

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
August 2, 2021 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:04 p.m.

ROLL CALL:

Members Present: Karen Clementi, Cliff Fox, Randy Mohr, and Dick Thompson

Members Absent: Scott Cherry, Tom LeCuyer, and Dick Whitfield

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

Others Present: Adam Theis, JoAnn Bright-Theis, Steve Knutson, Kurt Buhle, and Scott Gengler

Chairman Mohr swore in Adam Theis, JoAnn Bright-Theis, Steve Knutson, and Kurt Buhle.

PETITIONS

The Zoning Board of Appeals started their review of Petition 21-24 at 7:05 p.m.

Petition 21 – 24 – Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)

Request: Renew the Special Use Permit Granted by Ordinance 2004-43 and Renewed by Ordinance 2019-22 Allowing the Placement of an Outdoor Advertising Sign (Billboard) at the Subject Property

PIN: 03-01-127-006

Location: Southeast Corner of the Intersection of U.S. Route 34 and Hafenrichter (Farnsworth) in Oswego Township

Purpose: Petitioner Wishes to Renew Special Use Permit for Billboard; Property is Zoned M-2

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. Restriction Number 2.C of the 2019 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years. The site plan and picture of the sign were provided.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township. The property is zoned M-2.

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

Route 34 is maintained by IDOT. Hafenrichter/Farnsworth is a Local Road Maintained by Oswego Township. Aurora has a trail planned along Hafenrichter.

There were no wetlands or floodplain on the property.

The adjacent land uses were agricultural, residential, commercial, and industrial.

The adjacent zoning districts were M-2 in the County and R-1 (S), R-5 (S), and B-2 (S) in Aurora.

Aurora's Future Land Use Map called for the area to be Low- and Medium-Density Residential, Commercial, Light Industrial, and Industrial.

Nearby zoning districts included A-1, R-3, B-3, M-1 SU, M-2 SU, in Kendall County and various districts in Aurora, Kane County, Will County, and DuPage County.

EocCat and Natural Resource Inventory not required.

Petition information was sent to Oswego Township on June 10, 2021. No comments were received.

Petition information was sent to the City of Aurora on June 10, 2021. The property owner was in annexation negotiations with the City of Aurora. Aurora sent an email on June 10, 2021, expressing no objections, but the sign would be removed upon annexation into Aurora. This email was provided.

Petition information was sent to Oswego Fire Protection District on June 10, 2021. Oswego Fire Protection District submitted an email on June 10, 2021, stating they had no comments regarding the request. This email was provided.

ZPAC reviewed this proposal at their meeting on July 6, 2021. ZPAC recommended approval of the request by vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 28, 2021. There were no comments or questions regarding the proposal. The Kendall County Regional Planning Commission recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign. Renderings of the sign and the petitioner's application (including lease, findings of fact, and site plan) were provided.

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

The restrictions imposed by Ordinance 2019-22 include:

1. The sign shall look substantially in the form as shown in the attached Exhibit.
2. The sign shall be located substantially in the location depicted on the attached Site Plan.

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

The appearance of the signs was included as Exhibits C and D in Ordinance 2019-22.

Pursuant to Section 12:06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

A picture of the sign was provided.

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

Access concerns, parking concerns, and screening concerns were not applicable.

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

The sign will not be illuminated.

No portion of the property was in a flood area and no wetlands existed on the property. No stormwater issues were anticipated by the proposal.

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

The proposed Findings of Fact were as follows:

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

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

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

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

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

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

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

Chairman Mohr asked if the County ever received any complaints about this billboard. Mr. Asselmeier responded no.

Chairman Mohr opened the public hearing at 7:08 p.m.

No members of the public wished to testify regarding this Petition.

Chairman Mohr closed the public hearing at 7:08 p.m.

Member Clementi made a motion, seconded by Member Fox, to approve the Findings of Fact.

The votes were as follows:

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

The motion passed.

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

The votes were as follows:

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

The motion passed.

The proposal will go to the Kendall County Planning, Building and Zoning Committee on Monday, August 9, 2021.

The Zoning Board of Appeals completed their review of Petition 21-24 at 7:09 p.m.

PUBLIC COMMENTS

Mr. Asselmeier said there are two (2) Petitions for the August meeting, a rezoning on the south of Route 52 west of Jughandle Road and a rezoning on the west side of Jughandle Road south of Route 52.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Clementi made a motion, seconded by Member Fox, to adjourn.

With a voice vote of four (4) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:04 p.m.

The next hearing/meeting will be on August 30, 2021.

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

Exhibits

1. Memo on Petition 21-24 Dated July 30, 2021
2. Certificate of Publication for Petition 21-24 (Not Included with Report but on file in Planning, Building and Zoning Office)



**KENDALL COUNTY
ZONING BOARD OF APPEALS
AUGUST 2, 2021**

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

NAME	ADDRESS	SIGNATURE
<i>Alan B. Shen</i>		
<i>[Signature]</i>		
<i>Steve K...</i>		
<i>Kurt P. Bushle</i>		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-24

**Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner)
and Pulte Home Corporation (Billboard Owner)**

M-2 Special Use – Renewal of a Special Use Permit for an Off-Premise Advertising Sign at the Northeast Corner of Route 34 and Hafenrichter (Farnsworth)

INTRODUCTION

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. Restriction Number 2.C of the 2019 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

SITE INFORMATION

PETITIONER Dave Hamman on Behalf of KEKA Farms, LLC and Pulte Home Corporation

ADDRESS No Address Has Been Assigned to the Sign

LOCATION Northeast Corner of Route 34 and Hafenrichter (Farnsworth)



TOWNSHIP Oswego

PARCEL # 03-01-127-006

LOT SIZE 42.89 acres (Sign is on the southwest corner.)

EXITING LAND USE Agricultural

ZONING M-2 Heavy Industry District with a Special Use Permit (Off-Premise Sign)

LRMP	Land Use	County: Commercial and Suburban Residential (Max 1 DU/Acre) City of Aurora: Commercial
	Roads	Route 34 is maintained by IDOT Hafenrichter/Farnsworth is a Local Road Maintained by Oswego Township.
	Trails	Aurora has a trail planned along Hafenrichter.
	Floodplain/ Wetlands	There are no wetlands or floodplain on the property.

REQUESTED ACTION Renewal of the Special Use Permit Awarded by Ordinance 2004-43 Granting a Special Use Permit for an Off-Premise Advertising Sign at the Subject Property

APPLICABLE REGULATIONS Section 12:06.A – Signs – General Standards
Section 12:12 – Signs – Special Use Signs: Commercial off-premise advertising structures may be permitted via a special use only in the M-2 and M-3 Manufacturing Districts.

Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Industrial	M-2 SU	Low Density Residential (0-5 du/acre) (Aurora)	Aurora, Kane County, DuPage County and M-2 SU in Unincorporated Kendall County
South	Commercial/Residential	Aurora (B-2(S), R-1(S) and R-5(S))	Low Density Residential (0-5 du/acre) and Commercial (Aurora)	Aurora and R-3 in Unincorporated Kendall County
East	Agricultural/Residential	Aurora (R-1(S) and R-5(S))	Low Density Residential (0-5 du/acre) and Medium Density Residential (6-10 du/acre) (Aurora)	Aurora and Will County
West	Residential	Aurora (R-5(S))	Commercial, Light Industrial and Industrial (Aurora)	Aurora, A-1, M-1 SU, and B-3 in Unincorporated Kendall County

PHYSICAL DATA**ENDANGERED SPECIES REPORT**

Not Required

NATURAL RESOURCES INVENTORY

Not Required

ACTION SUMMARY**OSWEGO TOWNSHIP**

Petition information was sent to Oswego Township on June 10, 2021.

CITY OF AURORA

Petition information was sent to the City of Aurora on June 10, 2021. The property owner is in annexation negotiations with the City of Aurora. The City of Aurora submitted an email on June 10, 2021, stating they did not object, but that the sign would be removed upon annexation. The email is included as Attachment 7.

