to see more additional specific information to make the report more effective, please contact:

Kendall County Soil and Water Conservation District
7775A Route 47, Yorkville, IL 60560
Phone: (630) 553-5821 ext. 3
E-mail: Alyse.Olson@il.nacdnet.net

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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2101
Petitioner	Woody's Orchard (L&P Nelson Trust 103)
Contact Person	Larry Nelson
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SW ¼ of Section 16 & NW ¼ of Section 21, Township 37 North, Range 6 East (Little Rock Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Woody's Orchard
Existing Zoning & Land Use	A-1 Agricultural; Woody's Orchard
Proposed Zoning & Land Use	A-1 Special Use; Banquet Hall, Nano Brewery, Micro Distillery, Seasonal Festival with Petting Zoo, & Production/Sale of Sweet Cider
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	N/A
Size of Site	+/- 30.99 acres
Land Evaluation Site Assessment Score	Land Evaluation: 77; Site Assessment: 111

NATURAL RESOURCE CONSIDERATIONS

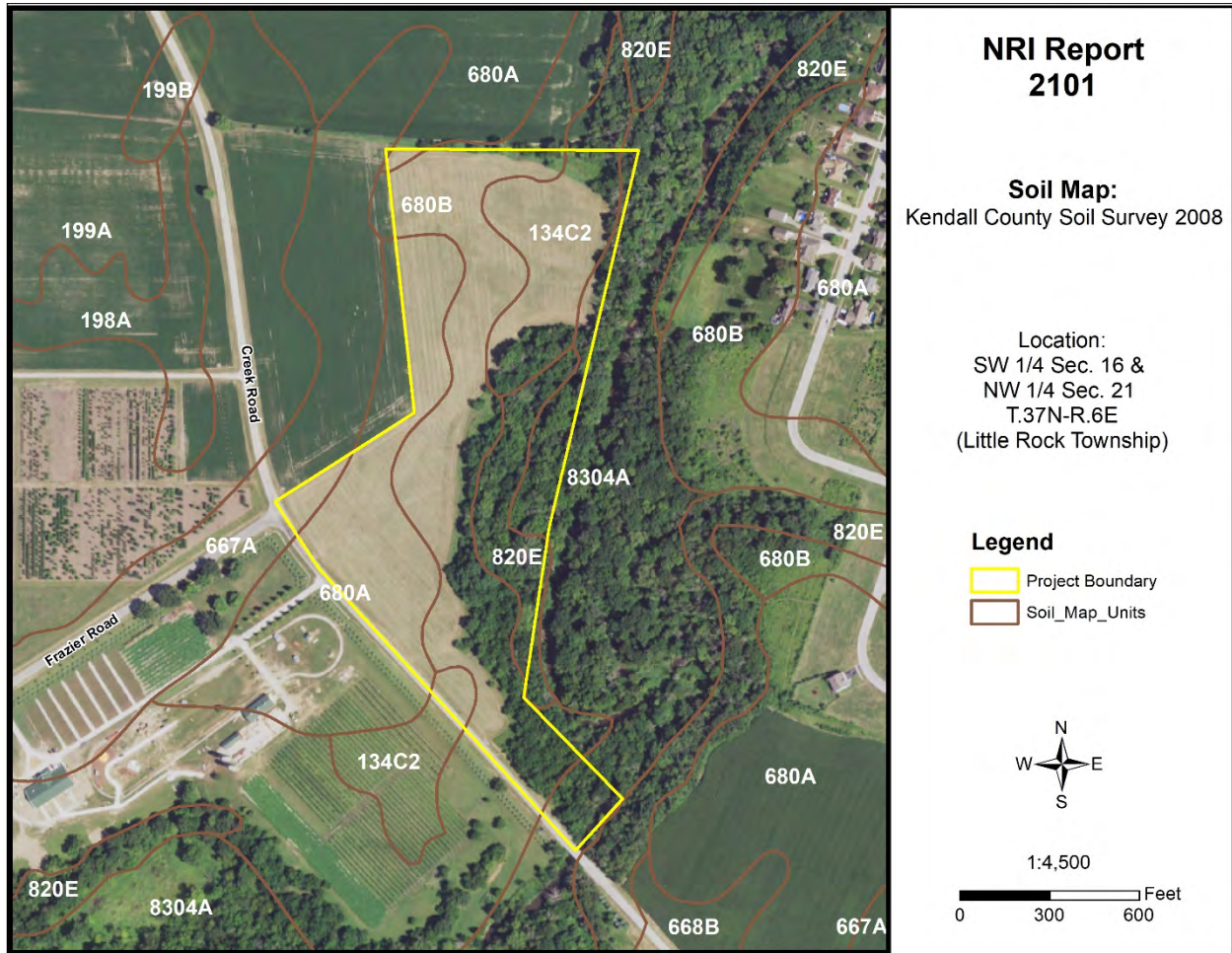


Figure 1: Soil Map

SOIL INFORMATION

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

Table 1: Soils Information

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
134C2	Camden silt loam, 5-10% slopes, eroded	Well Drained	B	Non-hydric	Farmland of Statewide Importance
667A	Kaneville silt loam, 0-2% slopes	Moderately Well Drained	C	Non-hydric	Prime Farmland
680A	Campton silt loam, 0-2% slopes	Moderately Well Drained	C	Non-hydric	Prime Farmland
680B	Campton silt loam, 2-5% slopes	Moderately Well Drained	C	Non-hydric	Prime Farmland

820E	Hennepin-Casco complex, 12-30% slopes	Well Drained	C	Non-hydric	Not Prime Farmland
8304A	Landes fine sandy loam, 0-2% slopes, occasionally flooded	Well Drained	A	Non-hydric	Prime Farmland

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

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

Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, all are classified as non-hydric soils (134C2 Camden silt loam, 667A Kaneville silt loam, 680A & 680B Campton silt loam, 820E Hennepin-Casco complex, and 8304A Landes fine sandy loam). There is one soil on-site that is likely to contain hydric inclusions (134C2 Camden silt loam).

Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, four are designated as prime farmland (667A Kaneville silt loam, 680A & 680B Campton silt loam, and 8304A Landes fine sandy loam), one is not prime farmland (820E Hennepin-Casco complex), and one is designated as farmland of statewide importance (134C2 Camden silt loam).

Soil Limitations – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings without basements, dwellings with basements, small commercial buildings, shallow excavations, lawns/landscaping, local roads and streets, and septic systems. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are

Somewhat Limited are moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

Table 2: Soil Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns/Landscaping	Local Roads & Streets	Conventional Septic Systems
134C2	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Suitable
667A	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Suitable
680A	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Suitable
680B	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Suitable
820E	Very Limited	Very Limited	Very Limited	Very Limited	Unsuitable: gravel
8304A	Very Limited	Somewhat Limited	Somewhat Limited	Very Limited	Unsuitable: occasionally flooded

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

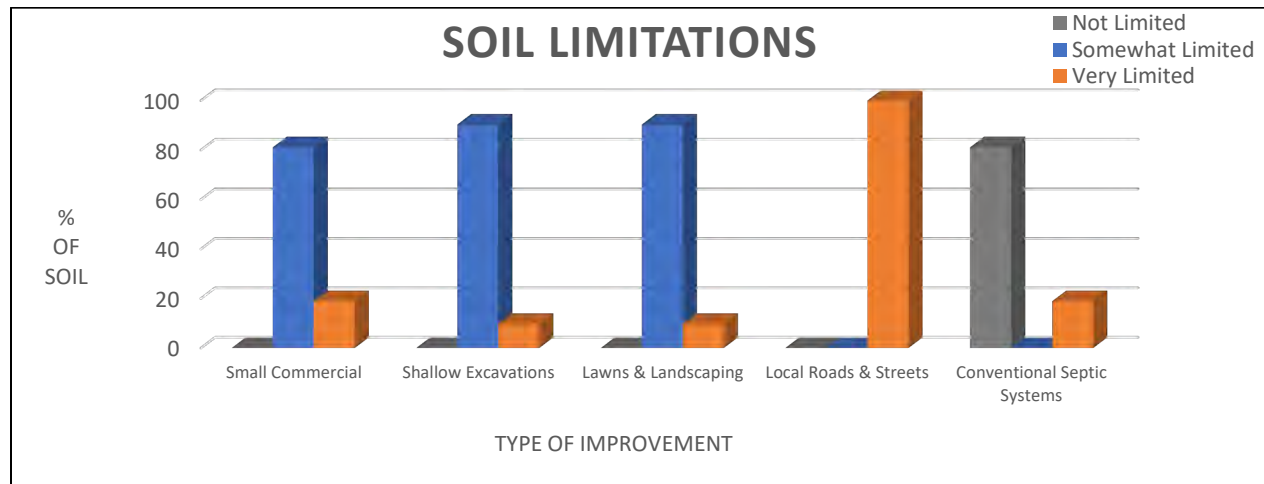


Figure 2: Soil Limitations

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical

characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - The Land Evaluation score for this site is **77**, indicating that this site is **not well suited** for agricultural uses.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - The Site Assessment score for this site is **111**.

The **LESA Score for this site is 188 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. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

The U.S. Fish & Wildlife Service's National Wetland Inventory map **indicates the presence** of a wetland(s) on the proposed project site along the eastern boundary and extending off site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0020G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, a portion of the parcel **is located** within the floodplain or floodway.

SEDIMENT AND EROSION CONTROL

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

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Woody's Orchard (L&P Nelson Trust 103) for the proposed expansion of Woody's Orchard to include a banquet hall, nano-brewery, micro-distillery, seasonal petting zoo, and cider house (A-1 Agricultural Special Use zoning request) within Little Rock Township of Kendall County located in the SW ¼ of Section 16 & NW ¼ of Section 21, Township 37N, and Range 6E of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 90% are classified as prime farmland. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored a 77 out of a possible 100 points indicating that the soils are not well suited for agricultural uses. The total LESA Score for this site is 188 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for local roads & streets, 18.9% are very limited for small commercial buildings, and 9.7% are very limited for shallow excavations and lawns/landscaping. The remaining soils are classified as either somewhat limited or not limited for these types of developments. Additionally, 18.9% are unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

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

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

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

[Redacted Signature]

SWCD Board Representative

02/10/21
Date

PARCEL LOCATION

Location Map for Natural Resources Information Report #2101

SW ¼ of Section 16 & NW ¼ of Section 21, Township 37 North, Range 6 East (Little Rock Township) on 30.99 acres. This parcel is located north and east of Creek Road and west of Little Rock Creek in Plano. The parcel is part of unincorporated Kendall County.

