



KENDALL COUNTY
ZONING AND PLATTING ADVISORY COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

July 6, 2021 - 9:00 a.m.

CALL TO ORDER

ROLL CALL: County Board: Scott Gengler, PBZ Committee Chair; County Highway Department: Fran Klaas, County Engineer; **WBK Engineering, LLC:** Greg Chismark, Stormwater Consultant; **County Health Department:** Aaron Rybski, Director Environmental Health; **Forest Preserve District:** David Guritz, Director; **SWCD:** Alyse Olson, Resource Conservationist; **Sheriff's Office:** Commander Jason Langston; **GIS:** Meagan Briganti; **PBZ:** Brian Holdiman, Code Official; Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of June 1, 2021 ZPAC Meeting Minutes (Pages 2-7)

PETITIONS:

1. **Petition 21 – 24 – Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner) (Pages 8-38)**
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

2. **Petition 21 – 26 – Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis (Pages 39-98)**
Request: Major Amendments to the Special Use Permit for a Banquet Facility Granted by Ordinance 2019-23 by Dividing the Building Allowed to be a Banquet Facility into Separate Event Spaces, Setting the Maximum Capacities of the Event Spaces, Setting the Days of and Hours of Operation for the Events Spaces, and Removing the Requirement that the Barn Doors be Closed by 7:00 p.m. at Events with Music
PINs: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-31-200-014, 04-32-100-006, and 04-32-100-008
Location: 10978 Crimmin Road, Newark, Fox Township
Purpose: Petitioners Wish to Amend the Existing Special Use Permit; Property is Zoned A-1 with a Special Use Permit

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/ NEW BUSINESS

None

CORRESPONDENCE

PUBLIC COMMENT

ADJOURNMENT- Next meeting on August 3, 2021

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

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
June 1, 2021 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:09 a.m.

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department

Audience:

Wanda Hogan and Michael Mattingly

AGENDA

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

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

MINUTES

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the April 6, 2021, meeting minutes.

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

PETITIONS

Petition 21-19 Thomas and Wanda Hogan

Mr. Asselmeier summarized the request.

In March 2021, the Petitioners submitted an application for a market at the subject property. At the Kendall County Regional Planning Commission meeting, Kendall County Zoning Board of Appeals hearing, and Kendall County Planning, Building and Zoning Committee meeting, concerns were raised about the intensity of the use, the compatibility of the use in relation to adjacent agricultural uses, the impact of the proposed use on property values, safety at the property and along Brisbin Road, and the appearance of the property. After receiving negative recommendations at the above meetings and hearing, the Petitioner withdrew the original Petition.

On May 13, 2021, the Petitioner submitted a revised Petition. According to the information provided to the County, the Petitioners would like to offer an outdoor, twenty (20) stall market on the subject property with food. The market would feature vendors, including the Petitioners, their family members, and other vendors, that would sell goods not produced on the premises. The Petitioners have removed some items from the property and have agreed to install a four foot (4') snow fence around the ponds when the market is occurring.

The application materials, plat of survey, site plan, and the aerial of the property were provided.

The property is located at 14975 Brisbin Road.

The property is approximately three point eight (3.8) acres.

The current land use is Agricultural. The future land use is Rural Estate Residential.

Brisbin Road is a township maintained Major Collector.

There are no trails planned along Brisbin Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural.

The adjacent zoning districts are A-1.

The Future Land Use Map calls for the area to be Agricultural and Rural Estate Residential. The Village of Plattville's Future Land Use Map calls for the property to be Low Density Residential. The subject property is greater than one point five (1.5) miles from the Village of Lisbon. However, the Village of Lisbon's Future Land Use Map calls for this property to be Mixed Use Business and Agricultural.

The A-1 special use to the west is for an indoor storage facility of boats, trailers, recreational vehicles and classic cars.

EcoCat submitted on February 2, 2021, and consultation was terminated.

NRI application submitted on January 28, 2021 as part of the original application. A revised application was submitted on May 13, 2021. The LESA Scores from both the original and revised applications was 190 indicating a low level of protection. The revised NRI Report was provided.

Lisbon Township was emailed information on May 18, 2021.

Seward Township was emailed information on May 18, 2021.

The Village of Plattville was emailed information on May 18, 2021.

Lisbon-Seward Fire Protection District was emailed information on May 18, 2021.

According to the plat of survey and the site plan, the site will consist of twenty (20) outdoor vendor stations plus one (1) additional food vendor located along the western and southwestern portion of the property near the existing approximately forty foot by eighty foot (40'X80') steel barn. A food area will be located north of the barn. An existing red storage trailer is located north of the existing gravel drive.

No new buildings are planned for the site. No existing structures are planned for demolition.

One (1) four foot (4') temporary snow fence will be installed around the ponds when the market is occurring.

Section 7:01.D.48 places several conditions and restrictions on special use permits regarding the sale of pottery, art, and home décor. These include:

1. A sit-down food area is allowed if incidental to the primary operation of retail sales.
2. The subject parcel must not be less than three (3) acres in size.
3. Must be along a hard surfaced road classified as an arterial or major collector in the Land Resource Management Plan.
4. Is located in an area not designated as Agricultural on the Land Resource Management Plan.
5. Must occur in a manner that will preserve the existing farmhouse, barns, related structures, and the pastoral setting.
6. Must serve as a transitional use between agricultural areas and advancing suburban development.
7. Must serve to prevent spot zoning.
8. Retail and wholesale must occur in an existing building, unless otherwise approved by the County Board.
9. Any new structures must reflect the current architecture of the existing structures.
10. No outside display of goods.

11. Cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
12. Limited demolition of farmhouse and outbuildings is allowed.
13. Site plan is required.
14. Signage must follow the requirements in the Zoning Ordinance.
15. Off-street parking must follow the requirements in the Zoning Ordinance.

Assuming the County Board approves sales outside existing buildings, all of the above requirements of the Zoning Ordinance are addressed.

If approved, this would be the tenth (10th) special use permit for the sale of products not grown on the premises in the unincorporated area.

According to the business plan provided, the Petitioner would like operate the market a maximum two (2) weekends per month between April and October. The market would be open from 8:00 a.m. until 5:00 p.m. with vendors given additional time to set-up their spaces. A weekend is considered Saturday and Sunday.

Other than the Petitioner and their family, the business will not have any employees.

All vendors will have necessary insurance.

No new structures are planned for the property.

A barrier will be installed by the propane tank.

According to the site plan, two (2) porta-johns are planned south of the existing red storage trailer.

A potable water source is available in the existing steel barn.

The Petitioner would make accommodations for vendors that want electricity. Solar panels are onsite.

A refuse area is planned east of the porta-johns.

The property drains to the east.

The Petitioner secured stormwater permits in 2000 for the construction of the two (2) ponds on the premises.

Based on the information provided, no stormwater permits are required.

The property fronts Brisbin Road. Patrons would drive west on the existing gravel driveway and parking in one (1) of the designated areas. Patrons would leave the property on the same gravel driveway.

The site plan shows two (2) parking areas. The parking area by the existing steel barn consists of eight (8) parking spaces including two (2) handicapped accessible parking spaces. The eight (8) parking stalls would be eight feet by fifteen feet (8'X15'). The two handicapped parking spaces would be ten feet by fifteen feet (10'X15') with a five foot (5') landing area. An additional thirteen (13) parking spaces are planned along the north property line. The parking spaces would be gravel with the exception of the two (2) handicapped accessible spaces which would be hard surfaced. Vendors would park at their vending station.

The Petitioners plan to use cones with chains to keep vehicles away from pedestrians.

No additional lighting was planned as part of this project. If additional lighting were added, a photometric plan would be required because the number of parking spaces exceeds thirty (30).

The Petitioner plans to have a sign at Brisbin Road when the market is open. A picture of the sign was provided. The sign is approximately four feet by six feet (4'X6') in size. While the sign can be illuminated, the Petitioner will not light the sign.

No additional landscaping is planned.

No information regarding noise control was provided.

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. True. The Petitioner has submitted a site 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. Conditions may be placed in the special use permit to address hours of operation and signage. The Petitioner agreed to follow all applicable public health and public safety related laws.

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 are proposed that will regulate hours of operation and site layout. No new buildings or other significant alterations away from the appearance of the property as an agricultural related property are planned.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Utilities are already available at the property. The site plan includes a parking plan. The property previously secured a stormwater management permit.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true. No variances have been requested.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 3-5 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."

Staff recommends approval of the requested special use permit subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan. Any new structures related to the uses allowed by this special use permit shall require a major amendment to the special use permit and any new structures must reflect the current architecture of the existing structures. Limited demolition of farmhouse and outbuildings is allowed.
2. The owner(s) or operator(s) of the business allowed by this special use permit must ensure the four foot (4') fence is erected around the ponds as shown on the site plan prior to the opening of the business allowed by this special use permit when the business is open to the public.
3. The subject parcel must remain at least (3) acres in size.
4. The uses allowed by this special use permit must occur in a manner that will preserve the existing farmhouse, barns, related structures, and the pastoral setting.
5. Retail and wholesale sales may occur outside existing buildings.
6. The uses allowed by this special use permit cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
7. A maximum twenty (20) vendors and one (1) additional food vendor may be on the subject property.
8. The uses allowed by this special use permit may operate a maximum of two (2) weekends per month. For the purposes of this ordinance, a weekend shall be considered Saturdays and Sundays. The uses may be open for

sale between the hours of 8:00 a.m. and 5:00 p.m. The property owner may reduce these hours of operation. Vendors may setup no earlier than two (2) hours prior to opening and must be offsite within two (2) hours of closing. The uses allowed by this special use permit may be operational between the months of April and October.

9. Only the owners of the property and their family members shall be employees of the business allowed by this special use permit.
10. The owners of the business allowed by this special use permit may install one (1) sign along Brisbin Road. The sign shall be a maximum of four feet by six feet (4'X6') in size. The sign shall not be illuminated. The sign may be placed along Brisbin Road on days when the uses allowed by the special use permit are open. The sign may be placed along Brisbin Road the day before the business allowed by this special use permit is open.
11. All trash and garbage generated by uses allowed by this special use permit shall be stored in the garbage areas designated on the site plan. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall be generated by the uses allowed this special use permit.
13. The owner(s) or operator(s) of the uses allowed by this special use permit shall live at the subject property as their primary place of residence.
14. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
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. This special use permit and the ordinance granting this special use permit shall be considered revoked on the tenth (10th) anniversary of the Kendall County Board's approval of this special use permit ordinance or when Thomas or Wanda Hogan no longer own the subject property, whichever occurs first. If Thomas or Wanda Hogan wish to continue the use allowed by this special use permit after the tenth (10th) anniversary of the Kendall County Board's approval of this special use permit ordinance or if a subsequent owner of the subject property wishes to operate the use allowed by this special use permit, a new special use permit shall be required. This condition shall not be eligible for a minor amendment.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Rybski asked if the food vendor would be a mobile vendor. Michael Mattingly, Attorney for the Petitioner, responded the food vendor would be mobile, similar to a food truck.