OSWEGO FIRE PROTECTION DISTRICT

Petition information was sent to Oswego Fire Protection District on June 10, 2021. The Oswego Fire Protection District submitted an email on June 10, 2021, stating they had no comments regarding the request. The email is included as Attachment 6.

ZPAC

ZPAC reviewed this proposal at their meeting on July 6, 2021. ZPAC recommended approval of the request by vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting are included as Attachment 8.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 28, 2021. There were no comments or questions regarding the proposal. The Kendall County Regional Planning Commission recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting are included as Attachment 9.

GENERAL INFORMATION

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign. Renderings of the sign and the petitioner's application (including lease, findings of fact, and site plan) are included as Attachment 1.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions. Ordinance 2004-43 is included as Attachment 2, Ordinance 2017-14 included as Attachment 3, and Ordinance 2019-22 is included as Attachment 4.

The restrictions imposed by Ordinance 2019-22 include:

1. The sign shall look substantially in the form as shown in the attached Exhibit.
2. The sign shall be located substantially in the location depicted on the attached Site Plan.
3. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
4. The sign will not be illuminated.
5. The advertising on the sign is restricted to Pulte Group's residential development.

6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The appearance of the signs was included as Exhibits C and D in Ordinance 2019-22.

Pursuant to Section 12:06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

A picture of the sign is included as Attachment 5.

BUILDING CODES

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

ACCESS

Not Applicable

TRAILS

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

PARKING

Not Applicable

LIGHTING

The sign will not be illuminated.

SIGNAGE

Not Applicable

SCREENING

Not Applicable

STORMWATER

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

EASEMENTS

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

FINDINGS OF FACT

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

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

is compatible with the surrounding area and/or the County as a whole. True, the proposed special use will not negatively impact adjoining properties.

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

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

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

RECOMMENDATION

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

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

ATTACHMENTS

1. Application (Including Renderings, Site Plan, and Applicant's Findings of Fact)
2. Ordinance 2004-43
3. Ordinance 2017-14
4. Ordinance 2019-22
5. Picture of Sign
6. June 10, 2021 Oswego Fire Protection District Email
7. June 10, 2021 City of Aurora Email
8. July 6, 2021 ZPAC Minutes (This Petition Only)
9. July 28, 2021 Kendall County Regional Planning Commission Meeting Minutes (This Petition Only)



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME _____ **FILE #:** _____

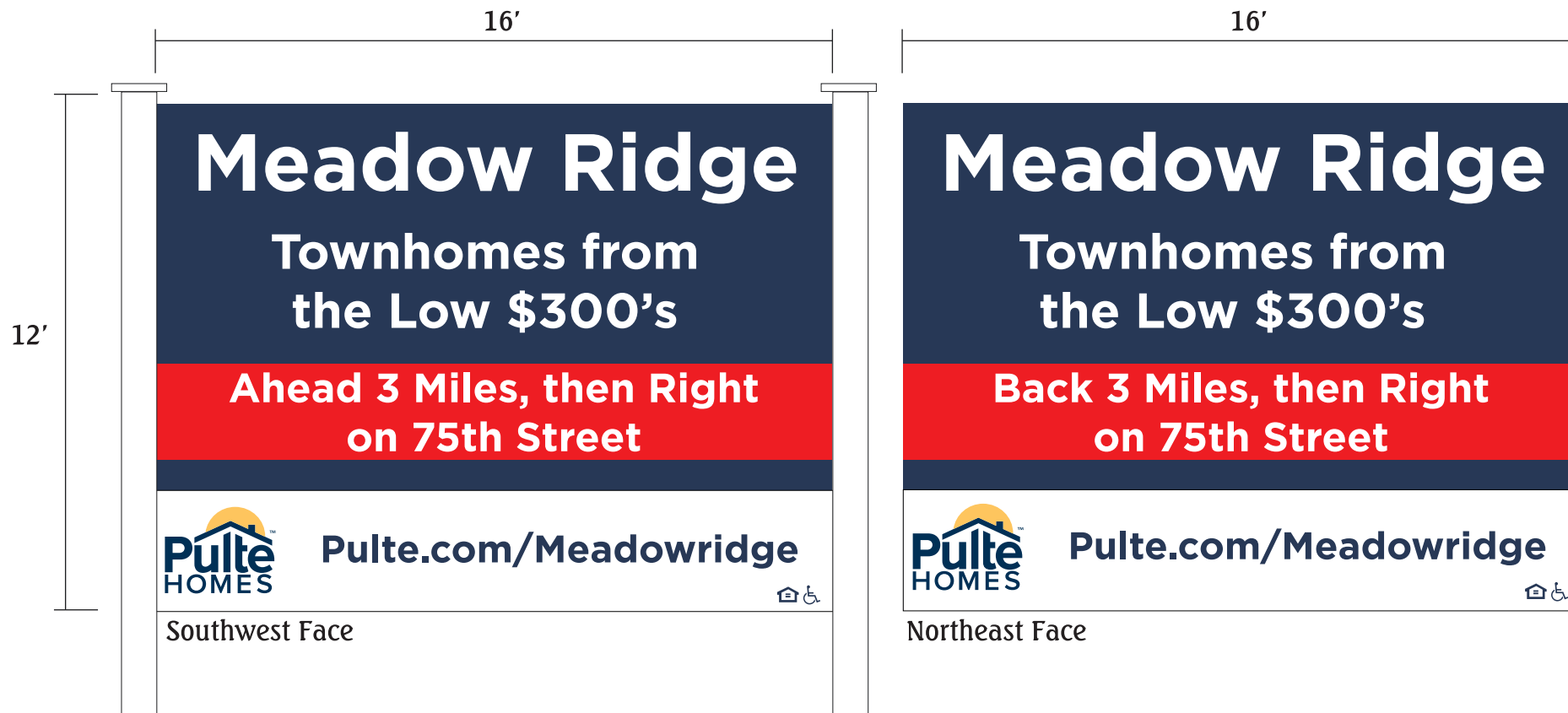
NAME OF APPLICANT		
Heather Lawson		
CURRENT LANDOWNER/NAME(S)		
Dave Hamman		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
42.39	SE corner of Hafenrichter and Route 34	PIN 03-01-127-006
EXISTING LAND USE		
M2		
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE _____ MAP AMENDMENT (Rezone to _____) _____ VARIANCE _____ ADMINISTRATIVE VARIANCE _____ A-1 CONDITIONAL USE for: _____ _____ SITE PLAN REVIEW _____ TEXT AMENDMENT _____ RPD (____ Concept; ____ Preliminary; ____ Final) _____ ADMINISTRATIVE APPEAL _____ PRELIMINARY PLAT _____ FINAL PLAT _____ OTHER PLAT (Vacation, Dedication, etc.) _____ AMENDMENT TO A SPECIAL USE (____ Major; ____ Minor)		
¹PRIMARY CONTACT		
Heather Lawson		
PRIMARY CONTACT MAILING ADDRESS		
[REDACTED]		
PRIMARY CONTACT EMAIL		
[REDACTED]		
PRIMARY CONTACT PHONE #		
[REDACTED]		
PRIMARY CONTACT FAX #		
[REDACTED]		
PRIMARY CONTACT OTHER #(Cell, etc.)		
[REDACTED]		
²ENGINEER CONTACT		
NA		
ENGINEER MAILING ADDRESS		
NA		
ENGINEER EMAIL		
NA		
ENGINEER PHONE #		
NA		
ENGINEER FAX #		
NA		
ENGINEER OTHER # (Cell, etc.)		
NA		
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		DATE
DocuSigned by: [REDACTED] F3FDfE3993FB4ED...		5/26/2021

FEE PAID: \$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

12'x16' Double Sided Informational Billboard.
NE Corner OF Fransworth & Ogden In Aurora.