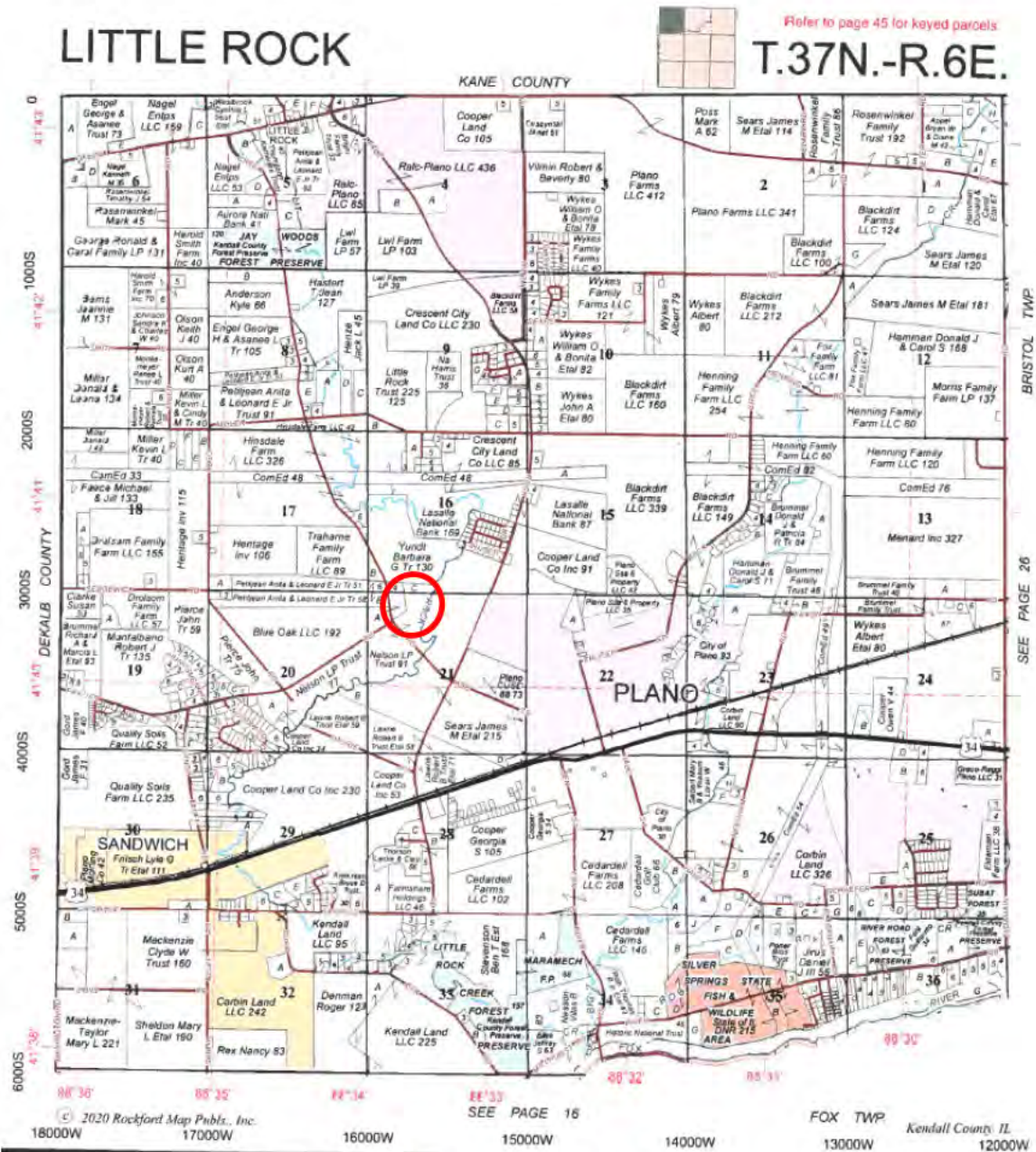


Figure 3: 2021 Plat Map

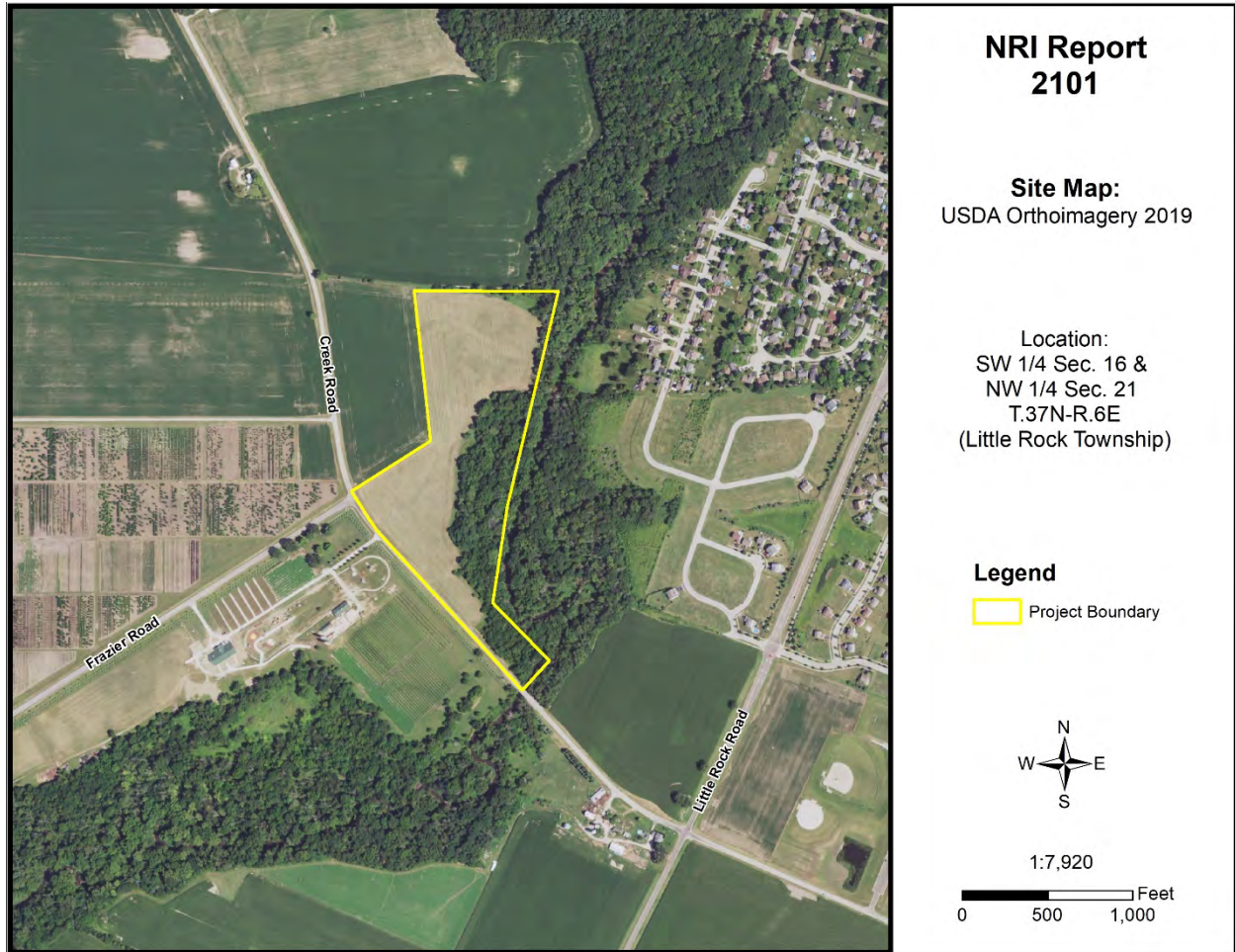


Figure 4: 2019 Aerial Map with NRI Site Boundary

ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION

Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions.

The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

The Illinois Historic Preservation Agency has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact the IHPA according to current Illinois law.

ECOLOGICALLY SENSITIVE AREAS

WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?¹

Biological diversity, or biodiversity, is the range of life on our planet. A more thorough definition is presented by botanist Peter H. Raven: “At the simplest level, biodiversity is the sum total of all the plants, animals, fungi and microorganisms in the world, or in a particular area; all of their individual variation; and all of the interactions between them. It is the set of living organisms that make up the fabric of the planet Earth and allow it to function as it does, by capturing energy from the sun and using it to drive all of life’s processes; by forming communities of organisms that have, through the several billion years of life’s history on Earth, altered the nature of the atmosphere, the soil and the water of our Planet; and by making possible the sustainability of our planet through their life activities now” (Raven 1994).

It is not known how many species occur on our planet. Presently, about 1.4 million species have been named. It has been estimated that there are perhaps 9 million more that have not been identified. What is known is that they are vanishing at an unprecedented rate. Reliable estimates show extinction occurring at a rate several orders of magnitude above “background” in some ecological systems (Wilson 1992, Hoose 1981).

The reasons for protecting biological diversity are complex, but they fall into four major categories. First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s (Roush 1982).

Simplified ecosystems are almost always expensive to maintain. For example, when synthetic chemicals are relied upon to control pests, the target species are not the only ones affected. Their predators are almost always killed or driven away, exasperating the pest problem. In the meantime, people are unintentionally breeding pesticide-resistant pests. A process has begun where people become perpetual guardians of the affected area, which requires the expenditure of financial resources and human ingenuity to keep the system going.

A second reason for protecting biological diversity is that it represents one of our greatest untapped resources. Great benefits can be reaped from a single species. About 20 species provide 90% of the world’s food. Of these 20, just three, wheat, maize and rice supply over one half of that food. American wheat farmers need new varieties every five to 15 years to compete with pests and diseases. Wild strains of wheat are critical genetic reservoirs for these new varieties.

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of

chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds (Hoose 1981).

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and wellbeing, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

Historically, the lack of attention to biological diversity, and the ecological processes it supports, has resulted in economic hardships for segments of the basin’s human population.

The final reason for protecting biological diversity is that species and natural systems are intrinsically valuable. The above reasons have focused on the benefits of the natural world to humans. All things possess intrinsic value simply because they exist.

BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL

As part of the Natural Resources Information Report, staff checks office maps to determine if any nature preserves or ecologically sensitive areas are in the general vicinity of the parcel in question. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include, but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

Office maps indicate that ecologically sensitive area(s) are located near the parcel in question (PIQ). Little Rock Creek as well as a bottomland forest wetland are located immediately adjacent to the PIQ.

¹Taken from *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

Soils information comes from the Natural Resources Conservation Service Soil Maps and Descriptions for Kendall County. This information is important to all parties involved in determining the suitability of the proposed land use change.

Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and buildings without basements. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.

The limitation categories (not limited, somewhat limited, or very limited) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with in order to complete the proposed activity successfully. Very limited indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a somewhat limited or not limited rating.

Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. They are based on the soil properties that directly influence the specified use of the soil. Soil survey interpretations allow users of soil surveys to plan reasonable alternatives for the use and management of soils.

Soil interpretations do not eliminate the need for on-site study and testing of specific sites for the design and construction for specific uses. They can be used as a guide for planning more detailed investigations and for avoiding undesirable sites for an intended use. The scale of the maps and the range of error limit the use of the soil delineation.

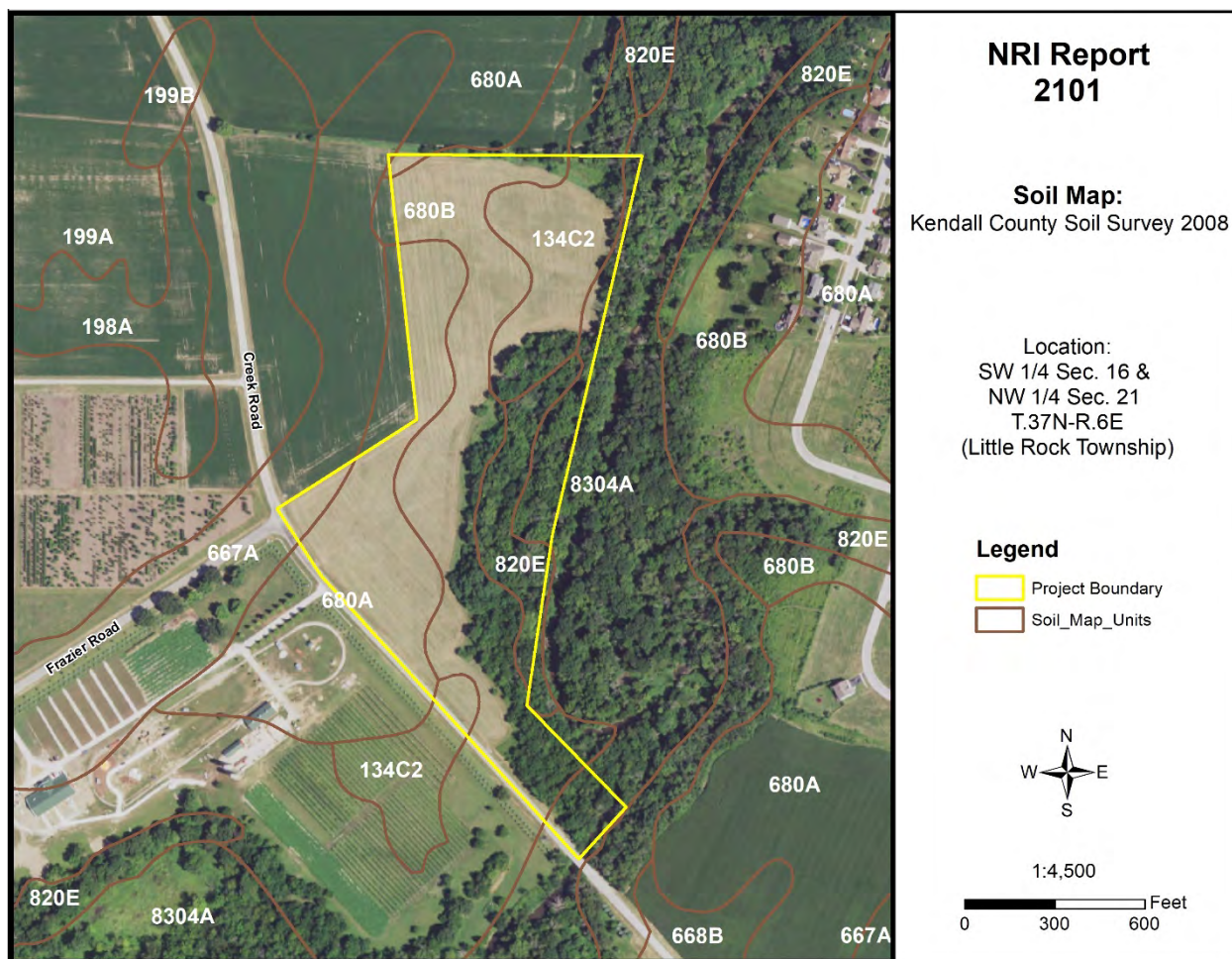


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
134C2	Camden silt loam, 5-10% slopes, eroded	5.6	18.4%
667A	Kaneville silt loam, 0-2% slopes	0.6	2.0%
680A	Campton silt loam 0-2% slopes	6.9	22.5%
680B	Campton silt loam, 2-5% slopes	11.7	38.2%
820E	Hennepin-Casco complex, 12-30% slopes	3.0	9.7%
8304A	Landes fine sandy loam, 0-2% slopes, occasionally flooded	2.8	9.2%

Source: National Cooperative Soil Survey – USDA-NRCS

SOILS INTERPRETATIONS EXPLANATION

GENERAL – NONAGRICULTURAL

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features.