Mr. Rybski asked if a hand washing station would be available. Wanda Hogan, Petitioner, responded that she can have a hand washing station near the restrooms.

Mr. Rybski discussed the non-community well program. Based on the information provided, the proposed use would not be active enough times during the year to qualify for the program.

Mr. Gengler asked if there were any other special use permits similar to this proposal. Mr. Asselmeier responded that this use, if approved, would be the tenth (10th) such use in the unincorporated area.

Mr. Gengler asked what concerns were expressed during the previous review of the proposal. Mr. Asselmeier responded that previous concerns included the intensity of the use, compatibility of the use in relation to adjacent agricultural uses, impact of the proposed use on property values, safety at the property and along Brisbin Road, and the appearance of the property.

Mr. Gengler asked the distance to the nearest residence not including the owner. Mr. Mattingly responded approximately one quarter (1/4) mile.

No parking would occur along Brisbin Road.

Mr. Gengler asked about items laying around the property. Mr. Mattingly stated that the Petitioners have been cleaning up and the property and invited everyone to visit the property. If something needed to be removed or stored differently, please let the Petitioners know.

A snow fence will be erected around the ponds during the days when the market is open to the public.

Mr. Guritz made a motion, seconded by Mr. Klaas, to recommend approval of the proposal.

The votes were as follows:

Yeas (6): Asselmeier, Gengler, Guritz, Klaas, Olson, and Rybski

Nays (0): None

Abstain (0): None

Absent (4): Briganti, Chismark, Holdiman, and Langston

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on June 23, 2021.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 20-32, 21-06, 21-08, 21-10, and 21-14 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

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

The ZPAC, at 9:26 a.m., adjourned.

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

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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

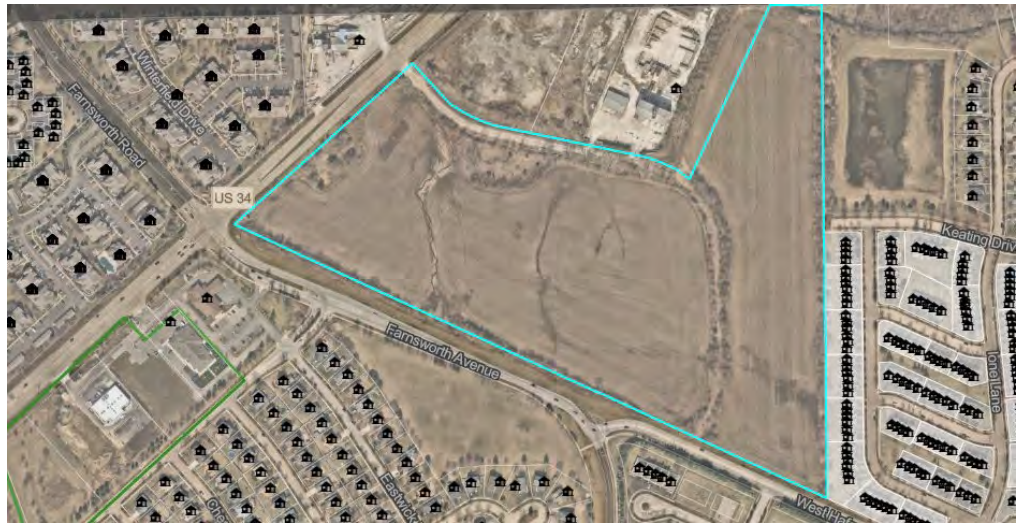
In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 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.

OSWEGO FIRE PROTECTION DISTRICT

Petition information was sent to Oswego Fire Protection District on June 10, 2021.