12'x16' Double Sided Billboard Re-face.
3/8" MDO Painted Ronan Dark Blue w/White, Red & Digital Vinyl.

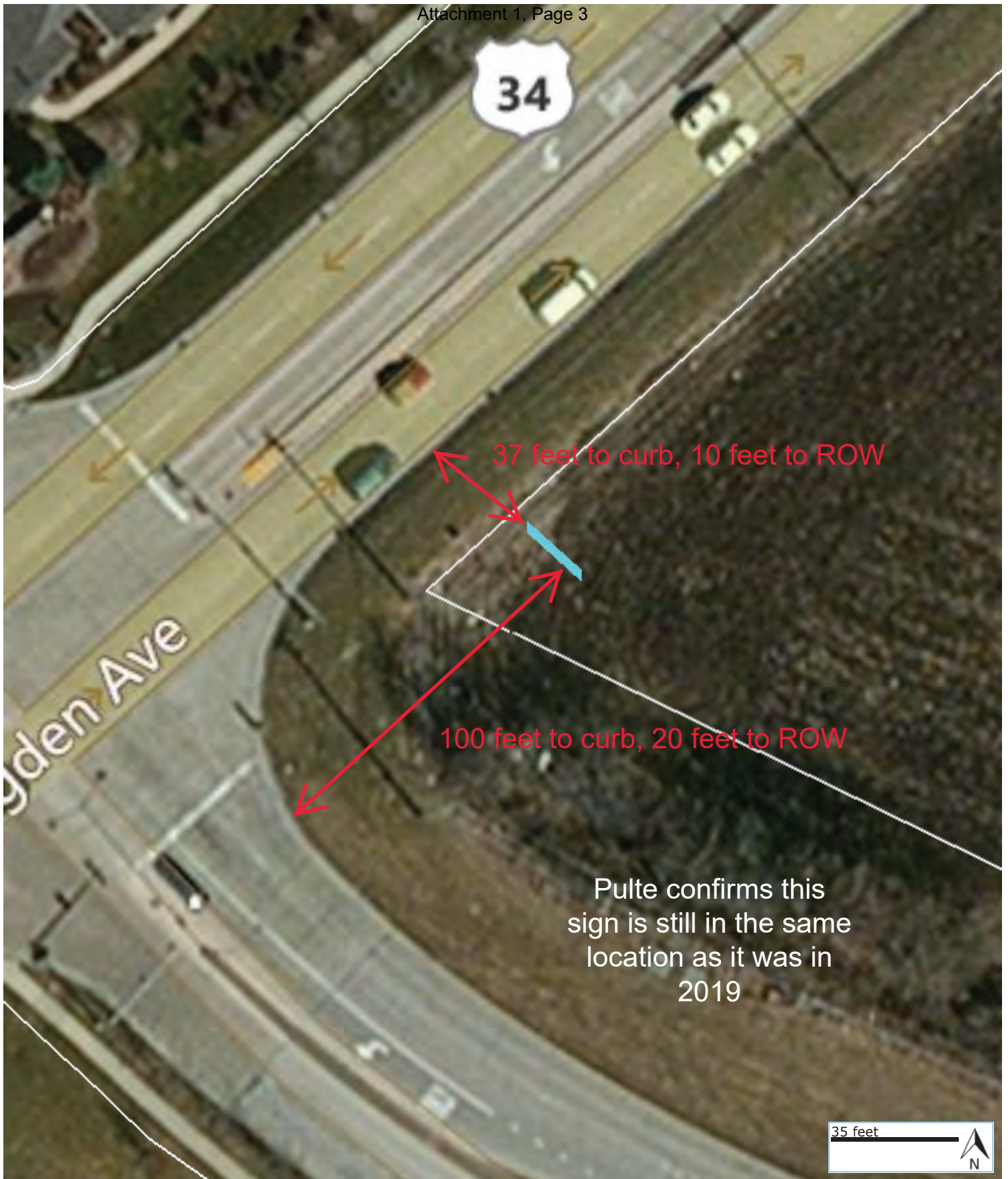
Approval Signature _____



426 W. Fifth Ave.
Naperville, IL. 60563

Phone: 630-357-2300
Fax: 630-357-3977

Signs@SignsNowNaperville.com



Pulte confirms this sign is still in the same location as it was in 2019

BILLBOARD LEASE AGREEMENT

Lessee:

Pulte Home Corporation
1900 E. Golf Road, Suite 300
Schaumburg, IL 60173
Contact: Heather Lawson, Marketing Manager
Ph: 847.230.5400 (main) ext. 5334
Fax: 847.969.9395

Lessor:

KEKA Farms LLC
Attn: Dave Hamman

Ph: 

Fax 1: 

Fax 2: 

Sign Location: Northeast Corner of Farnsworth and Ogden avenues, in unincorporated Kendall County, Illinois

Sign Information: 12' X 16' double face sign

Terms of Contract

1. Sign owner to maintain sign structure.
2. Contract term of 12 months from the date of signed contract. Renewable for additional time as needed and agreed upon by Lessee and Lessor, provided that Lessee acknowledges that Lessor has a Land Purchase Contract with DH Horton which this Billboard Lease agreement is subject and subordinated to, and which refers to the location of the Billboard as being on the "Commercial Lot" which provides, "Seller has a sign lease with Pulte Homes for signage on the Commercial Lot which is terminable by either Seller or Pulte Homes with 30 days written notice. Seller shall give notice of termination of that sign lease upon closing, together with an agreement by Seller, acceptable in form and substance to Buyer, that no builder signage similar to the existing sign will be permitted on the Commercial Lot post-Closing, unless on a sign permitted by the City of Aurora."
3. Advertiser (Also referred to herein as Lessee) and property owner have a mutual cancellation policy with 30 days written notice.
4. Rent: \$800.00 per month payable monthly for double face sign. Installation and maintenance of faces shall be the sole responsibility of Lessee during the duration of the lease agreement. Agreement is null & void if sign location is deemed illegal.

I HAVE READ AND UNDERSTAND THE LEASE AGREEMENT STATED ABOVE
AUTHORIZED SIGNATURES

DocuSigned by:

F3FDfE3993FB4ED...

Signature of Pulte Home Corporation

5/26/2021

Date



Signature of Lessor KEKA Farms
LLC by Dave Hamman, one of its
Managers

May 25, 2021

Date

May 25, 2021

KEKA Farms, LLC
Dave Hamman

[REDACTED]

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

Planning, Building & Zoning Department:

On behalf of KEKA Farms LLC, I am writing this letter to grant permission/approval to Pulte Homes to renew the special use permit for the sign located on my property at Hafenrichter and Route 34 (PIN 03-01-127-006).

Sincerely,

[REDACTED]

Dave Hamman, Manager

Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

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

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

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

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

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.

OF NE COR. OF FARNSWORTH & OGDEN AVE AURORA, ILLINOIS

PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS.

AREA TABLE

Table with 3 columns: GROSS, R.O.W., NET. Values: 1,931,560 SQ. FT. (44.3425 ACRES), 77,369 SQ. FT. (1.7761 ACRES), 1,854,191 SQ. FT. (42.5664 ACRES).

UTILITY ATLAS NOTES:

J.U.L.I.E. DESIGN STAGE REQUEST DIG NUMBER X2532125 RECEIVED 09/10/18. CONTACTS PROVIDED BY J.U.L.I.E. & LISTED BELOW WERE CONTACTED BY US VIA FAX, REQUESTING UTILITY ATLAS INFORMATION ON 09/10/18.

Table with 2 columns: CONTACTS, RESPONSE. Lists utility companies like ATT/DISTRIBUTION, COMCAST, etc. and their responses.

NOTES FROM SCHEDULE B

Table with 3 columns: EXCEPTIONS, PLOTTED HEREON, YES/NO. Lists items H through K regarding easements and flood hazard.

ALL OTHER SCHEDULE B ITEMS ARE NON-PLOTTABLE OR NOT A SURVEY MATTER.