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of not limited, somewhat limited, and very limited are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered unsuitable for all types of construction.

LIMITATIONS RATINGS

- **Not Limited:** This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
- **Somewhat Limited:** This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
- **Very Limited:** This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

BUILDING LIMITATIONS

BUILDING ON POORLY SUITED OR UNSUITABLE SOILS

This can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of the Kendall County SWCD strongly urges scrutiny by the plat reviewers when granting parcels with these soils exclusively.

Small Commercial Building – Ratings are for structures that are less than three stories high and do not have basements. The foundation is assumed to be spread footings of reinforced concrete built on disturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Shallow Excavations – Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches or other purposes. Ratings are based on soil properties that influence the ease of digging and the resistance to sloughing.

Lawns and Landscaping – Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established.

Local Roads and Streets – They have an all-weather surface and carry automobile and light truck traffic all year. They have a subgrade of cut or fill soil material, a base of gravel, crushed rock or soil material stabilized by lime or cement; and a surface of flexible material (asphalt), rigid material (concrete) or gravel with a binder. The ratings are based on the soil properties that affect the ease of excavation and grading and the traffic-supporting capacity.

Onsite Sewage Disposal – The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. The table below indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department – Environmental Health at (630) 553-9100 x8026.

Table 4: Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Roads & Streets	Onsite Conventional Sewage Systems	Acres	%
134C2	Somewhat Limited: Slope; Shrink-swell	Somewhat Limited: Dusty; Unstable excavation walls	Somewhat Limited: Dusty	Very Limited: Frost action; Low strength; Shrink-swell	Suitable	5.6	18.4%
667A	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone; Dusty; Unstable excavation walls	Somewhat Limited: Dusty	Very Limited: Frost action; Low strength; Shrink-swell	Suitable	0.6	2.0%
680A	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone; Dusty; Unstable excavation walls	Somewhat Limited: Dusty	Very Limited: Frost action; Low strength; Shrink-swell	Suitable	6.9	22.5%
680B	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone; Dusty; Unstable excavation walls	Somewhat Limited: Dusty	Very Limited: Frost action; Low strength; Shrink-swell	Suitable	11.7	38.2%
820E	Very Limited: Slope	Very Limited: Slope; Dusty; Unstable excavation walls	Very Limited: Slope; Low exchange capacity; Dusty; Droughty	Very Limited: Slope; Frost action; Low strength	Unsuitable: Gravel	3.0	9.7%
8304A	Very Limited: Flooding	Somewhat Limited: Flooding; Unstable excavation walls; Dusty	Somewhat Limited: Flooding; Low exchange capacity; Dusty	Very Limited: Flooding; Frost action	Unsuitable: Occasionally flooded	2.8	9.2%
% Very Limited	18.9%	9.7%	9.7%	100%	18.9%		

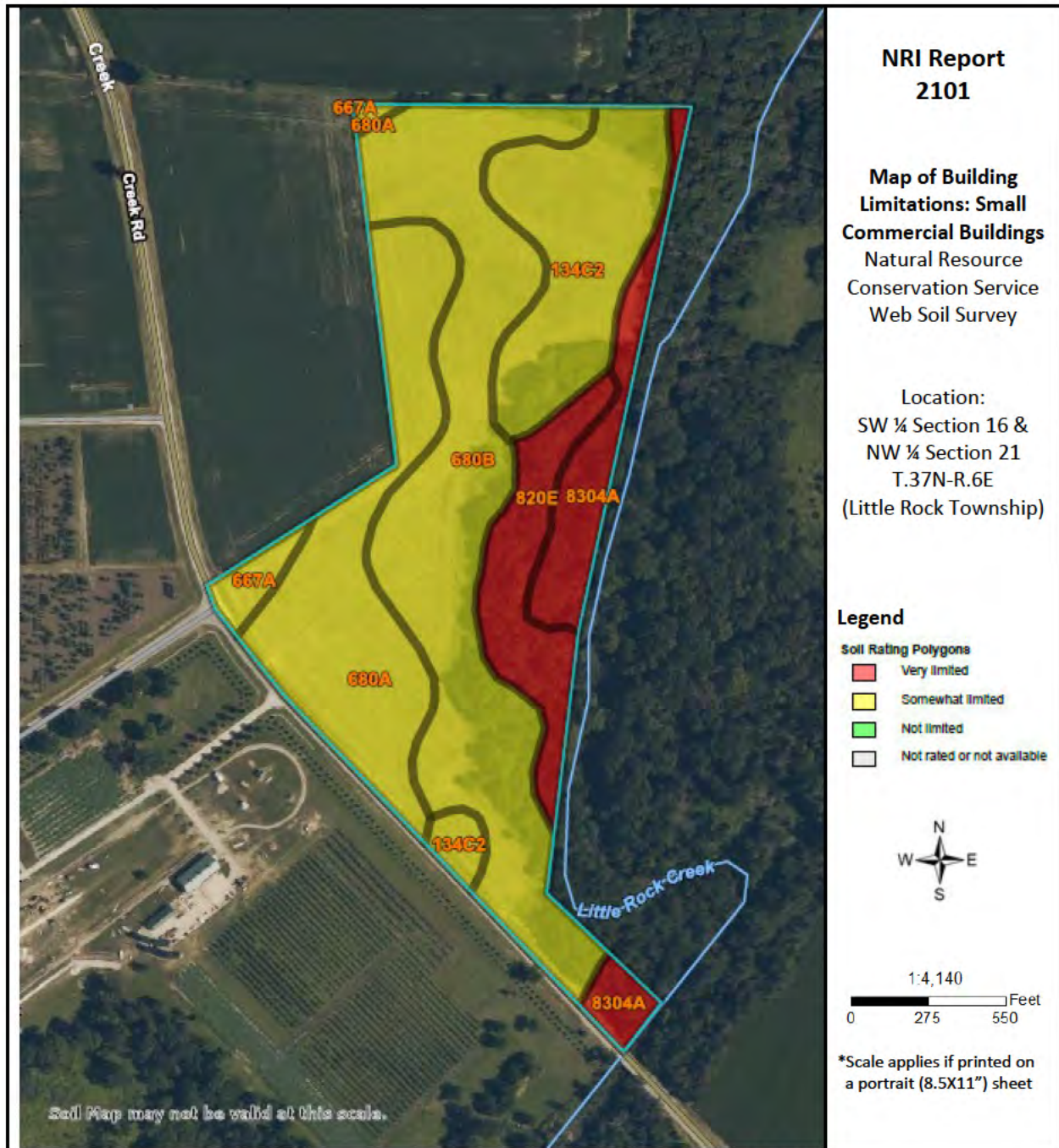


Figure 6A: Map of Building Limitations – Small Commercial Buildings

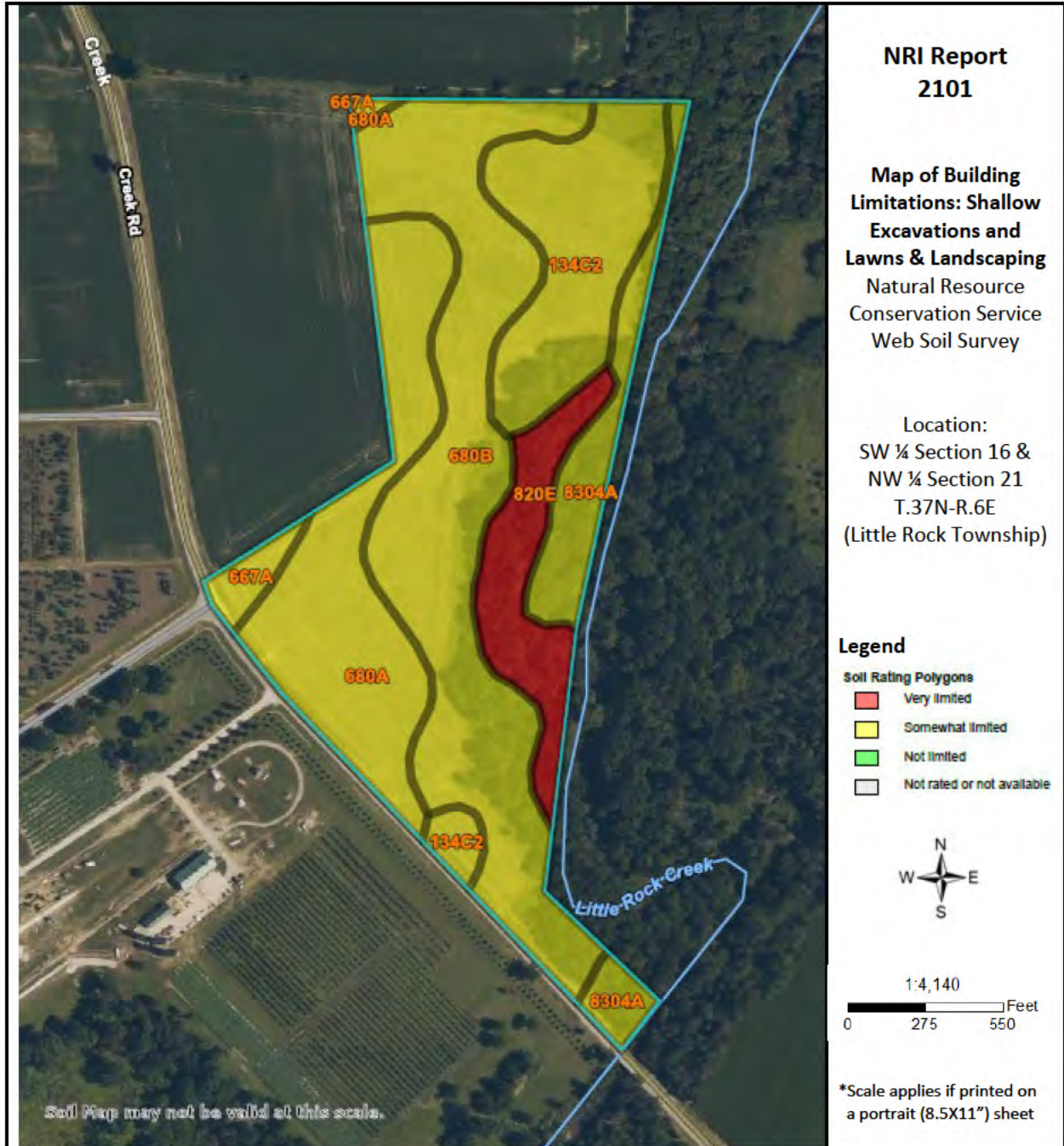


Figure 6B: Map of Building Limitations – Shallow Excavations and Lawns & Landscaping

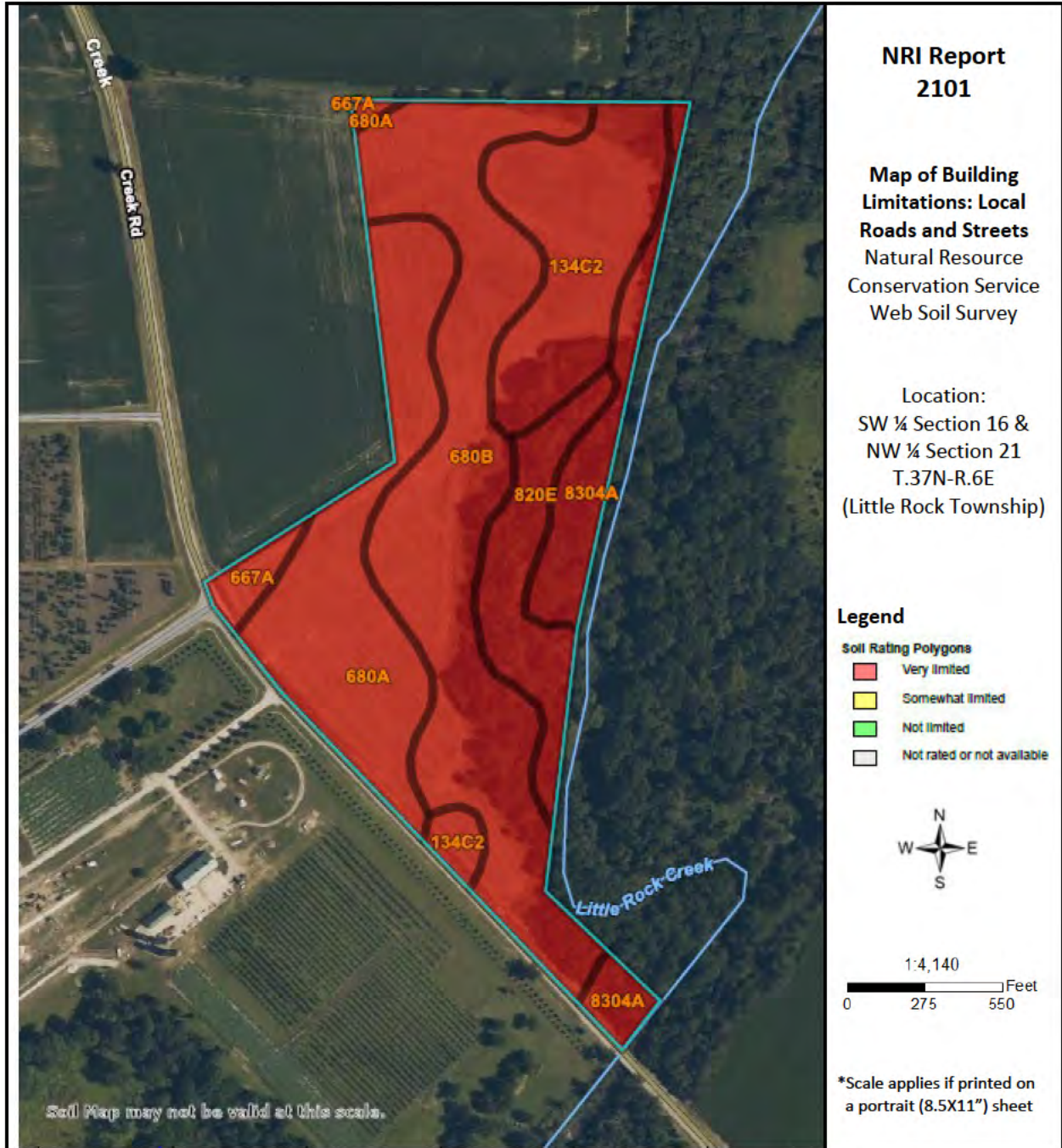


Figure 6C: Map of Building Limitations – Local Roads and Streets (Paved and Unpaved)