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME _____ **FILE #:** _____

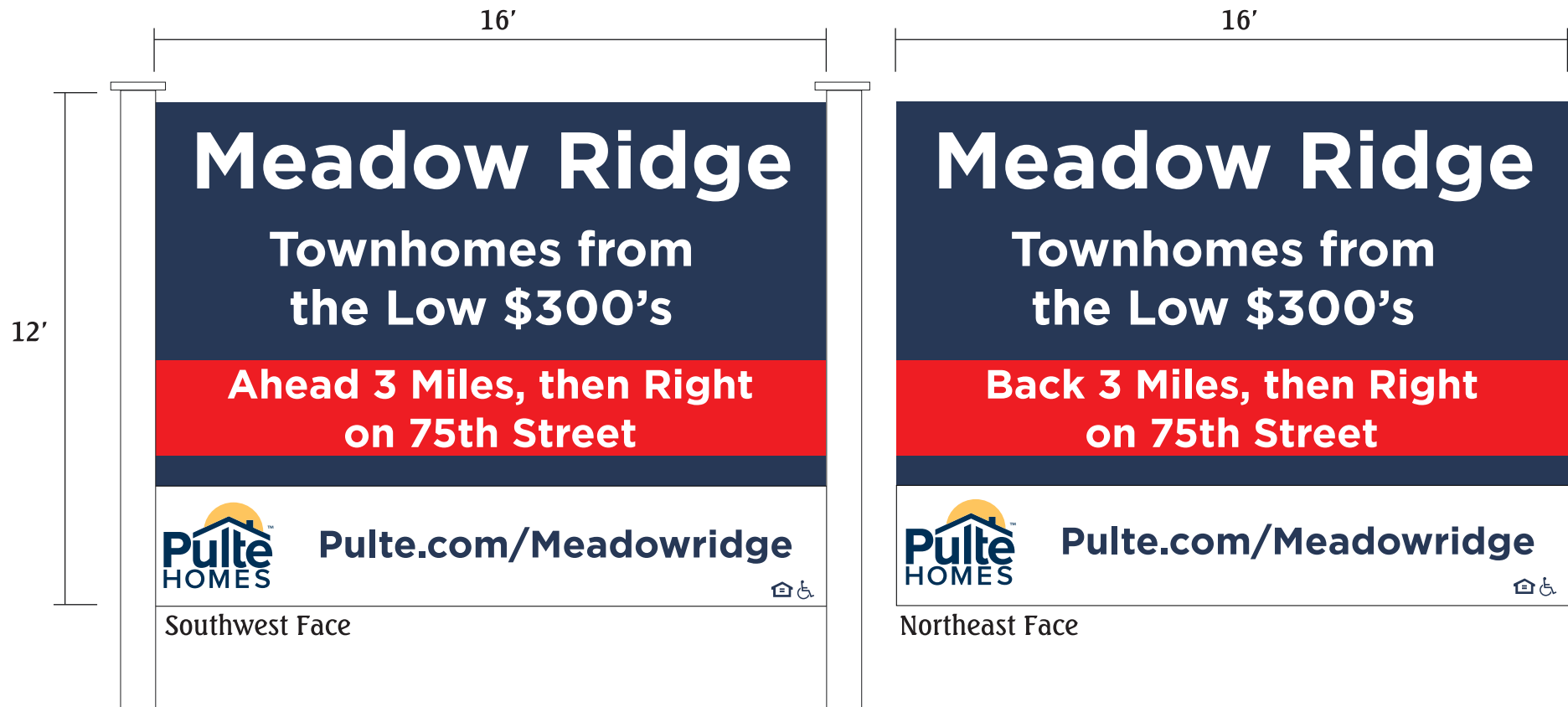
NAME OF APPLICANT		
Heather Lawson		
CURRENT LANDOWNER/NAME(s)		
Dave Hamman		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
42.39	SE corner of Hafenrichter and Route 34	PIN 03-01-127-006
EXISTING LAND USE		
M2		
REQUESTED ACTION (Check All That Apply):		
<input checked="" 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] F3FD FE3993FB4ED...		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.



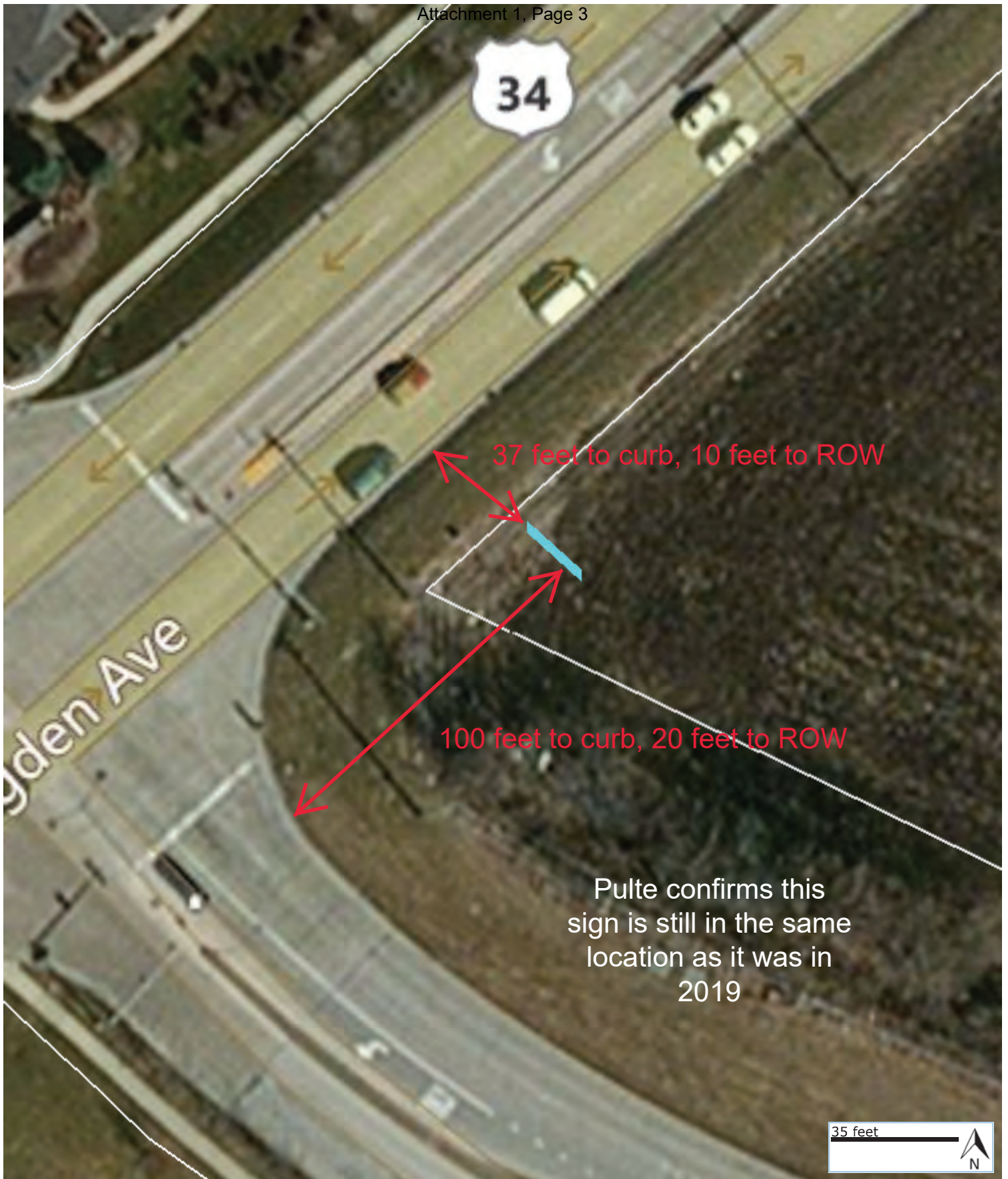
12'x16' Double Sided Billboard Re-face.
3/8" MDO Painted Ronan Dark Blue w/White, Red & Digital Vinyl.