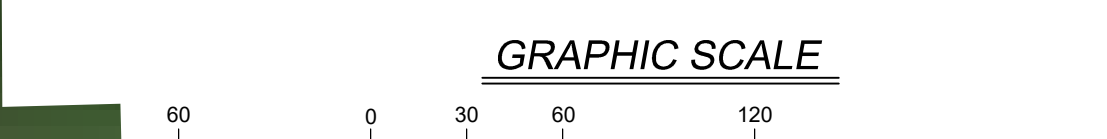
VICINITY MAP NOT TO SCALE

FLOOD HAZARD NOTE

THIS PROPERTY IS IN AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN (ZONE X) AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF KANE COUNTY AND KENDALL COUNTY, ILLINOIS & INCORPORATED AREAS, MAP NO. 17053C0057G, EFFECTIVE DATE AUGUST 3, 2009 AND MAP NO. AND MAP NO. 17053C0057G, EFFECTIVE DATE FEBRUARY 4, 2009.

GENERAL NOTES

- 1. COMPARE THIS PLAT, LEGAL DESCRIPTION AND ALL SURVEY POINTS AND MONUMENTS BEFORE ANY CONSTRUCTION... 2. DO NOT SCALE DIMENSIONS FROM THIS PLAT... 3. THE LOCATION OF THE PROPERTY LINES SHOWN ON THE FACE OF THIS PLAT ARE BASED UPON THE DESCRIPTION AND INFORMATION FURNISHED BY THE CLIENT...



BASIS OF BEARINGS THE BASIS OF BEARINGS IS THE STATE PLANE COORDINATE SYSTEM (SPCS) NAD 83 (2011) ZONE 1201 ILLINOIS EAST WITH PROJECT ORIGIN AT LATITUDE 41-43-33.71825 N LONGITUDE 88-16-48.72867 W GROUND SCALE FACTOR 1.0000925497 ALL MEASUREMENTS ARE ON THE GROUND.

BENCHMARK SOURCE: CITY OF AURORA BENCHMARKS STATION DESIGNATION: 35E ESTABLISHED BY: CITY OF AURORA DATE: 09-17-18 ELEVATION: 700.68 (PUBLISHED AND HELD) DATUM: NAVD83 DESCRIPTION: SURVEY DISC AT NORTHWEST CORNER OF U.S. ROUTE 34 (OGDEN AVENUE) AND FOX VALLEY DRIVE, 5' 2" SOUTH OF EDGE OF WALK AND 13' 0" WEST OF BACK OF CURB.

SITE: STATION DESIGNATION: SSM #1 ESTABLISHED BY: V3 DATE: 09-17-18 ELEVATION: 684.81 (MEASURED) DATUM: NAVD83 DESCRIPTION: SOUTHEAST TAGGED FLANGE BOLT ON FIRE HYDRANT, ON NORTH SIDE AT WEST END OF HEATING DRIVE.

STATION DESIGNATION: SSM #2 ESTABLISHED BY: V3 DATE: 09-17-18 ELEVATION: 685.82 (MEASURED) DATUM: NAVD83 DESCRIPTION: SOUTHEAST TAGGED FLANGE BOLT ON FIRST FIRE HYDRANT WESTERLY FROM SOUTHEAST CORNER OF SURVEYED SITE, ON NORTHERLY SIDE OF FARNSWORTH AVE.

STATION DESIGNATION: SSM #3 ESTABLISHED BY: V3 DATE: 09-17-18 ELEVATION: 700.99 (MEASURED) DATUM: NAVD83 DESCRIPTION: SOUTHEAST TAGGED FLANGE BOLT ON SECOND FIRE HYDRANT WESTERLY FROM SOUTHEAST CORNER OF SURVEYED SITE, ON NORTHERLY SIDE OF FARNSWORTH AVE.

THE ELEVATIONS ABOVE WERE KNOWN TO BE ACCURATE AT THE TIME THEY WERE ESTABLISHED. V3 DOES NOT CERTIFY TO THE ACCURACY THEREOF. V3 ASSUMES RESPONSIBILITY FOR THE MISUSE OR MIS-INTERPRETATION OF THE INFORMATION SHOWN HEREON.

IT IS ADVISED THAT ALL OF THE ABOVE ELEVATIONS BE CHECKED BETWEEN EACH OTHER AND WITH A MINIMUM OF 12 SURROUNDING UTILITY RM ELEVATIONS AND ANY ADJACENT BUILDING FINISHED FLOOR OR TOP OF FOUNDATION ELEVATIONS SHOWING PRIOR TO USE OR COMMENCEMENT OF ANY CONSTRUCTION OR OTHER WORK.

PERSONS USING THIS INFORMATION ARE TO CONTACT V3 IMMEDIATELY WITH ANY DISCREPANCIES FOUND PRIOR TO THE START OF ANY WORK.

LEGEND table listing symbols for various features like CABLE TV, TRAFFIC LIGHT, GAS VALVE, etc.

ABBREVIATIONS table listing symbols for PROPERTY LINE, EXISTING RIGHT-OF-WAY LINE, LOT LINE, etc.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS) SS COUNTY OF DUPAGE) TO: K. HOVANNIAN & C HOMES ILLINOIS LLC, KEKA FARMS LLC, FIDELITY NATIONAL TITLE INSURANCE COMPANY. THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARDS DETAILED REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 7(a), 8 AND 11 OF TABLE THEREOF.

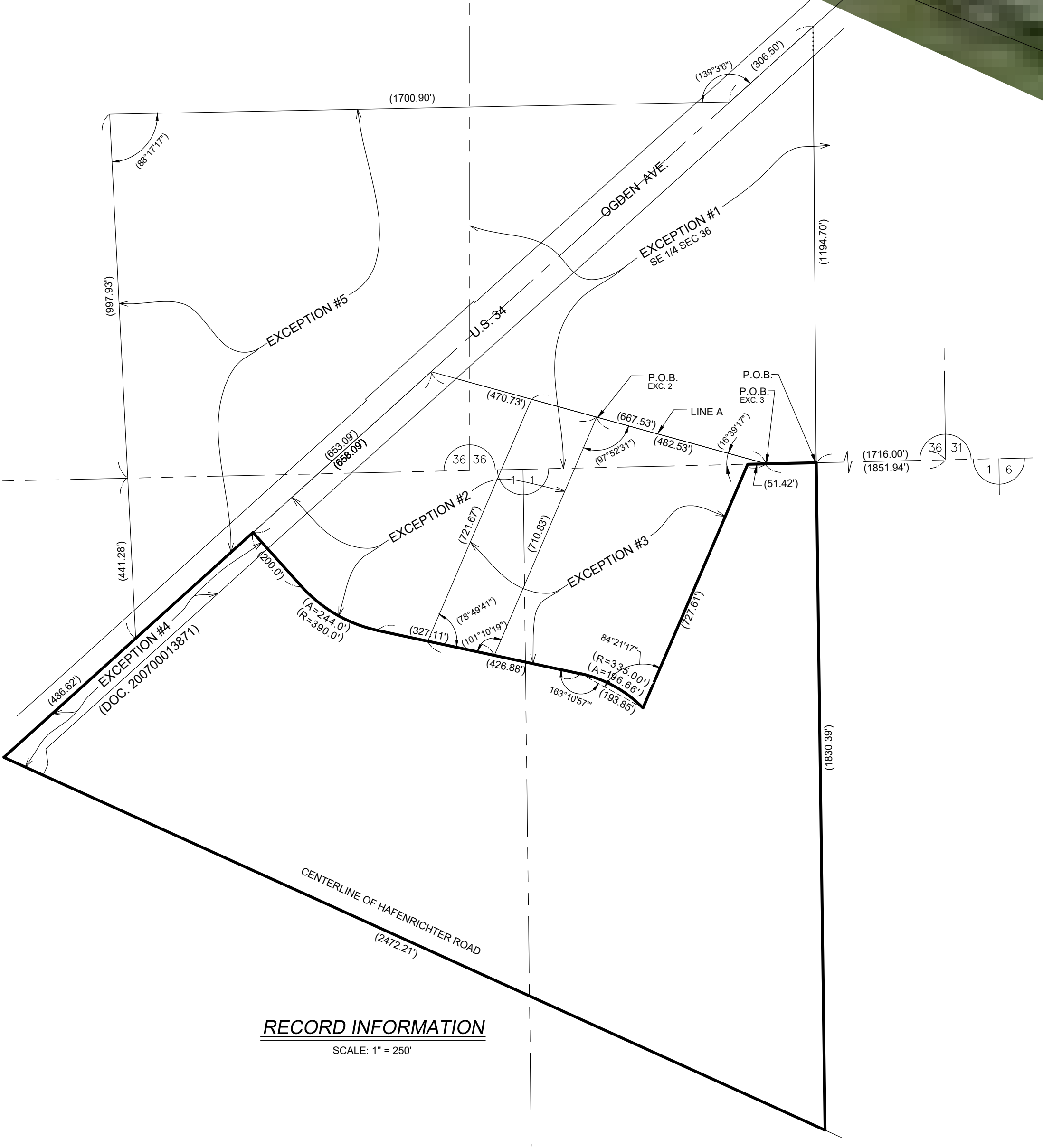
DATE: THIS 17TH DAY OF OCTOBER, A.D. 2018. CHARLES W. BARTZ, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-1188 NY LICENSE EXPIRES ON NOVEMBER 30, 2020. V3 COMPANIES, LTD. PROFESSIONAL DESIGN FIRM NO. 184000902 THIS DESIGN FIRM NUMBER EXPIRES APRIL 30, 2019. cwb@v3co.com