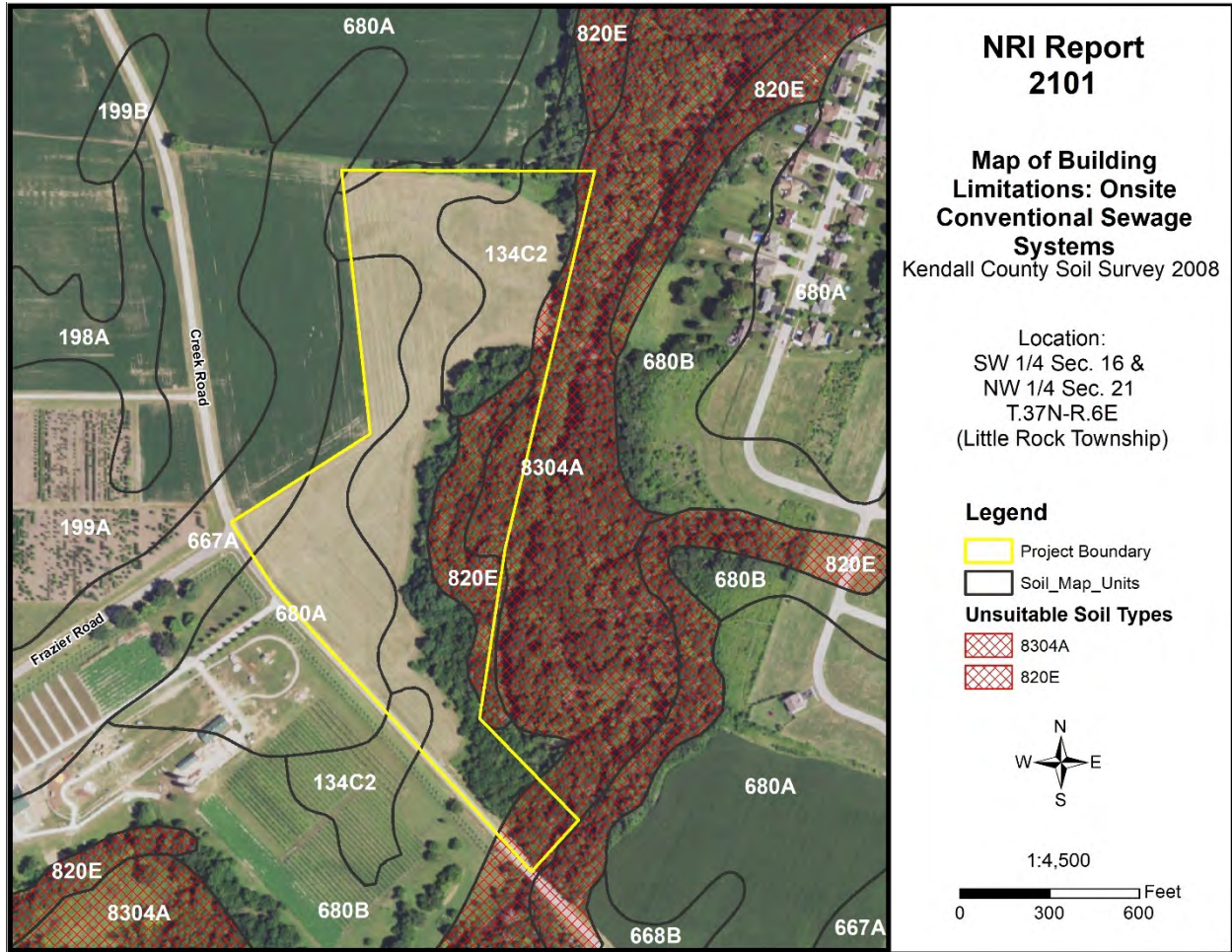


Figure 6D: Map of Building Limitations – Onsite Conventional Sewage System

SOIL WATER FEATURES

Table 5, below, gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

HYDROLOGIC SOIL GROUPS (HSGs) – The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

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

Note: If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D) the first letter is for drained areas and the second is for undrained areas.

SURFACE RUNOFF – Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal). The classes are negligible, very low, low, medium, high, and very high.

MONTHS – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

WATER TABLE – Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

PONDING – Ponding refers to standing water in a closed depression, and the data indicates surface water depth, duration and frequency of ponding.

- **Duration:** Expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and *frequent* means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

FLOODING – The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

- **Duration:** Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

Note: The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 5: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
134C2	B	Medium	<u>January – December</u> Upper Limit: -- Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
667A	C	Low	<u>January</u> Upper Limit: -- Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 6.0' <u>May – December</u> Upper Limit: -- Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
680A	C	Low	<u>January</u> Upper Limit: -- Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 6.0' <u>May – December</u> Upper Limit: -- Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
680B	C	Low	<u>January</u> Upper Limit: -- Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 6.0' <u>May – December</u> Upper Limit: -- Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
820E	C	Very High	<u>January – December</u> Upper Limit: -- Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
8304A	A	Very Low	<u>January – December</u> Upper Limit: -- Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>Jan – June & Nov – Dec</u> Duration: Brief (2 to 7 days) Frequency: Occasional <u>July – October</u> Duration: -- Frequency: None

SOIL EROSION AND SEDIMENT CONTROL

Erosion is the wearing away of the soil by water, wind, and other forces. Soil erosion threatens the Nation's soil productivity and contributes the most pollutants in our waterways. Water causes about two thirds of erosion on agricultural land. Four properties, mainly, determine a soil's erodibility: texture, slope, structure, and organic matter content.

Slope has the most influence on soil erosion potential when the site is under construction. Erosivity and runoff increase as slope grade increases. The runoff then exerts more force on the particles, breaking their bonds more readily and carrying them farther before deposition. The longer water flows along a slope before reaching a major waterway, the greater the potential for erosion.

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches, and storm sewers and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- Reducing or diverting flow from exposed areas, storing flows or limiting runoff from exposed areas
- Staging construction in order to keep disturbed areas to a minimum
- Establishing or maintaining temporary or permanent groundcover
- Retaining sediment on site
- Properly installing, inspecting and maintaining control measures

Erosion control practices are useful controls only if they are properly located, installed, inspected and maintained.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby.

Table 6: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
134C2	5-10%	Moderate	5.6	18.4%
667A	0-2%	Slight	0.6	2.0%
680A	0-2%	Slight	6.9	22.5%
680B	2-5%	Slight	11.7	38.2%
820E	12-30%	Slight	3.0	9.7%
8304A	0-2%	Slight	2.8	9.2%

PRIME FARMLAND SOILS

Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soils map units on the parcel reflect the determination that urban or built up land on prime farmland soils is not prime farmland.

Table 7: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
134C2	Farmland of Statewide Importance	5.6	18.4%
667A	Prime Farmland	0.6	2.0%
680A	Prime Farmland	6.9	22.5%
680B	Prime Farmland	11.7	38.2%
820E	Not Prime Farmland	3.0	9.7%
8304A	Prime Farmland	2.8	9.2%
% Prime Farmland		90.3%	

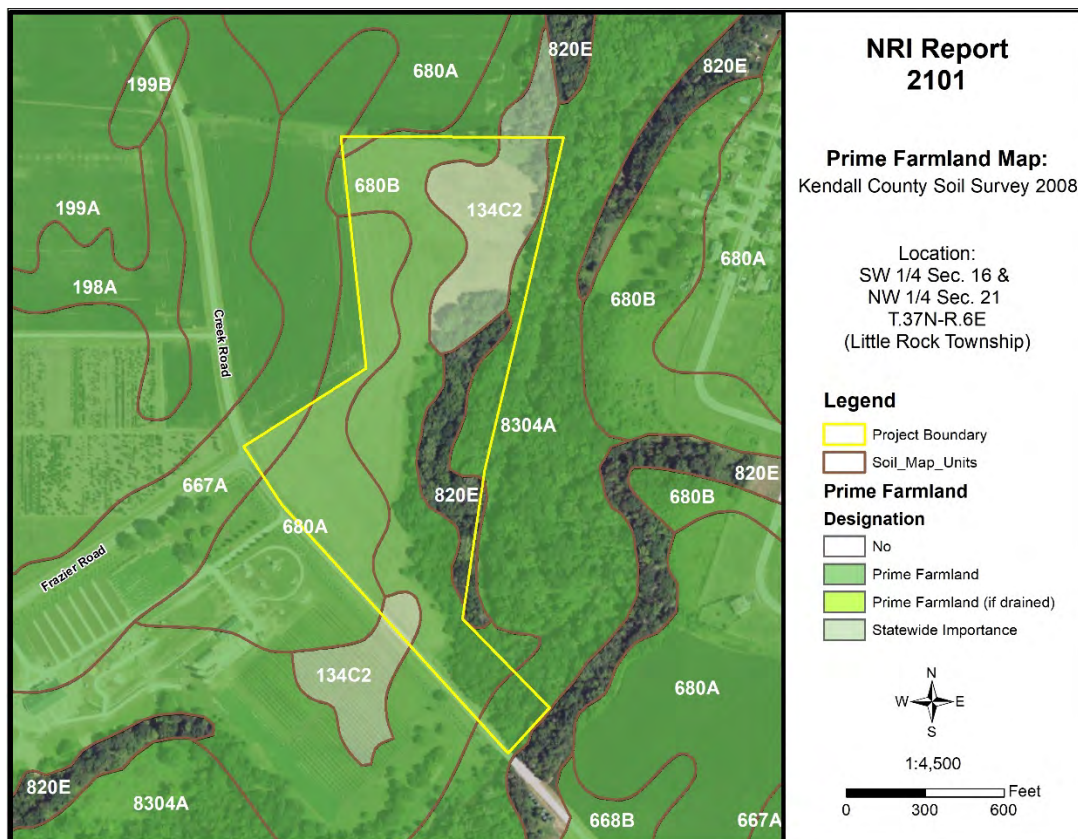


Figure 7: Map of Prime Farmland Soils

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 LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site. 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 value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Please Note: A land evaluation (LE) score will be compiled for every project parcel. However, when a parcel is located within municipal planning boundaries, a site assessment (SA) score is not compiled as the scoring factors are not applicable. As a result, only the LE score is available and a full LESA score is unavailable for the parcel.

Table 8A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
134C2	5	82	5.6	459.2
667A	3	87	0.6	52.2
680A	4	79	6.9	545.1
680B	4	79	11.7	924.3
820E	7	47	3.0	141
8304A	4	79	2.8	221.2
Totals			30.5	2,343
LE Calculation			(Product of relative value / Total Acres) 2,343 / 30.5 = 76.8	
LE Score			LE = 77	

The Land Evaluation score for this site is 77, indicating that this site is not designated as prime farmland that is well suited for agricultural uses since the Land Evaluation score falls below 80.