Approval Signature _____

SIGNS NOW 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

[REDACTED]
Ph: [REDACTED]
Fax 1: [REDACTED]
Fax 2: [REDACTED]


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.

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.

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).

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. Lists items H through K with 'YES' or 'NO' in the second column.

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



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. 170583040H, EFFECTIVE DATE AUGUST 3, 2009 AND MAP NO. AND MAP NO. 170593005G, EFFECTIVE DATE FEBRUARY 4, 2009.

GENERAL NOTES

- 1. COMPARE THIS PLAT, LEGAL DESCRIPTION AND ALL SURVEY POINTS AND MONUMENTS BEFORE ANY CONSTRUCTION AND IMMEDIATELY REPORT ANY DISCREPANCIES TO SURVEYOR.
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...

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 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 COUNTERCLOCKWISE 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 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 SOUTHWEST 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 "X", 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 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 TANGENTIAL 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 "X", THENCE SOUTHWESTERLY ALONG SAID EXTENDED LINE "X", 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 COUNTERCLOCKWISE 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 COUNTERCLOCKWISE 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.

GRAPHIC SCALE 1" = 60'. BASIS OF BEARINGS: THE BASIS OF BEARINGS IS THE STATE PLANE COORDINATE SYSTEM (SPCS) NAD 83 (2007) ZONE 1201. BENCHMARK: CITY OF AURORA BENCHMARKS.

LEGEND: CABLE TV FEEDBACK, TRAFFIC LIGHT POLE, PAINTED GAS LINE, etc. ABBREVIATIONS: PROPERTY LINE, EXISTING RIGHT-OF-WAY LINE, etc.

REVISIONS: Table with columns for NO., DATE, DESCRIPTION, REVISIONS.

SURVEYOR'S CERTIFICATE: STATE OF ILLINOIS, COUNTY OF DUPAGE, TO: K. HOVANNIAN & C HOMES AT ILLINOIS LLC.

RECORD INFORMATION: SCALE 1" = 250'. PREPARED FOR: K. HOVANNIAN HOMES, 164 N. WABER BOULEVARD, SUITE 200, AURORA, IL 60517.

ALTA/NSPS LAND TITLE AND TOPOGRAPHIC SURVEY. Project No: 18322. Group No: VP03.1. SHEET NO. 1 OF 1. DRAWN BY: M.L.P. PROJECT MANAGER: C.W.B. CHECKED BY: C.W.B. FIELD WORK COMPLETED: 08-15-18. DRAFTING COMPLETED: 10-17-18.

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;

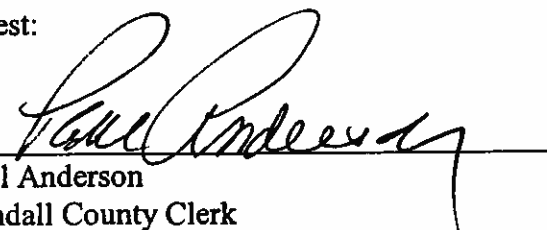
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a SPECIAL USE PERMIT to permit an off-premise advertising sign on the subject parcel as depicted in Group Exhibits "A" and "B" attached hereto and made a part hereof, subject to the following conditions:

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.

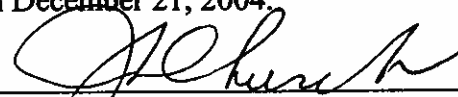
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

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

Attest:

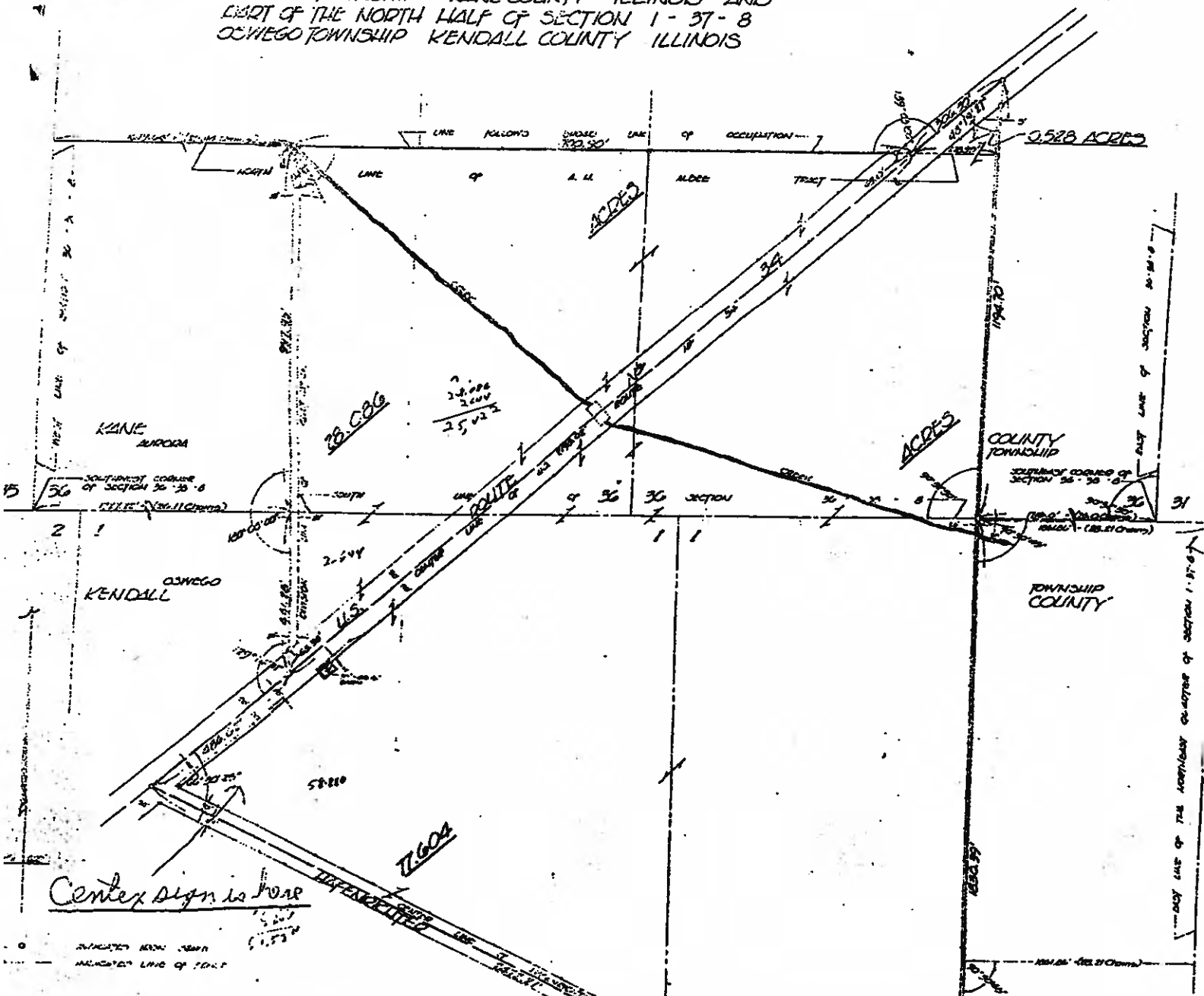


Paul Anderson
Kendall County Clerk



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.M. Alder; 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 east 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) 1907.83 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

8'

CENTEX HOMES

Crossings at Wolf Creek

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

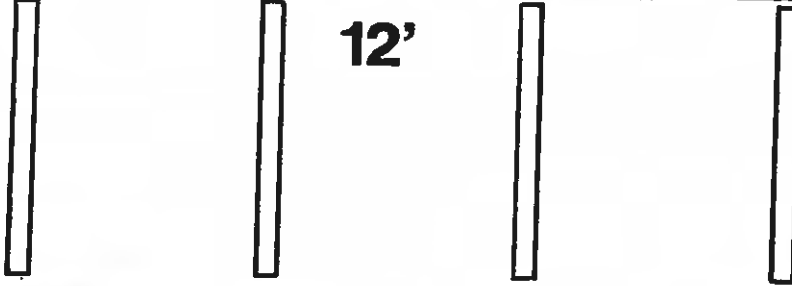
 Buyer's Welcome

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

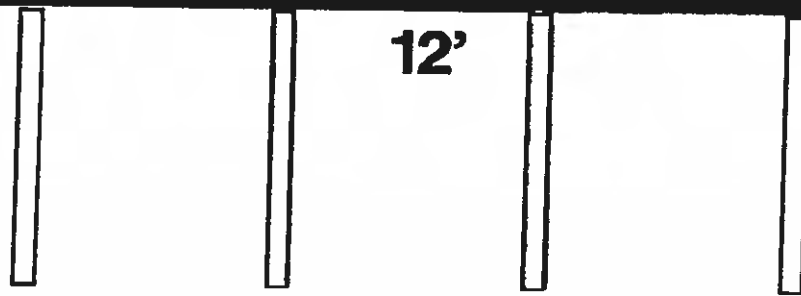
 Buyer's Welcome

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.