LEGAL DESCRIPTION

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET TO THE POINT OF BEGINNING, THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34, THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 398.50 FEET, THENCE WEST ALONG A LINE FORMING AN ANGLE OF 159 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36, THENCE SOUTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 867.83 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36, THENCE CONTINUING SOUTHWESTERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U.S. ROUTE NO. 34, THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF SAID HAFENRICHTER ROAD, THENCE SOUTHWESTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING, THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET, THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.33 FEET, THIS LINE HEREINAFTER REFERRED TO AS LINE "A", FOR THE POINT OF BEGINNING, THENCE SOUTHWESTERLY ALONG SAID LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE, THEREFROM 740.85 FEET, THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 527.11 FEET, THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 300.0 FEET, 244.0 FEET, THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34, THENCE NORTHWESTERLY ALONG SAID CENTER LINE 633.00 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A", THENCE SOUTHWESTERLY ALONG SAID EXTENDED LINE "A", 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING, THENCE NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHWESTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.89 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4, THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 514.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 20070013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34.



RECORD INFORMATION SCALE: 1" = 250'

Vertical sidebar containing project information: Project No. 18322, Group No. VP03.1, SHEET NO. 1 of 1, DRAWN BY: M.L.P., PROJECT MANAGER: C.W.B., SCALE: 1" = 60', CHECKED BY: C.W.B., FIELD WORK COMPLETED: 09-15-18, DRAFTING COMPLETED: 10-17-18, PREPARED FOR: K. HOVANNIAN HOMES, 164 N. WABER BOULEVARD, SUITE 200, ILWROOD, IL 60517, TEL: 630.724.0394 FAX: 630.724.0395, V3co.com, Engineers, Scientists, Surveyors.

03-01-127-006

03-01-200-012

03-01-127-004

Zoning Petition #0457

State of Illinois
County of Kendall

ORDINANCE NUMBER 2004 - 43
GRANTING SPECIAL USE
SOUTHEAST CORNER OF HAFENRICHTER AND ROUTE 34

WHEREAS, Centex Homes filed a petition for a Special Use within the M-2 district, for property generally located at the intersection of Hafenrichter and Route 34 in Oswego Township; and

WHEREAS, said petition is to allow an off-premise advertising sign, as provided in Sections 12.11 and 12.12 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is zoned M-2: Manufacturing; and

WHEREAS, said property is legally described as follows:

Part of the north half of Section 1, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township Kendall County Illinois

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

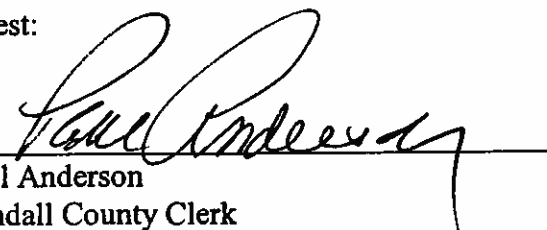
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a SPECIAL USE PERMIT to permit an off-premise advertising sign on the subject parcel as depicted in Group Exhibits "A" and "B" attached hereto and made a part hereof, subject to the following conditions:

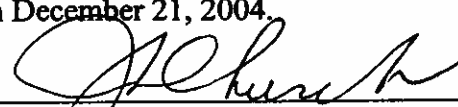
1. The sign will be removed or Centex Homes will apply to renew their special use in three years from the date of this ordinance.
2. The sign will not be illuminated; and
3. The advertising on the sign is restricted to Centex Homes' developments.

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

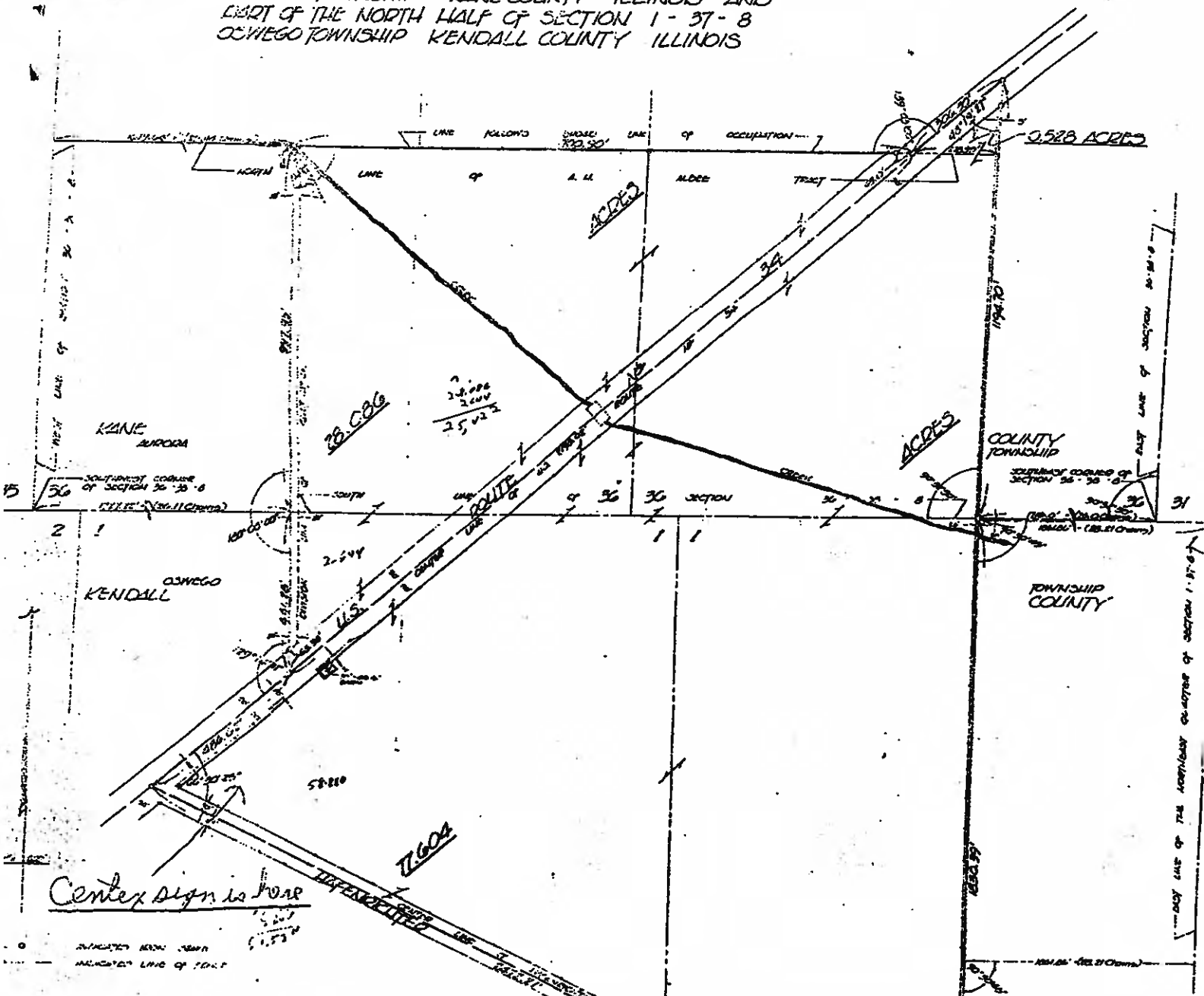
IN WITNESS OF, this ordinance has been enacted on December 21, 2004.