Table 8B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	10
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	20
	4. Size of site. (30-15-10-0)	10
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	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)	0
	2. Availability of public water system. (10-8-6-0)	0
	3. Transportation systems. (15-7-0)	15
	4. Distance from fire protection service. (10-8-6-2-0)	6
	Site Assessment Score:	111

The Site Assessment score for this site is 111. The Land Evaluation value (77) is added to the Site Assessment value (111) to obtain a LESA Score of 188. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 9: LESA Score Summary

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

Land Evaluation Value: 77 + Site Assessment Value: 111 = LESA Score: 188

The LESA Score for this site is 188 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. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

LAND USE PLANS

Many counties, municipalities, villages and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given community. Please contact the Kendall County Planning, Building & Zoning for information regarding the County's comprehensive land use plan and map.

DRAINAGE, RUNOFF, AND FLOOD INFORMATION

U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information.

Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources.

Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

WHAT IS A WATERSHED?

Simply stated, a watershed is the area of land that contributes water to a certain point. The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or planimeter.

Using regional storm event information, and site-specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event) and is measured in cubic feet per second (CFS).

When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system

should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

IMPORTANCE OF FLOOD INFORMATION

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions which affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency (FEMA). These maps define flood elevation adjacent to tributaries and major bodies of water and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and floodplain location.) The FIRM map has three (3) zones. A is the zone of 100-year flood, Zone B is the 100 to 500-year flood, and Zone C is outside the floodplain.

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps show the areas of flood for various years. Both maps stress that the recurrence of flooding is merely statistical. A 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDOT-DWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county and local regulations will need to be reflected in the site plans.

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. Development on hydric soils can contribute to the loss of water storage within the soil and the potential for increased flooding in the area.

This parcel is located on topography (slopes 0 to 30%) involving high and low areas with the steepest slopes occurring along Little Rock Creek (elevation is approximately 650' above sea level). According to the FIRM map, a small portion of the Zone A floodplain lies within the PIQ. The topographic map indicates that the parcel drains east and southeast towards the creek.

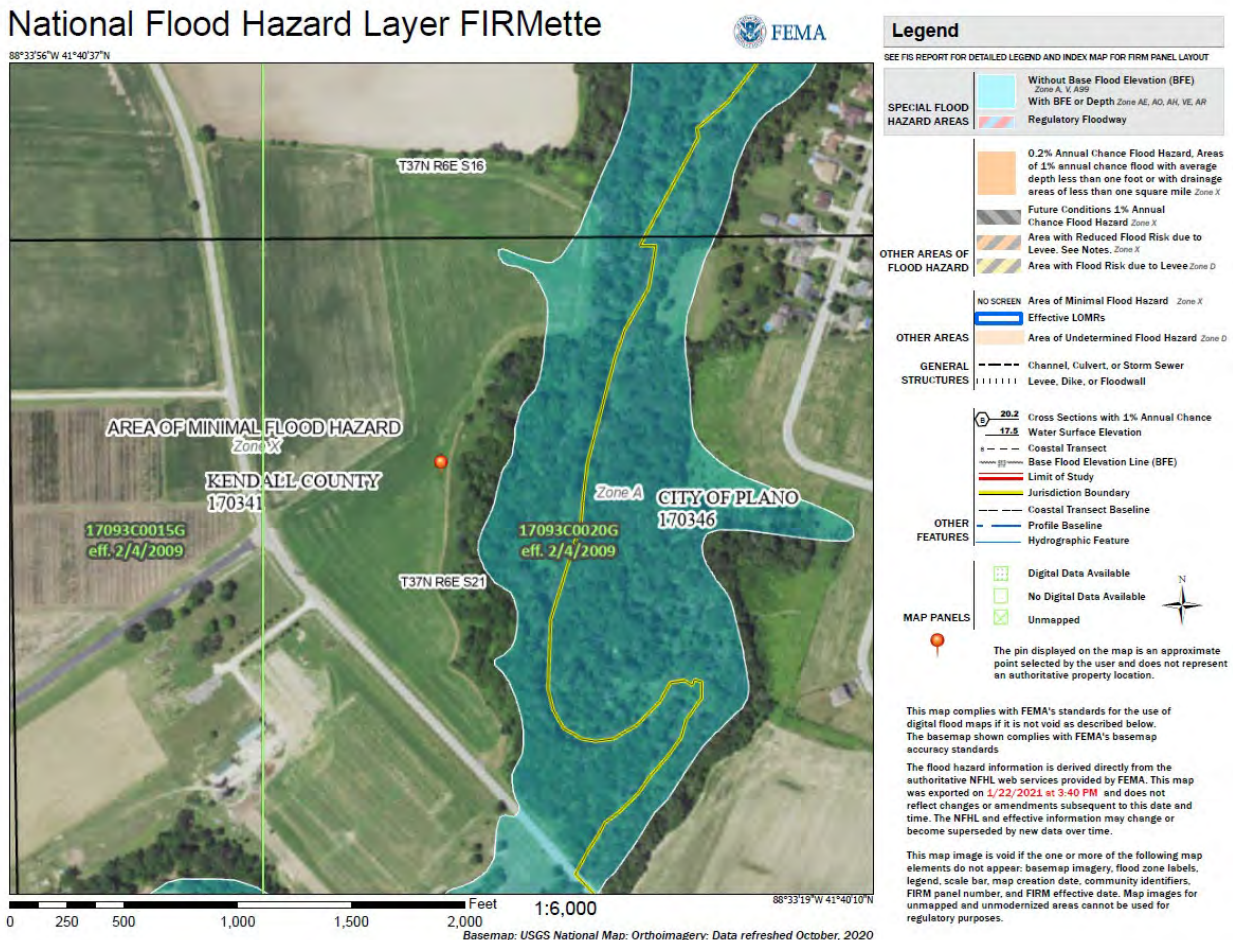


Figure 8: FEMA Floodplain Map

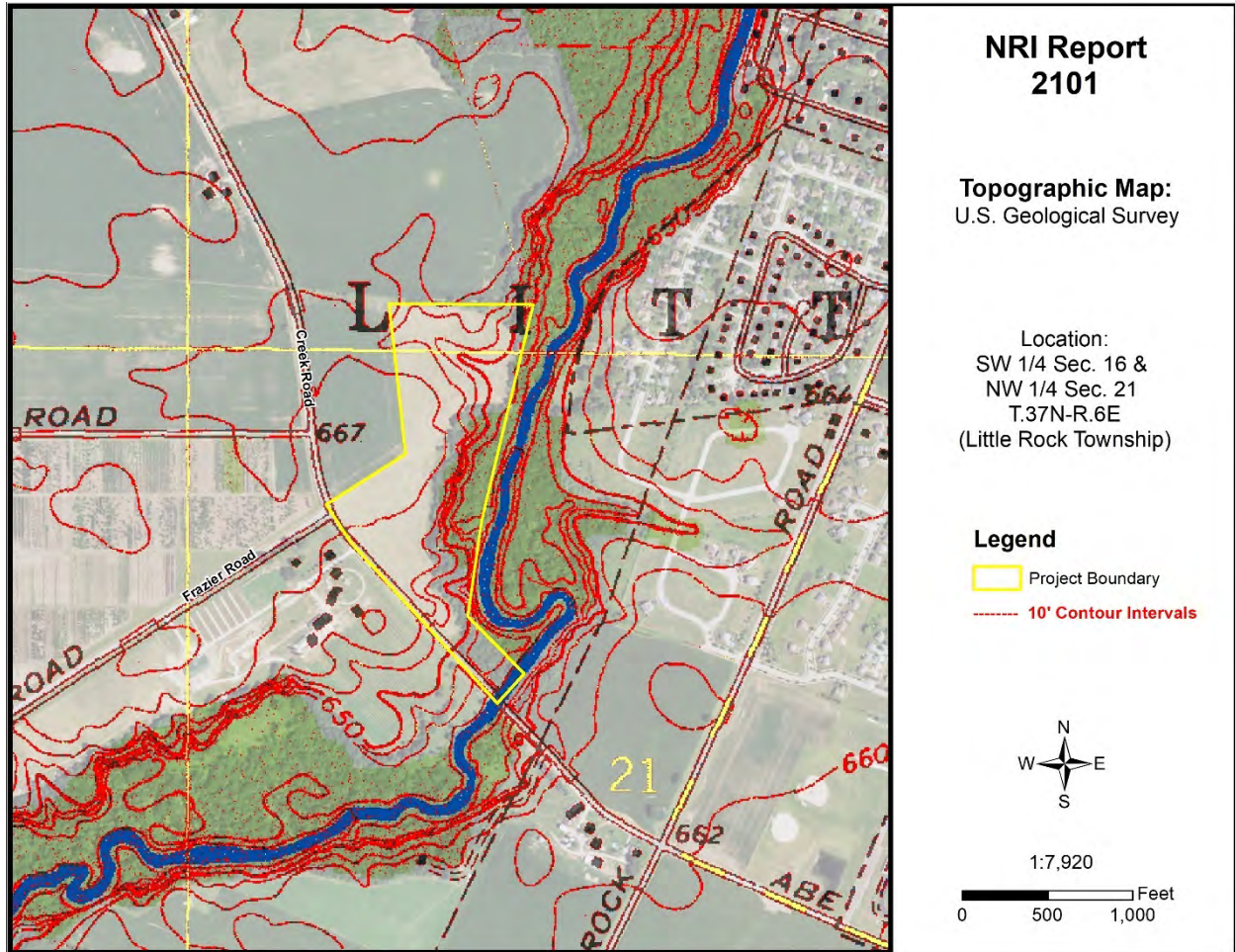


Figure 9: USGS Topographic Map

WATERSHED PLANS

WATERSHED AND SUB WATERSHED INFORMATION

A watershed is the area of land that drains into a specific point including a stream, lake, or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries pollutants such as oils, pesticides, and soil.

Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and the implications of their activities, implementing practices recommended in watershed plans, and educating others about their watershed.

The following are recommendations to developers for protection of this watershed:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving a construction site
- Protect subsurface drainage
- Use native vegetation
- Retain natural features
- Mix housing styles and types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Shrink lot size and create more open space
- Maintain historical and cultural resources
- Treat water where it falls
- Preserve views
- Establish and link trails

This parcel is located within the Lower Fox River Watershed and the Little Rock Creek Sub Watershed.

WETLAND INFORMATION

IMPORTANCE OF WETLAND INFORMATION

Wetlands function in many ways to provide numerous benefits to society. They control flooding by offering a slow release of excess water downstream or through the soil. They cleanse water by filtering out sediment and some pollutants and can function as rechargers of our valuable groundwater. They also are essential breeding, rearing, and feeding grounds for many species of wildlife.

These benefits are particularly valuable in urbanizing areas as development activity typically adversely affects water quality, increases the volume of stormwater runoff, and increases the demand for groundwater. In an area where many individual homes rely on shallow groundwater wells for domestic water supplies, activities that threaten potential groundwater recharge areas are contrary to the public good. The conversion of wetlands, with their sediment trapping and nutrient absorbing vegetation, to biologically barren stormwater detention ponds can cause additional degradation of water quality in downstream or adjacent areas.

It has been estimated that over 95% of the wetlands that were historically present in Illinois have been destroyed while only recently has the true environmental significance of wetlands been fully recognized. America is losing 100,000 acres of wetland a year and has saved 5 million acres total (since 1934). One acre of wetland can filter 7.3 million gallons of water a year. These are reasons why our wetlands are high quality and important.

This section contains the NRCS (Natural Resources Conservation Service) Wetlands Inventory, which is the most comprehensive inventory to date. The NRCS Wetlands Inventory is reproduced from an aerial photo at a scale of 1" equals 660 feet. The NRCS developed these maps in cooperation with U.S. EPA (Environmental Protection Agency,) and the U.S. Fish and Wildlife Service, using the National Food Security Act Manual, 3rd Edition. The main purpose of these maps is to determine wetland areas on agricultural fields and areas that may be wetlands but are in a non-agriculture setting.

The NRCS Wetlands Inventory in no way gives an exact delineation of the wetlands, but merely an outline, or the determination that there is a wetland within the outline. For the final, most accurate wetland **determination** of a specific wetland, a wetland ***delineation*** must be certified by NRCS staff using the National Food Security Act Manual (on agricultural land.) On urban land, a certified wetland delineator must perform the delineation using the ACOE 1987 Manual. *See the glossary section for the definitions of "delineation" and "determination."*

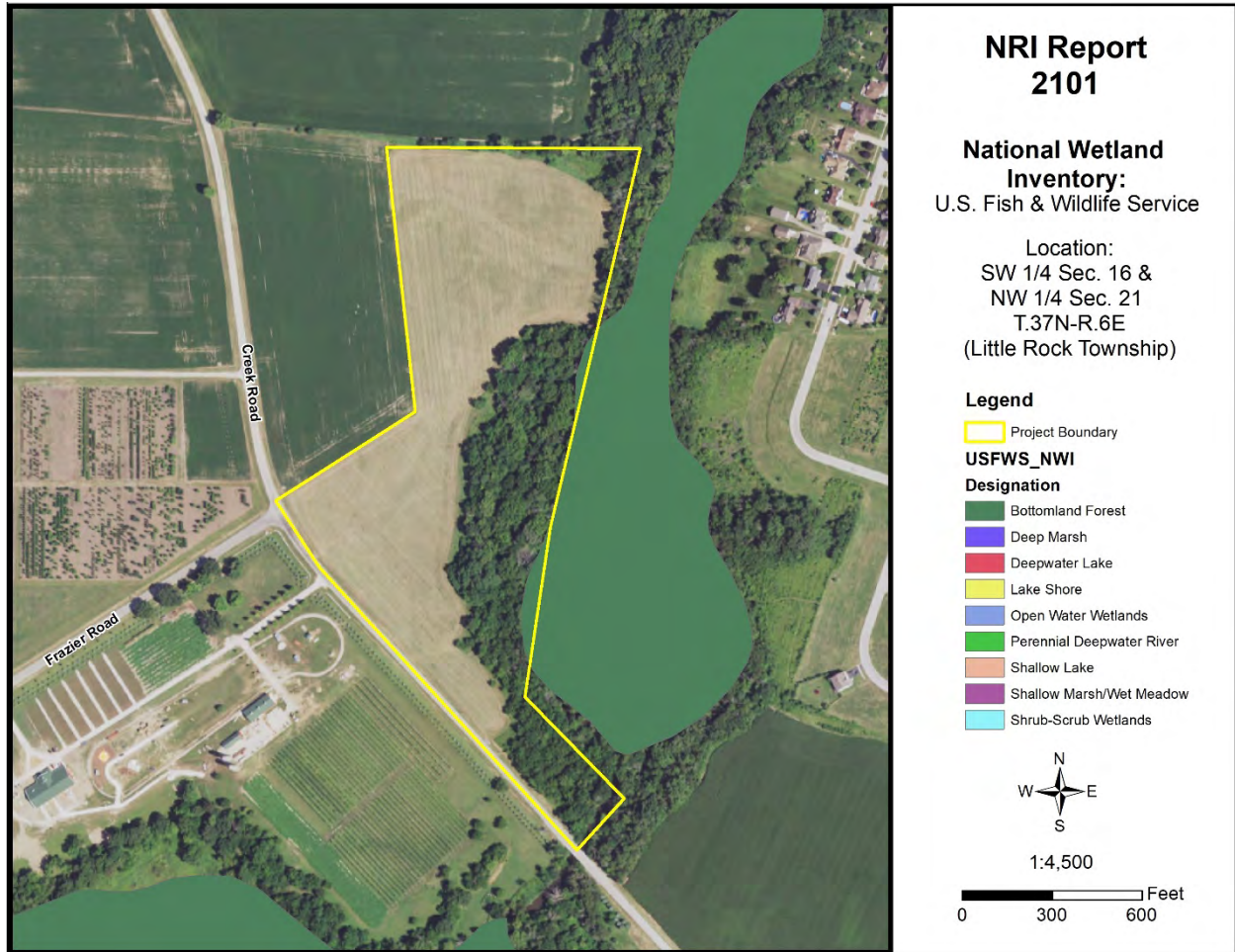


Figure 10: Wetland Map – USFWS National Wetland Inventory

Office maps indicate that mapped wetlands are present on the parcel in question (PIQ) along the eastern project boundary.

HYDRIC SOILS

Soils information gives another indication of flooding potential. The soils map on the following page indicates the soil(s) on the parcel that the Natural Resources Conservation Service indicates as hydric. Hydric soils, by definition, have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table but also their subsidence problems.

It is important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. A damaged subsurface drainage tile may return original hydrologic conditions to all the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, such as a subdivision, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions, and a drainage tile survey on the area to locate the tiles that must be preserved to maintain subsurface drainage.

Table 10: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
134C2	Well Drained	Non-Hydric	Yes	5.6	18.4%
667A	Moderately Well Drained	Non-hydric	No	0.6	2.0%
680A	Moderately Well Drained	Non-hydric	No	6.9	22.5%
680B	Moderately Well Drained	Non-hydric	No	11.7	38.2%
820E	Well Drained	Non-hydric	No	3.0	9.7%
8304A	Well Drained	Non-hydric	No	2.8	9.2%

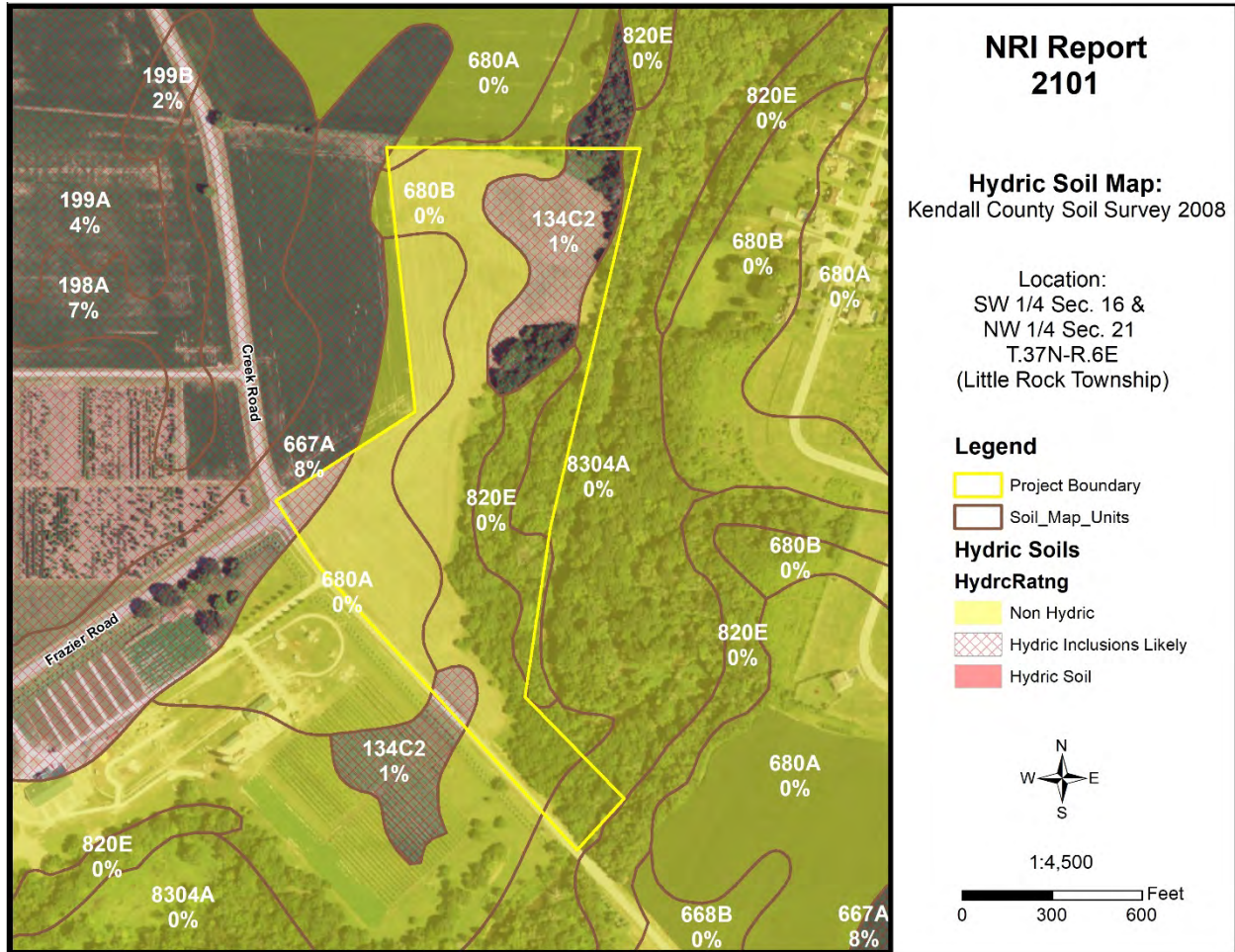


Figure 11: Hydric Soil Map

WETLAND AND FLOODPLAIN REGULATIONS

PLEASE READ THE FOLLOWING IF YOU ARE PLANNING TO DO ANY WORK NEAR A STREAM (THIS INCLUDES SMALL UNNAMED STREAMS), LAKE, WETLAND OR FLOODWAY.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against floodway encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

WHO MUST APPLY?

Anyone proposing to dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals.

REGULATORY AGENCIES

- **Wetland or U.S. Waters:** U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building, Rock Island, IL
- **Floodplains:** Illinois Department of Natural Resources/Office of Water Resources, Natural Resources Way, Springfield, IL 62702-1270.
- **Water Quality/Erosion Control:** Illinois Environmental Protection Agency, Springfield, IL

COORDINATION

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

CAUTION: Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a Waters of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River and Harbor Act of 1899 or Section 404 of the Federal Water Pollution Control Act are subject to fines ranging up to \$27,500 per day of violation and imprisonment for up to one year or both.

GLOSSARY

AGRICULTURAL PROTECTION AREAS (AG AREAS) - Allowed by P.A. 81-1173. An AG AREA consists of a minimum of 350 acres of farmland, as contiguous and compact as possible. Petitioned by landowners, AG AREAS protect for a period of ten years initially, then reviewed every eight years thereafter. AG AREA establishment exempts landowners from local nuisance ordinances directed at farming operations, and designated land cannot receive special tax assessments on public improvements that do not benefit the land, e.g. water and sewer lines.

AGRICULTURE - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

B.G. - Below Grade. Under the surface of the Earth.

BEDROCK - Indicates depth at which bedrock occurs. Also lists hardness as ripplable or hard.

FLOODING - Indicates frequency, duration, and period during year when floods are likely to occur.

HIGH LEVEL MANAGEMENT - The application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high-quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses -- within limits imposed by weather.

HIGH WATERTABLE - A seasonal high watertable is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

- **Watertable, Apparent:** A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.
- **Watertable, Artesian:** A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.
- **Watertable, Perched:** A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

DELINEATION - For Wetlands: A series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

DETERMINATION - A polygon drawn on a map using map information that gives an outline of a wetland.

HYDRIC SOIL - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987).

INTENSIVE SOIL MAPPING - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

LAND EVALUATION AND SITE ASSESSMENT (L.E.S.A.) - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

MODERN SOIL SURVEY - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different uses and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

PALUSTRINE - Name given to inland freshwater wetlands.

PERMEABILITY - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

PIQ - Parcel in question

POTENTIAL FROST ACTION - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

PRIME FARMLAND - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources and farming the land results in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated

with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent (USDA Natural Resources Conservation Service).

PRODUCTIVITY INDEXES - Productivity indexes for grain crops express the estimated yields of the major grain crops grown in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state. This group of soils is composed of the Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn and Joy soils. Each of the 425 soils found in Illinois are found in Circular 1156 from the Illinois Cooperative Extension Service.

SEASONAL - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

SHRINK-SWELL POTENTIAL - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

SOIL MAPPING UNIT - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

SOIL SERIES - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

SUBSIDENCE - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

TERRAIN - The area or surface over which a particular rock or group of rocks is prevalent.

TOPSOIL - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

WATERSHED - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

WETLAND - An area that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient enough to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

REFERENCES

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DFIRM – Digital Flood Insurance Rate Maps for Kendall County. Prepared by FEMA – Federal Emergency Management Agency.

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CITY OF PLANO

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City Clerk (630) 552-8275
City Treasurer (630) 552-8823



February 23, 2021

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60506

RE: Kendall County Petition 21-03


Dear Mr. Asselmeier:

I have been authorized, on behalf of the City of Plano, to inform you of the City's positive recommendation for the granting of Petition 21-03, an amendment to a Special Use permit (Kendall County Ordinance #2016-21).

Along with this positive recommendation, the City of Plano recommends that in granting the amendment, the County should further study the intersection of Little Rock and Creek Roads, in the light of the growth in the immediate area, for the purpose of insuring traffic safety.

For your information, I have attached a copy of the draft minutes of the Plan Commission meeting of February 15, 2021 when this matter was discussed.

Sincerely,


Thomas J. Karpus, R.A., ALA
Director Building, Planning, & Zoning
City of Plano

**CITY OF PLANO
MINUTES OF PLAN COMMISSION / ZBA
February 15, 2021**

1. A special meeting of the Plan Commission / Zoning Board of Appeals was called to order at 7:00 pm by Chairman Cara Brummel at City Hall.

2. Roll Call:

Members in Attendance: C. Oleson, E. Oleson, Brummel, Carter, Droysen

Absent: Kahl, Dreisilker

There was a quorum.

Also present:

Staff: Tom Karpus, Director, Building, Planning, & Zoning

Guests: Alderman Mulliner, Alderman Johns, Matt Asselmeier - Kendall County Planner, Larry Nelson – Woody's, Doug Nelson – Woody's, Michael Skinner.

3. Approval of Minutes

Motion by Carter, second by C. Oleson to approve minutes of November 2, 2020 meeting as submitted.