Attest:


Paul Anderson
Kendall County Clerk


John A. Church
Kendall County Board Chairman

PART OF THE SOUTH HALF OF SECTION 36-38-8
 AURORA TOWNSHIP KANE COUNTY ILLINOIS AND
 EAST OF THE NORTH HALF OF SECTION 1-37-8
 OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS



State of Illinois)
 County of Kane)

This is to certify that we, Donahue and Thornhill, Illinois Registered Land Surveyors, have surveyed that part of the South Half of Section 36, Township 38 North, Range 8 East of the Third Principal Meridian and part of the North Half of Section 1, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the southeast corner of said Section 36; thence westerly along the south line of said Section 36, 1716.0 feet (26.00 chains) for a point of beginning; thence northerly parallel with the east line of said Section 36, 1796.76 feet to the center line of U.S. Route No. 36; thence southwesterly along said center line 306.50 feet to the north line of a tract of land conveyed to A.H. Weber; thence westerly along said north line forming an angle of 139-03'06" with the last described course (measured counter-clockwise therefrom) 1700.90 feet to a point that is 1670.04 feet (25.44 chains) westerly of the west line of said Section 36; thence southerly along a line forming an angle of 22-17'17" with the last described course (measured clockwise therefrom) 107.83 feet to a point on the south line of said Section 36 that is 1727.22 feet (26.17 chains) easterly of the southeast corner of said Section 36; thence continuing southerly along the prolongation of the last described course 11.28 feet to the center line of said U.S. Route No. 36; thence southwesterly along said center line 486.62 feet to the center line of Hefner-ichter Road; thence southwesterly along the center line of said Hefner-ichter Road 2472.21 feet to a line drawn parallel with the east line of the Northwest Quarter of said Section 1 from the point of beginning; thence northerly along said parallel line 1830.39 feet to the point of beginning. In Aurora Township, Kane County and Oswego Township, Kendall County, Illinois and containing 105.690 acres, as shown by the plot hereon drawn which is a correct representation of said survey. All distances are shown in feet and decimal parts thereof.

Dated at Geneva, Illinois, April 3, 1973

John D. Donahue
 Illinois Registered Land Surveyor No. 1740

DONAHUE AND THORNHILL
 GENEVA ILLINOIS

EXHIBIT "B"

8'

CENTEX HOMES

Crossings at Wolf Creek

Homes from \$170's-\$300's

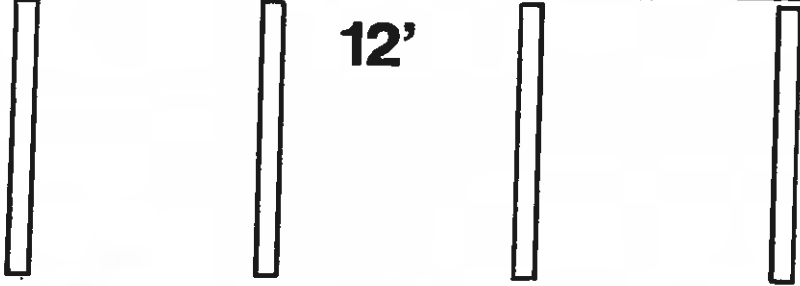
 Buyer's Welcome

South on Rte. 59 to 119th West

- 7.5"
- 14.5"
- 19"
- 7"

12'

48" ABOVE GRADE




8'

CENTEX HOMES

Springbrook at Farmington Lakes

Townhomes from \$150's-\$180's

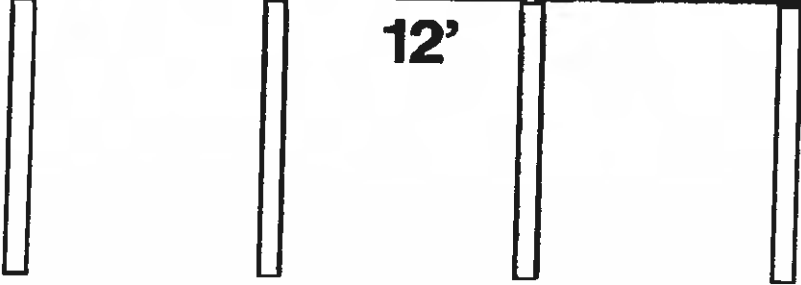
 Buyer's Welcome

Rte. 34 West to Douglas North

- 7.5"
- 14.5"
- 19"
- 7"

12'

48" ABOVE GRADE



State of Illinois
County of Kendall

Zoning Petition
#17-19

ORDINANCE NUMBER 2017 - 14

GRANTING A SPECIAL USE PERMIT FOR
**THE RENEWAL OF A SPECIAL USE PERMIT FOR A COMMERCIAL OFF-
PREMISE ADVERTISING STRUCTURE (BILLBOARD) ON THE PARCEL
IDENTIFIED AS 03-01-127-006 AND REVOKING THE SPECIAL USE PERMIT FOR A
COMMERCIAL OFF-PREMISE ADVERTISING STRUCTURE (BILLBOARD) ON
THE PARCEL IDENTIFIED AS 03-01-127-004 LOCATED AT THE CORNER OF
ROUTE 34 AND HAFENRICHTER (FARNSWORTH) IN OSWEGO TOWNSHIP**

WHEREAS, the Kendall County Board granted a special use permit for a commercial off-premise advertising structure at the corner of Route 34 and Hafenrichter (Farnsworth) by Ordinance 2004-43 on December 21, 2004; and

WHEREAS, Ordinance 2004-43 granted a special use permit for the properties identified by Parcel Identification Numbers 03-01-127-006 and 03-01-127-004; and

WHEREAS, Ordinance 2004-43 required that the special use be renewed every three years; and

WHEREAS, the Pulte Group representing Dave Hamman petitioned for the renewal of the special use permit allowed by Ordinance 2004-43; and

WHEREAS, the petitioners propose to retain the sign on the parcel identified by Parcel Identification Number 03-01-127-006 and to revoke the special use permit on the parcel identified by Parcel Identification Number 03-01-127-004; and

WHEREAS, said property is currently zoned M-2 Heavy Industrial District with a special use permit for a commercial off-premise advertising structure; and

WHEREAS, said property is legally described as:

PART OF THE NORTH HALF OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN OSWEGO TOWNSHIP KENDALL COUNTY, ILLINOIS

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on August 28, 2017; and

WHEREAS, the Findings of Fact 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. **Provided that the sign is placed in a location in compliance with Section 12 of the Kendall County Zoning Ordinance, the special use will not be detrimental to or endanger the public***

State of Illinois
County of Kendall

Zoning Petition
#17-19

health, safety, morals, comfort, or general welfare of the public.