Voting Aye: Carter, C. Oleson, E. Oleson, Droysen, Brummel – carried unanimously.

4. Public Comment

Michael Skinner, 1920 Pauline Place, spoke against the Kendall County Petition 21-03, he feels granting the petition will result an increase in noise, traffic, an impaired drivers on local roads.

**5. Kendall County Petition #21-03: Amendment to existing Special Use Permit
Kendall County Ordinance 2016-21**

Larry Nelson, representing the petitioner (Woody's Orchard), explained the petition for the amendment to the existing County Special Use permit. The amendment adds the 30 +/- acres of property on the east side of Creek Road to the existing special use.

In response to the public comments, Mr. Nelson stated that they had been extremely careful in arranging the entrance drives and parking so there would be no backups or parking on or along the public roads. He also stated that they already had a County liquor license and he was not aware of any issues.

Doug Nelson, representing the petitioners, spoke regarding the noise limitations already imposed by the existing special use. The owners are very aware of any potential noise issues, and they are under the impression that traffic noise, especially truck noise from

the nursery is more prevalent than anything Woody's is doing. He was not aware of any complaints regarding noise emanating from Woody's.

Chairman Brummel asked for staff comments. Karpus said the City has annexed and zoned the northwest corner of Little Rock and Creek Roads as B-5, Service Business District. Further, the Future Land Use map of the City's Comprehensive Plan shows commercial uses continuing along Creek Road, so this use (Woody's) seems consistent with City of Plano planning.

However, the City has long held that the intersection of Little Rock and Abe Street / Creek Road needs to be improved upon. It is a commonly held opinion that traffic along Little Rock Road is moving too fast, and with the Lakewood Springs Club subdivision building again, and potentially more traffic, it should be recommended that the County should look at safety improvements at that intersection.

C. Oleson mentioned that the site lines from the exit of the eastern property northwards along Creek Road could be affected by corn crops, but it was agreed this was a matter for County and Township planning to address.

Droysen questioned as to how pedestrian traffic between the western and eastern portions of the property would be handled as this involves crossing Creek Road. Larry Nelson stated that foot traffic would not be allowed, patrons wanting to access activities on the "other" side would be taken across via "people movers" operated by Woody's staff.

There being no further questions or comment. A motion was made by Droysen to recommend Kendall County grant the amendment to the Special Use Permit (Ordinance 2016-21) and in granting the amendment, the County should further study the intersection of Little Rock and Creek Roads, in the light of the growth in the immediate area, for the purpose of insuring traffic safety. Second by E. Oleson.

Voting Aye: Droysen, E. Oleson, Carter, C. Oleson, Brummel – carried unanimously.

6. Public Comment: None

7. Adjournment

Motion to adjourn by Carter, second by E. Oleson. Unanimous "aye" vote to adjourn. Meeting was adjourned at 8:15 p.m. by Chairman Brummel.

Prepared by: Tom Karpus, Director, Building, Planning, & Zoning

Attachment 8, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

Kendall County Historic Courthouse
East Wing Conference Room
110 W. Madison Street (109 W. Ridge Street), Yorkville, Illinois

Unapproved - Meeting Minutes of February 24, 2021 - 7:00 p.m. (Hybrid Meeting)

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

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey (Attended Remotely), Dave Hamman (Attended Remotely), Karin McCarthy-Lange (Attended Remotely), Larry Nelson, Ruben Rodriguez, Bob Stewart, and Claire Wilson (Attended Remotely Starting at 7:06 p.m.)

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Dan Kramer, Pam Nelson, Scott Mulliner, Scott Gengler (Attended Remotely), Lucas Robinson (Attended Remotely), and Robert Long (Attended Remotely)

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member Stewart, to approve the agenda.

The votes were as follows:

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

Nays (0): None

Absent (1): Wilson

The motion carried.

APPROVAL OF MINUTES

Member Rodriguez made a motion, seconded by Member Bledsoe, to approve the minutes of the January 27, 2021, meeting and the February 6, 2021, annual meeting.

The votes were as follows:

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

Nays (0): None

Absent (1): Wilson

The motion carried.

PETITIONS

Petition 20-32 Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping, LLC

Mr. Asselmeier summarized the request.

Cindy Gates, on behalf of the Cindy Gates Trust, currently leases the subject property to Mark Cox of Cox Landscaping, LLC for use as a landscaping business.

Prior to the COVID-19 closures, the County received a complaint that a landscaping business was operating at the subject property without proper zoning. Efforts to determine if the use qualified for grandfathering were
KCRPC Meeting Minutes 2.24.21

unsuccessful and the Petitioner decided to pursue a map amendment and special use permit. The COVID-19 closures and efforts to obtain stormwater information caused the application to be delayed.

The subject property is split zoned between A-1 and B-3. The request makes the entire frontage of the parcels B-3 and establishes a special use permit for a landscaping business over the area zoned B-3.

The application materials, aerial of the site portion of the property, site plan, and the plat of the area proposed for rezoning were provided.

The property is approximately two point five (2.5) acres.

The County's Future Land Use Map calls for the property to be Suburban Residential. Yorkville's Future Land Use Map calls for the property to be Agricultural.

Route 34 is a State-maintained arterial highway. There is a trail along Route 34.

There are no floodplains or wetlands on the property.

Member Wilson arrived at this time (7:06 p.m.).

The adjacent land uses are agricultural to the north, east, and west, and commercial to the south.

The adjacent zonings are A-1, R-3 and B-3 and Planned Development B-3 and O in Yorkville.

The County's Future Land Use Map calls for the area to be Suburban Residential and the Yorkville Future Land Use Map calls for the area to be Suburban Neighborhoods and Mid-Density Residential.

Ms. Belville started attending the meeting remotely at this time (9:05 a.m.).

Zoning Districts within one half (1/2) mile include A-1, R-3, B-3 in the County and Planned Development R-3 and O in Yorkville.

Pictures of the property were provided.

Four (4) residential subdivisions are located within one half (1/2) mile of the subject property.

EcoCAT Report submitted and found the Fox River INAI Site, Yorkville Forested Seep and Fen INAI Site, and the River Redhorse in the area. Adverse impacts were unlikely and consultation was terminated.

The LESA Score was 115 indicating a low level of protection.

The Petitioners appeared before the Bristol Township Board on February 5, 2020, prior to submitting an application with the County. The Bristol Township Board voted in favor of the request. The minutes of this meeting were provided. Petition information was sent to Bristol Township on January 20, 2021.

Petition information was sent to the United City of Yorkville on January 20, 2021. Yorkville will be reviewing this proposal at their March meetings.

Petition information was sent to the Bristol-Kendall Fire Protection District on January 20, 2021.

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding the lack of a septic system on the property. The Petitioner's Attorney noted that porta-john was on the property and no customers are invited on the property. Employees do not linger on the property. Based on the current use and proposed use of the property, restroom facilities are not required. The well on the property had previously been used to water plants related to the former nursery business at the property. ZPAC recommended approval of the

proposed map amendment and special use permit with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes of the meeting were provided.

The subject property has been used as a landscaping business without proper zoning for many years and the Petitioners would like to become compliant with the Zoning Ordinance.

According to the submitted business plan, Cox Landscaping, LLC provides general landscaping services to commercial and residential customers. The business has a maximum fifteen (15) employees. Employees arrive at the property at approximately 6:45 a.m., go to work sites, and return to the property by 5:30 p.m. The business operates at maximum capacity from April 1st through Thanksgiving. A smaller number of employees work for the business from November through April.

The subject property is used for offices and storage of landscaping materials.

The subject property is used for wholesale purposes only; no customers come onto the property.

The property presently consists of one (1) one thousand thirty (1,030) square foot steel building. An approximately fifty-three (53) square foot metal shed is located northeast of the steel building. A metal storage bin is located to the southeast of the steel building. An approximately one hundred twenty (120) square foot frame shed is also located southeast of the steel building. A new shed is shown on the site plan; the new shed will be approximately eight feet (8') tall. Any new structures would require applicable building permits.

The property also has one (1) two hundred fifty-two (252) square foot concrete storage area, one (1) two hundred sixteen (216) square foot concrete storage area, one (1) seven hundred fourteen (714) square foot concrete storage area, and one (1) five hundred forty-four (544) square foot wood storage bay. The height of the storage areas is twelve feet (12').

One (1) diesel tank is located on the property.

The property is served by well. There is no septic on the premises.

The property drains to the southeast.

The main parking area consists of gravel and crushed asphalt.

A pulverized black dirt pile will be located on the northern portion of the property.

A stormwater management permit will be required. The stormwater information was provided.

The property has two (2) accesses off of Route 34.

One (1) two thousand five hundred (2,500) square foot gravel parking area is located west of the steel building and one (1) five thousand (5,000) square foot parking lot is located north of the steel building. There are twelve (12) parking spaces in the gravel parking area west of the steel building with an additional twelve (12) parking spaces to the east of the steel building.

Lights are presently located on the property by the sign, flagpole, and on the steel building. One (1) freestanding light is also located on the property next to the steel building. No additional lighting is planned.

The site has less than thirty (30) parking spaces. Therefore, a photometric plan is not required.

A sign is already located on the property. The sign is five feet (5') wide and two feet (2') tall. The sign is three point eight feet (3.8') off of the ground for a total height of slightly under six feet (6'). A light exists next to the sign and flagpole.

A wooden fence six feet (6') in height is located between the steel building and the berm. The Petitioners plan to install a cyclone mesh fence with slats to prevent viewing by the public. The fence will be approximately six feet (6') in height. A new fence gate is visible on the site plan.

Security cameras are also located on the steel building.

The Petitioners also plan to have a three foot (3') maximum height berm with black dirt and mulch with landscaping in the location shown on the site plan.

A berm already exists parallel to Route 34.

No additional plantings are planned for either berm.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the twelfth (12th) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact for the map amendment were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural and commercial purposes. The subject property has been used for a nursery and landscaping business for several years.

The Zoning classification of property within the general area of the property in question. The surrounding properties have business, office, residential, and agricultural zoning classifications. The subject property is split zoned A-1 Agricultural District and B-3 Highway Business District.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently split zoned A-1 and B-3. Landscaping businesses are special uses within both zoning classifications. However, from a regulatory and use standpoint, having a consistent zoning classification across both uses removes the possibilities of inconsistent and conflicting regulations that exist when a property possesses more than one (1) zoning classification.

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 along this portion of Route 34 is commercial, retail, office, similar related business uses.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Land Resource Management Plan calls for the subject property to be Suburban Residential and the Yorkville Comprehensive Plan calls for the property to be Agricultural even though a portion of the property has been zoned for business uses since the 1970s.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The owners of the business allowed by the special use permit will not invite the public onto the property.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The subject property has been used as a landscaping business for a number of years. Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, and aesthetics of the operations at the property. Therefore, the neighboring property owners should not suffer loss in property values and will not negatively impact the adjacent land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. The property has two (2) points of access off of Route 34. The site has adequate utilities and no customers of the business allowed by the special use permit will be invited onto the property. The owners of the business allowed by the special use permit have applied for applicable stormwater permits.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. True, the Petitioners are not requesting any variances.

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.”

Staff recommended approval of the requested map amendment. Staff also recommends approval of the requested special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan.
2. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
3. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan.
4. Equipment and vehicles related to the business may be stored outdoors.

5. Within six (6) months of approval of the ordinance allowing the special use for a landscaping business at the subject property, the owners or operators of the business allowed by this special use permit shall install a cyclone mesh fence approximately six (6') in height in substantially the location depicted on the site plan
6. One (1) business related sign five feet (5') wide by two feet (2') tall shall be allowed on the subject property as shown on the site plan. The sign can be a maximum four feet (4') off of the ground. The sign may be illuminated.
7. The owners of the business allowed by this special use permit may install necessary lighting for security purposes. All lights shall follow the lighting provisions contained in the Kendall County Zoning Ordinance.
8. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the site plan. The parking area shall be gravel.
9. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be installed and maintained in substantially the same location as shown on the site plan.
10. No landscape waste generated off the property can be burned on this site.
11. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:45 a.m. until 5:30 p.m.
14. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
16. 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.
17. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
18. 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.

Member McCarthy-Lange requested clarification on the rezoning request. Mr. Asselmeier responded that the area where the business was operating was split zoned. This proposal would bring the business area under one (1) zoning classification and would grant a special use permit for the landscaping business.

Member Wilson asked why the berm area did not screen the dirt pile. She also asked if any fencing would be around the dirt pile. Mr. Asselmeier responded that fencing would not be around the dirt pile. Dan Kramer, Attorney for the Petitioner, said the dirt pile was behind the berm. Mr. Kramer said more landscaping would be planted on the berm in the spring. The berm and dirt pile were not near the nearby residences. The dirt pile varies in size as projects occur.

Chairman Ashton expressed his frustration that applicants are submitting applications after starting operations without proper zoning.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the map amendment and special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on March 1, 2021.

Member Nelson recused himself at this time (7:26 p.m.).