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

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby grants approval of a special use zoning permit to for the placement of a commercial off-premise advertising structure on the parcel identified by Parcel Identification Number 03-01-127-006 in accordance to the submitted Site Plan included as "Exhibit A and Exhibit B" attached hereto and incorporated herein subject to the following conditions:

1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
2. The sign will not be illuminated.

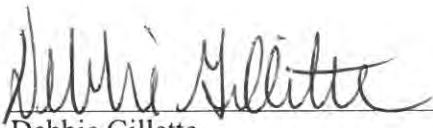
State of Illinois
County of Kendall

Zoning Petition
#17-19

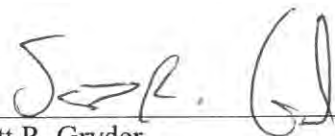
3. The advertising on the sign is restricted to Pulte Group's residential development.
4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

IN WITNESS OF, this ordinance has been enacted on September 19, 2017.

Attest:



Debbie Gillette
Kendall County Clerk



Scott R. Gryder
Kendall County Board Chairman



12'x16' Double Sided Informational Billboard.
NE Corner OF Fransworth & Ogden In Aurora.

192 SQ. FT.



12"x192" Single Sided Model Now Open Patch.
3/8" MDO Painted Ronan Dark Blue w/White Vinyl Copy.
Qty: 2

Sign is not illuminated. Sign is 12' tall with 2' tall posts= 14' from ground to top of sign. Sign is 16' wide. 3/8" MDO Painted Ronan Dark Blue w/ White. Duranodic Bronze and Digital Vinyl. MDO Mounted to 2 White Wooden 10" x 10" columns.

Approval Signature

signsnow215@gmail.com

Phone: 630-357-2300
Fax: 630-357-3977

SIGNSNOW 426 W. Fifth Ave.
Naperville, IL. 60563

State of Illinois
County of Kendall

Zoning Petition
#19-25

ORDINANCE NUMBER 2019- 22

**GRANTING A RENEWAL TO A SPECIAL USE PERMIT GRANTED BY ORDINANCE 2004-43
ON PROPERTY ZONED M-2 HEAVY INDUSTRIAL DISTRICT FOR AN OUTDOOR
ADVERTISING SIGN ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF U.S.
ROUTE 34 AND HAFENRICHTER (FARNSWORTH) (PIN: 03-01-127-006)
IN OSWEGO TOWNSHIP**

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

WHEREAS, Section 12.12 of the Kendall County Zoning Ordinance permits the placement of outdoor advertising structures and off-premise advertising signs as a special use permit with certain restrictions in the M-2 Heavy Industrial Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the M-2 Heavy Industrial Zoning District and consists of approximately 42.93 acres located at the southeast corner of the intersection of U.S. Route 34 and Hafenrichter (Farnsworth) (PIN: 03-01-127-006) in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property."; and

WHEREAS, the subject property is currently owned by KEKA Farms, LLC and is represented by Dave Hamman and the owner leases the property to Pulte Group and shall collectively hereinafter be referred to as "Petitioner"; and

WHEREAS, on December 21, 2004, the Kendall County Board approved Ordinance 2004-43 granting a special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

WHEREAS, Condition #1 of Ordinance 2004-05 required that the special use granted by said ordinance be renewed every three years;

WHEREAS, on September 19, 2017, the Kendall County Board approved Ordinance 2017-14 granting a renewal of the special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

WHEREAS, Condition #1 of Ordinance 2017-14 and Section 12.06.A.4 of the Kendall County Zoning Ordinance require special use permits for such signs to be renewed every two years; and

WHEREAS, on or about June 14, 2019, Petitioner filed a petition for renewal of the special use permit granted by Ordinance 2004-05 and renewed by Ordinance 2017-14; and

WHEREAS, following due and proper notice by publication in the Beacon-News on June 30, 2019, the Kendall County Zoning Board of Appeals conducted a public hearing on July 29, 2019, at 7:00 p.m. in the County Office Building at 111 W. Fox Street in Yorkville, at which evidence, testimony, and exhibits in support of the requested renewal to an existing special use permit was presented and zero members of the public testified in favor or in opposition to the request; and

State of Illinois
County of Kendall

Zoning Petition
#19-25

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval with conditions of the renewal to an existing special use permit as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated July 29, 2019, a true and correct copy of which is attached hereto as Exhibit B; and

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

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

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

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

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a renewal to an existing special use permit allowing the placement of an outdoor advertising structure (billboard) on the subject property subject to the following conditions:
 - A. The sign shall look substantially in the form as shown in Exhibit C attached hereto.
 - B. The sign shall be located substantially in the location depicted on the Site Plan attached hereto as Exhibit D.
 - C. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
 - D. The sign will not be illuminated.
 - E. The advertising on the sign is restricted to Pulte Group's residential development.
 - F. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
 - G. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.

State of Illinois
County of Kendall

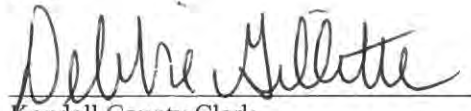
Zoning Petition
#19-25

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

3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 27th day of August, 2019.

Attest:


Kendall County Clerk
Debbie Gillette

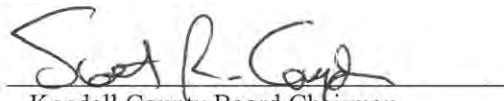

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

Legal Description

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A" 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE

NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34

Exhibit B

FINDINGS OF FACT

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

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

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

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

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

Recommendation

The Kendall County Zoning Board of Appeals recommends approval of the requested renewal to an existing special use permit with the following conditions:

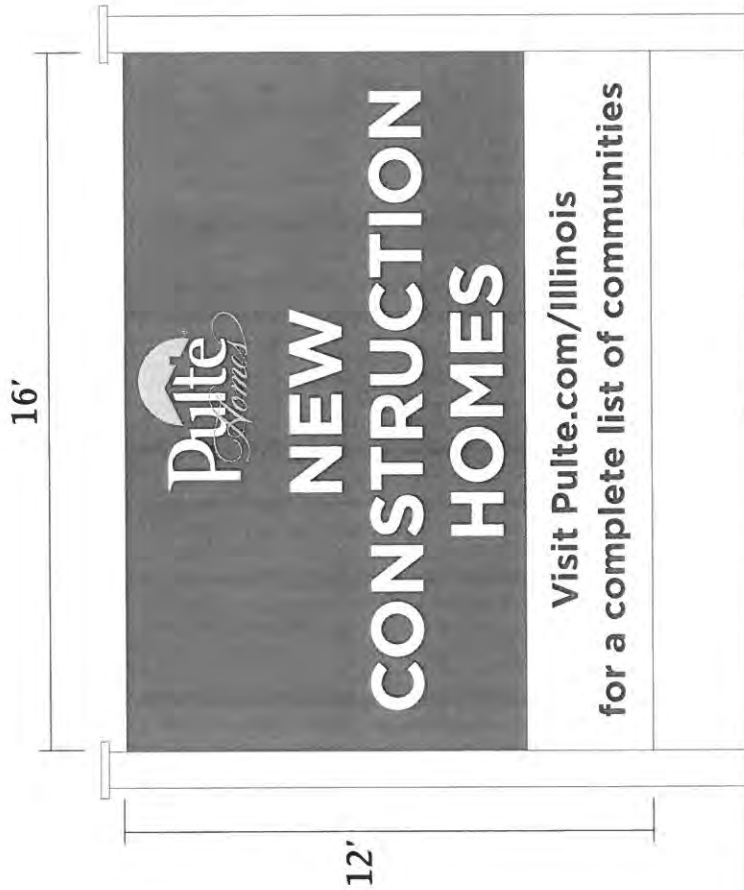
1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.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

The Kendall County Zoning Board of Appeals issues this recommendation by a vote of six (6) in favor, zero (0) opposed, and one (1) absent.