Petition 21-03 Larry Nelson on Behalf of the L and P Nelson Trust 103

Mr. Asselmeier summarized the request.

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road. The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

The application materials, concept plan, Ordinance 2016-21, and aerial of the property were provided.

The expansion area is approximately thirty-one (31) acres in size.

The Future Land Use Plan calls for the property to be Rural Estate Residential and Countryside Residential.

Creek Road is a Township maintained Local Road. The County has a trail planned along Creek Road north of Frazier Road.

The One (100)-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

The adjacent land uses are Agricultural and an outlot to a residential subdivision.

The adjacent zonings are A-1 and A-1 SU in the County and AG-1 in Plano.

The County's Future Land Use Map calls for the area to be Agricultural, Countryside Residential, Rural Estate Residential, and Commercial. Plano's Future Land Use Map calls for the area to be Open Space, Low-Density Residential, and General Business.

The nearby zoning districts include A-1, A-1 SU, and R-3 in the County and AG-1, F-1, R-5, B-2, and B-5 in Plano.

The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

EcoCat submitted on January 5, 2021, and consultation was terminated.

NRI application submitted on January 8, 2021. The LESA Score was 188 indicating a low level of protection. The NRI Report was provided.

Little Rock Township was emailed information on January 19, 2021. The Township reviewed this proposal at their meeting on February 17, 2021. Overall, the Township was in favor of the proposal, but had concerns regarding the well and septic for the expansion area, the protocol for the people mover, and safety signage along Creek Road. The Township was working on a letter officially stating their position.

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

The City of Plano was emailed information on January 19, 2021. The Plano Planning Commission reviewed this proposal at their meeting on February 15, 2021. They recommended approval of the proposal on the condition that a traffic study of the intersection of Creek Road and Little Rock Road occur. Mr. Asselmeier read a letter from Tom Karpus of the City of Plano explaining the City's approval and concerns.

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding patrons crossing Creek Road to access amenities and facilities on the west of Creek Road. The Petitioner indicated that some form of people mover would be used to transport people across Creek Road. No pedestrian crossings were foreseen. The Petitioner noted that development of the property on the east side of Creek Road would take several years. ZPAC recommended approval of the proposal with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes were provided.

According to the business information provided, the Petitioner would like to expand operations of Woody's Orchard to the property they own on the east side of Creek Road. The Petitioners would like to construct approximately three (3) buildings with a total of thirty thousand square feet in substantially the locations shown on the concept plan. The concept plan also calls for two (2) parking areas and two (2) access points off of

Creek Road. Traffic circulation would be one (1) way throughout the property. The concept plan also calls for an apple tree area on the north side of the property.

The Petitioner would like the conditions and variances imposed by Ordinance 2016-21 to carry over to the new area of operations. The conditions from Ordinance 2016-21 are as follows:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to two hundred twenty-five (225), including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 a.m. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30 pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
 - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.
9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.

12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (10,000) square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12:10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

The variances from Ordinance 2016-21 are as follows:

1. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

According to the business plan information, the proposed use is "a hybrid use of agriculture, entertainment, food and family fun." Some commodities are grown onsite while others are grown offsite. Family friendly activities are also offered on the property.

No information was provided, either in the current application or in Ordinance 2016-21, regarding number of employees or number of events. Condition 3 of Ordinance 2016-21 stated that events cannot start prior to 7:00 a.m. any day of the week and shall end no later than 10:00 p.m. on Mondays thru Wednesdays and no later than 11:30 p.m. Thursdays thru Sundays. Banquets may end no later than midnight. Condition 2 of Ordinance 2016-21 stated that the maximum number of patrons at a banquet is limited to two hundred twenty-five (225), including vendors working at the property for a banquet.

The Petitioner did not indicate when they would start construction on the expansion, if the special use amendment was approved.

Building permits will be required for the proposed structures.

The Petitioner would like to amend Condition 3 of Ordinance 2016-21 by removing the three (3) building maximum. The total allowable square footage would remain at thirty thousand (30,000) and no non-agricultural building would be larger than ten thousand (10,000) square feet.

Section 7:01.D.32.g of the Kendall County Zoning Ordinance and Condition 10 of Ordinance 2016-21 requires a waste management plan be submitted and approved by the Kendall County Health Department prior to the operation of a micro distillery. Condition 11 of Ordinance 2016-21 requires adequate hand sanitation devices as determined by the Kendall County Health Department for the operation of a petting zoo. Condition 6 of Ordinance 2016-21 requires that any food prepared or sold on the property follow Kendall County Health Department regulations.

No information was provided regarding potable water availability or restroom facilities in the expansion area.

Electricity is onsite.

No information was provided for refuse control areas for refuse generated from the special uses.

The property fronts Creek Road. According to the concept plan, the way into the property would be a driveway across the street from the existing entrance to Woody's Orchard and the way out of the property would be through a driveway that lines up with Frazier Road.

The concept plan shows two (2) parking areas. No information was provided regarding the dimensions of the parking areas or the number of parking spaces. According to Condition 5 of Ordinance 2016-21, ADA parking spaces shall be marked and constructed with a hard surface. According to Condition 14 of Ordinance 2016-21, parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

According to Condition 4 of Ordinance 2016-21, all lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance. No information was provided regarding the number or location of lights.

According to Condition 13 of Ordinance 2016-21, all signage on the property shall follow the rules for signs in a Business District as outlined in Section 12:10 of the Zoning Ordinance. Signs may be externally illuminated. No information was provided regarding the number, location, or size of signs.

No specific information was provided regarding landscaping. The Petitioner indicated that they would provide additional landscaping information when applying for building permits.

No information was provided regarding specific noise control measures. The uses must follow the noise regulations in the Zoning Ordinance and the allowable noise levels listed in Ordinance 2016-21.

The proposed findings of fact for the special use permit were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. True. The Petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including a one-way traffic flow.

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

compatible with the surrounding area and/or the County as a whole. True. Conditions were included in the original special use permit ordinance that will regulate noise, lighting, and sanitation provisions.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Creek Road at the intersection with Frazier Road. Site plan, stormwater management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. The Petitioner was granted variances in the original special use permit ordinance. The Petitioner would like those variances extended to cover the special use expansion area.

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

The proposed findings of fact for the variances were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. While the subject property is not on an existing collector road, Creek Road is a well maintained Township Road which frequently accommodate truck traffic from the nearby Hillside Nursery. Commercial uses are called for in the vicinity of the subject property on the Future Land Use Maps for both Kendall County and City of Plano.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is true. This is a unique combination of uses and is not likely to be replicated in other areas of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioner did not create the setback requirements or access requirements.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variances will not impair the supply of light or air to neighboring properties. Since 2016, the Petitioner has demonstrated

no increased congestion on public streets by the uses allowed by the special use permit. There will be no increase in the danger of fire and no negative impacts to property values are foreseen.

Staff recommended approval of the requested amendment to special use permit granted by ordinance 2016-21 and the variances approved by Ordinance 2016-21 subject to the following conditions and restrictions:

1. The subject property shall be developed substantially in accordance with the concept plan. The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
 - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
 - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan. No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: “there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet.”
4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
5. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
6. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County’s Right to Farm Clause.
7. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
8. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Robert Long stated that his property is approximately two thousand feet (2,000’) to the proposed banquet center location and the closest existing home is approximately one thousand two hundred feet (1,200’) to the proposed banquet center. His concern was noise, but he was generally favorable of the proposal. He was also concerned about preservation of the Little Rock Creek watershed.

Member Wilson asked about outdoor bands or outdoor weddings. Mr. Nelson said that the answer to that question was undetermined at this time. Mr. Nelson also noted the existing noise regulations and previous noise

tests that he has done on the existing business. Mr. Nelson said that he intends to abide by the conditions of the special permit. Member Wilson expressed concerns regarding the Sheriff's Department obtaining noise measurements. Mr. Nelson stated that the closest house was approximately four hundred feet (400') from the proposed uses. The County has not received any noise complaints from the existing uses.

Member Rodriguez stated that he has gone to Woody's and thinks the business is remarkable. He noted the existing trees between the subject property and the nearby houses. Mr. Long noted that the trees do not block the noise.

Mr. Nelson and Mr. Long encouraged mutual respect between the applicant and neighbors.

Mr. Nelson noted the installation of the driveway on the west side of Creek Road to address potential traffic concerns.

Mr. Nelson noted that the property is highly erodible.

Mr. Nelson requested that the noise regulations apply only to the homes in existence at the time of special use permit approval. An aerial map could be added as an exhibit to the ordinance. Mr. Long noted that vacant residential lots exist in Lakewood Springs Club.

Member Rodriguez made a motion, seconded by Member Bledsoe, to recommend approval of special use permit and variances with the conditions proposed by Staff and with the amendment that the noise regulations apply to those residential structures that existed on the date of approval of the special use permit.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (0): None
Abstain (1): Nelson

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on March 1, 2021.

Member Nelson returned as a Member of the Commission at this time (8:04 p.m.)

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

Approval to Initiate Amendments to the Future Land Use Map in the Kendall County Land Resource Management Plan by Having the Transportation Plan Correspond to the 2020-2040 Long Range Transportation Plan, Updating Municipal Boundaries, Reclassifying Islands in the Fox River from Unknown to Open Space and Reclassifying the Remaining Unknown Properties to Match Adjoining Land Use Classifications

Mr. Asselmeier summarized the request.

In December 2019, the County Board approved a 2019-2039 Long Range Transportation Plan. In December 2020, the County Board approved a 2020-2040 Long Range Transportation Plan that was similar to the 2019-2039 Long Rang Transportation Plan.

The Plan has several changes from the Future Land Use Map contained in the Land Resource Management Plan. After discussions with Fran Klaas, at their meeting on October 28, 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee recommended the following changes to the Kendall County Land Resource Management Plan:

Remove

- Prairie Parkway
- Lisbon / Helmar Bypass
- Caton Farm Road West Route 71
- Fox River Drive Westerly Bypass of Village of Newark
- Whitfield Road Extension North to Griswold Springs Road
- Gates Lane West of Route 47
- County has now taken position to keep WIKADUKE Trail on the existing Stewart Road alignment all the way to Rance Road and then extend a new alignment northeasterly to Route 30 and Heggs Road, using the Village of Oswego's alignment for the WIKADUKE Trail.

Add

- Millington Road Extending North of Lions Road to Connect to Route 34
- Walker Road Relocated West of Route 71 to Make Connection to New Fox River Drive / Crimmins Road intersection
- Westerly Extension of Collins Road West of Minkler Road to Route 71
- Connecting Millbrook Road with the Millbrook Bridge by Aligning Millbrook Road and Whitfield Road behind the Existing Bank Building
- Having Douglas Road's Alignment Correspond to the Village of Oswego's Plans
- Aligning Cannonball Trail to Dickson Road and Gordon Street
- Extending Cherry Road into the Henneberry Woods Forest Preserve
- Extending Johnson Road East from Ridge Road to the County Line
- Miller Road Extended in DeKalb County

Changes in Land Use

- Changing the Suburban Residential Classification for the Properties South of the Johnson Road Extension to Mixed Use Business. Mr. Asselmeier noted that these would be the only properties in Na-Au-Say Township classified as Mixed Use Business.
- Updating the Future Land Use Map to Reflect Current Municipal Boundaries
- Correcting the Classification of the Minooka School District Property Near the Intersection of Route 52 and County Line Road
- Classifying the Parcels of Land Shown as "Unknown" on the Future Land Use Map to Match Adjoining Properties and/or Uses

The current Future Land Use Map, an updated Future Land Use Map, and updated trail map were provided. The redline version of the related text was also provided. The listing of parcels changed from unknown to a different use was also provided.

Mr. Asselmeier noted that Bristol Township submitted an email in favor of the proposal. Oswego Township submitted an email express concerns about several local roads. The County's opinion was that the concerns expressed by Oswego Township won't manifest themselves until the area is annexed by the Village of Oswego.

Member Nelson made a motion, seconded by Member Rodriguez, to initiate the amendment as proposed.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (0): None

The motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier said that Petitions 20-02 and 20-05 were withdrawn by the Petitioner. The Planning, Building and Zoning Committee will be discussing the next steps for this property at their March 8, 2021, meeting.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier said that there are four (4) agenda items for the March meeting. These include a map amendment request at the southwest corner of Galena and East Beecher Roads, a request for a special use permit for a flea market on Brisbin Road, a request for a banquet facility on Van Dyke Road, and the Land Resource Management Plan amendment.

Member Nelson stated the Comprehensive Land Plan and Ordinance Committee will be reviewing the land uses and zoning classifications for properties along Eldamain Road between the Fox River and Route 71.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Rodriguez, to adjourn.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (0): None

The motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:14 p.m.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
FEBRUARY 24, 2021**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Daw Kon	ret. 20-32	[REDACTED]
Scott Mullner	[REDACTED]	[REDACTED]