July 29, 2019

Exhibit C

12'x16' Double Sided Informational Billboard.
NE Corner OF Fransworth & Ogdan In Aurora.



Sign is not illuminated. Sign is 12' tall with 2' tall posts = 14' from ground to top of sign.
Sign is 16' wide. 3/8" MDO Painted Ronan Dark Blue w/ White, Duranodic Bronze and Digital Vinyl.

12'x16' Double Sided Billboard Re-face.
3/8" MDO Painted Ronan Dark Blue w/White, Light Grey & Digital.
Qty 1

Approval Signature _____

SIGNSNOW 426 W. Fifth Ave. Phone: 630-357-2300
Naperville, IL 60563 Fax: 630-357-3977 **Signs@SignsNowNaperville.com**

EXHIBIT D



Pulte confirms that the sign was relocated in 2017 and is still in the correct position as indicated on this drawing.

Meadow Ridge

Townhomes from
the Low \$300's

Ahead 3 Miles, then Right
on 75th Street

05/27/2021 08:53

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Thursday, June 10, 2021 8:19 AM
To: Matt Asselmeier
Cc: John Cornish
Subject: [External]RE: Kendall County Zoning Petition 21-24

Matt,

Thank you for the information. At this time, the Oswego Fire Protection District has no comments concerning this petition.

Regards,

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District

Matt Asselmeier

From: Sieben, Ed <SiebenE@aurora.il.us>
Sent: Thursday, June 10, 2021 10:51 AM
To: Matt Asselmeier; Captain Alec Keenum; Claude Ainsworth (cainsworth@oswegotownship.com); Joe West (jwest@oswegotownship.com); John Cornish; Kenneth Holmstrom; Vacek, Tracey; Morgan, Jill; City Clerk
Cc: Scott Koeppel; Scott Gengler
Subject: [External]RE: Kendall County Zoning Petition 21-24

Matt, no objection provided that the sign would need to be removed upon annexation of the property to Aurora. We are currently in negotiations for that.

Edward T. Sieben
Director/Zoning Administrator
City of Aurora
Zoning & Planning Division
77 S. Broadway, 2nd Fl.
(630) 256-3080

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
July 6, 2021 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
Brian Holdiman – PBZ Department
Sgt. Scott Moran – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

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

Audience:

Boyd Ingemunson and JoAnn Bright-Theis

PETITIONS

Petition 21-24 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. Restriction Number 2.C of the 2019 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years. The site plan and picture of the sign were provided.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township. The property is zoned M-2.

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

Route 34 is maintained by IDOT. Hafenrichter/Farnsworth is a Local Road Maintained by Oswego Township. Aurora has a trail planned along Hafenrichter.

There are no wetlands or floodplain on the property.

The adjacent land uses are agricultural, residential, commercial, and industrial.

The adjacent zoning districts are M-2 in the County and R-1 (S), R-5 (S), and B-2 (S) in Aurora.

Aurora's Future Land Use Map calls for the area to be Low- and Medium-Density Residential, Commercial, Light Industrial, and Industrial.

Nearby zoning districts include A-1, R-3, B-3, M-1 SU, M-2 SU, in Kendall County and various districts in Aurora, Kane County, Will County, and DuPage County.

EocCat and Natural Resource Inventory not required.

Petition information was sent to Oswego Township on June 10, 2021.

Petition information was sent to the City of Aurora on June 10, 2021. The property owner is in annexation negotiations with the City of Aurora. Aurora sent an email on June 10, 2021, expressing no objections, but the sign would be removed upon annexation into Aurora. This email was provided.

Petition information was sent to Oswego Fire Protection District on June 10, 2021. Oswego Fire Protection District submitted an email on June 10, 2021, stating they had no comments regarding the request. This email was provided.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign. Renderings of the sign and the petitioner's application (including lease, findings of fact, and site plan) were provided.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions. Ordinance 2004-43, Ordinance 2017-14, and Ordinance 2019-22 were provided.

The restrictions imposed by Ordinance 2019-22 include:

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

The appearance of the signs was included as Exhibits C and D in Ordinance 2019-22.

Pursuant to Section 12:06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

A picture of the sign was provided.

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

There were no concerns regarding access.

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

Parking and screening information was not applicable.

The sign will not be illuminated.

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

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

The proposed Findings of Fact were as follows:

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

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

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

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

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

Staff recommended the following conditions be included in the approving special use ordinance:

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

Mr. Gengler asked if the special use permit had to be amended in order for the sign to be illuminated. Mr. Asselmeier responded yes.

Mr. Holdiman made a motion, seconded by Mr. Rybski, to recommend approval of the proposal.

The votes were as follows:

Yeas (6): Asselmeier, Gengler, Holdiman, Moran, Olson, and Rybski

Nays (0): None

Abstain (0): None

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

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on July 28, 2021.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Holdiman made a motion, seconded by Mr. Rybski, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The ZPAC, at 9:18 a.m., adjourned.

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

Attachment 9, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of July 28, 2021 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson, and Seth Wormley

Members Absent: Tom Casey and Dave Hamman

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Boyd Ingemunson, JoAnn Bright-Theis, Adam Theis, Steve Knutson, Kurt Buhle, Jeanette Buhle, John Vogt, and Robert Bright

PETITIONS

Petition 21-24 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. Restriction Number 2.C of the 2019 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years. The site plan and picture of the sign were provided.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township. The property is zoned M-2.

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

Route 34 is maintained by IDOT. Hafenrichter/Farnsworth is a Local Road Maintained by Oswego Township. Aurora has a trail planned along Hafenrichter.

There were no wetlands or floodplain on the property.

The adjacent land uses were agricultural, residential, commercial, and industrial.

The adjacent zoning districts were M-2 in the County and R-1 (S), R-5 (S), and B-2 (S) in Aurora.

Aurora's Future Land Use Map called for the area to be Low- and Medium-Density Residential, Commercial, Light Industrial, and Industrial.

Nearby zoning districts included A-1, R-3, B-3, M-1 SU, M-2 SU, in Kendall County and various districts in Aurora, Kane County, Will County, and DuPage County.

EocCat and Natural Resource Inventory not required.

Petition information was sent to Oswego Township on June 10, 2021.

Petition information was sent to the City of Aurora on June 10, 2021. The property owner was in annexation negotiations with the City of Aurora. Aurora sent an email on June 10, 2021, expressing no objections, but the sign would be removed upon annexation into Aurora. This email was provided.

Petition information was sent to Oswego Fire Protection District on June 10, 2021. Oswego Fire Protection District submitted an email on June 10, 2021, stating they had no comments regarding the request. This email was provided.

ZPAC reviewed this proposal at their meeting on July 6, 2021. ZPAC recommended approval of the request by vote of six (6) in favor and zero (0) in opposition with four (4) member absent. The minutes of the meeting were provided.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign. Renderings of the sign and the petitioner's application (including lease, findings of fact, and site plan) were provided.

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

The restrictions imposed by Ordinance 2019-22 include:

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

The appearance of the signs was included as Exhibits C and D in Ordinance 2019-22.

Pursuant to Section 12:06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

A picture of the sign was provided.

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

Access concerns, parking concerns, and screening concerns were not applicable.

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

The sign will not be illuminated.

No portion of the property was in a flood area and no wetlands existed on the property. No stormwater issues were anticipated by the proposal.

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

The proposed Findings of Fact were as follows:

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

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

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

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

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

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

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

Chairman Ashton asked if anyone had any comments or questions regarding the Petition. There were no comments or questions regarding the Petition.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the Petition.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, McCarthy-Lange, Nelson, Rodriguez, Stewart, Wilson, and Wormley
Nays (0): None
Absent (2): Casey and Hamman
Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on August 2, 2021.

ADJOURNMENT

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


The Kendall County Regional Planning Commission meeting adjourned at 8:10 p.m.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JULY 28, 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)
Bald Ingemans		
		
STEVE KNUTSON		
KURT BUCKE		
John Voyle		
James Bucke		