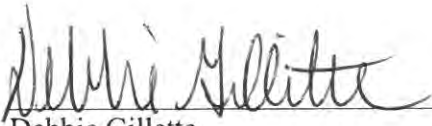
State of Illinois
County of Kendall

Zoning Petition
#17-19

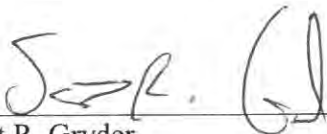
3. The advertising on the sign is restricted to Pulte Group's residential development.
4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
5. The owners 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.

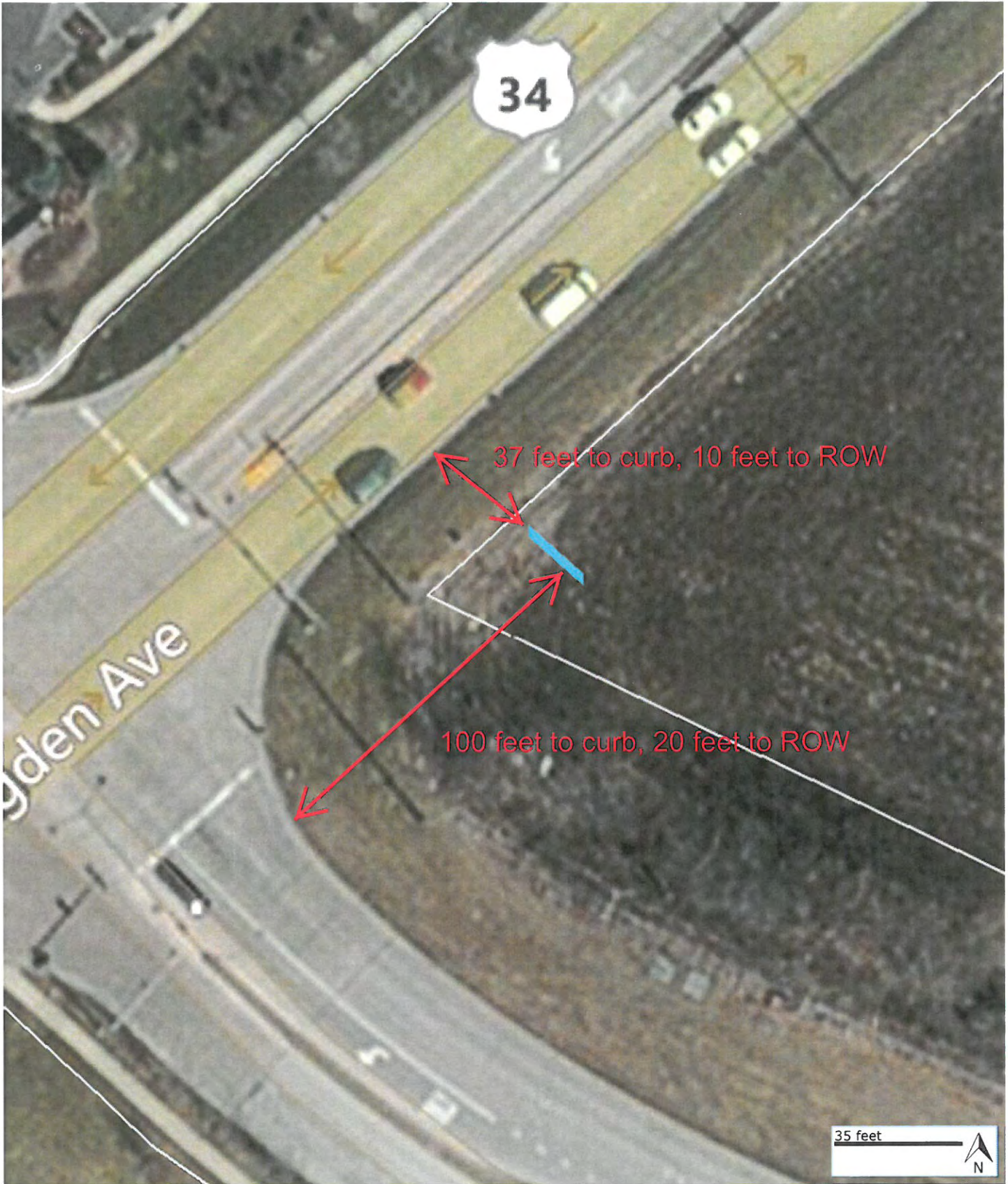
Attest:



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

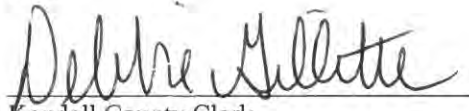
Zoning Petition
#19-25

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

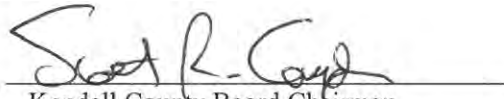
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

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:

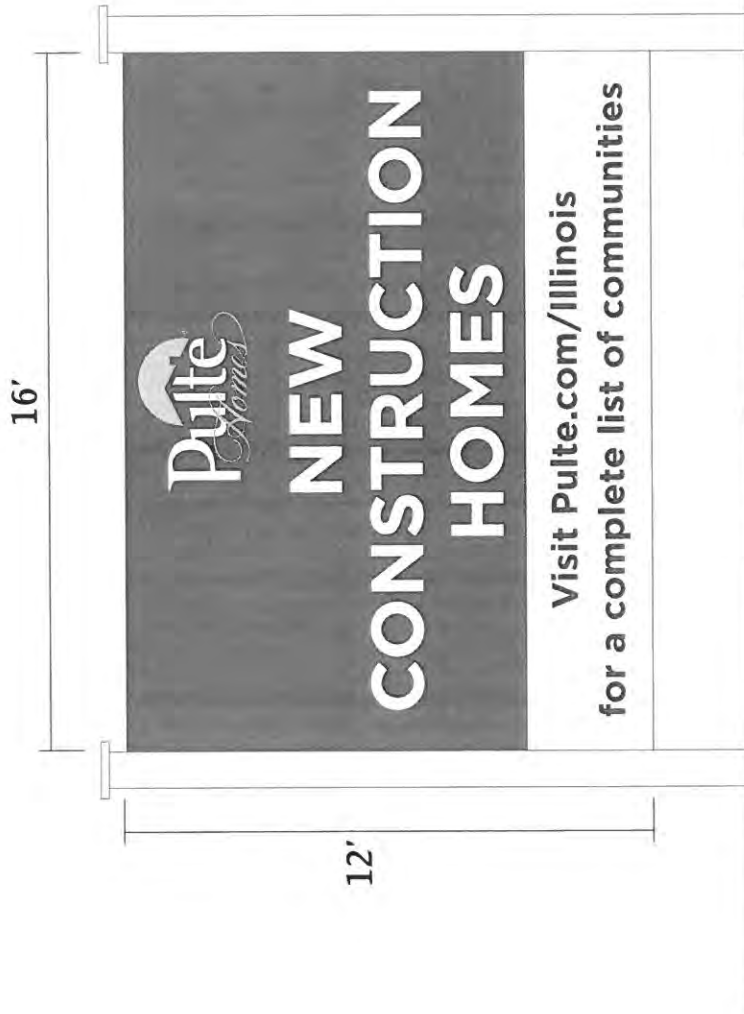
1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
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



Meadow Ridge
Townhomes from
the Low \$300's
Ahead 3 Miles, then Right
on 75th Street

05/27/2021 08:53



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-26

**Robert Bright on Behalf of the Madison Trust and Castle Bank
N A and JoAnn Bright-Theis**

Major Amendment to A-1 Special Use for a Banquet Facility

INTRODUCTION

On August 27, 2019, the County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility at 10978 Crimmin Road. The special use permit included seventeen (17) conditions. The Petitioners would like to change their use of the approximately nineteen thousand seven hundred (19,700) square foot building to allow for smaller events and allow for events throughout the year.

The application materials are included as Attachment 1. Ordinance 2019-23 is included as Attachment 2.

SITE INFORMATION

PETITIONER Robert Bright on Behalf of the Madison Trust and Castle Bank NA and JoAnn Bright Theis

ADDRESS 10978 Crimmin Road, Newark

LOCATION Approximately 0.54 Miles South of the Intersection of Fox River Drive and Crimmin Road on the East Side of Crimmin Road



TOWNSHIP Fox

PARCEL #s 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-31-200-014, 04-32-100-006, and 04-32-100-008

LOT SIZE 38.34 +/- Acres

EXISTING LAND USE Agricultural/Farmstead/Banquet Facility

ZONING A-1 Agricultural District with a Special Use Permit for a Banquet Facility

LRMP	Future Land Use	Agricultural
	Roads	Crimmin Road is a Major Collector Road and is also classified as a Scenic Route.
	Trails	None
	Floodplain/Wetlands	A riverine wetland is located along the southwest edge of the subject property.

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

APPLICABLE REGULATIONS §7:01 D.12 – A-1 Special Uses – Permits Banquet Facilities to be Located in the A-1 District with Approval of a Special Use Provided that the Facility Meets Certain Criteria

§ 13:08 – Special Use Procedures and Procedure for Approving Major Amendments to Existing Special Uses

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural/Wooded/Millington Forest Preserve	A-1	Rural Residential (Max 0.65 DU/Acre) and Forest Preserve	A-1
South	Agricultural/Religious	A-1	Agricultural	A-1
East	Millington Forest Preserve	A-1	Forest Preserve	A-1
West	Agricultural/Farmstead	A-1	Rural Residential (Max 0.65 DU/Acre)	A-1, A-1 SU, R-2, and R-3

The special use permit is for the operation of a fur-bearing animal farm.

Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

An aerial of the property is included as Attachment 3.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

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

Millington Fen INAI Site

Millington Railroad Fen Natural Landmark
Tucker-Millington Fen Natural Preserve
River Redhorse (*Moxostoma carinatum*)

EcoCat related materials are included as Attachment 1, Pages 39-41

NATURAL RESOURCES INVENTORY

The LESA Score was 181 indicating a low level of protection. The NRI report is included as Attachment 1, Pages 28-38.

ACTION SUMMARY

FOX TOWNSHIP

Fox Township was emailed information on June 24, 2021.

NEWARK FIRE PROTECTION DISTRICT

Newark Fire Protection District was emailed information on June 24, 2021.

VILLAGE OF NEWARK

The Village of Newark was emailed information on June 24, 2021.

GENERAL

As noted in Attachment 2, Ordinance 2019-23 placed the following restrictions on the special use permit for a banquet facility at the subject property:

- A. The site shall be developed substantially in accordance with the Site Plan attached hereto as Exhibit C, Landscaping Plan attached hereto as Exhibit D, and Parking Illumination Plan attached hereto as Exhibit E.
- B. Permanent restroom facilities shall be installed by 2021. When the permanent restroom facilities are installed, the portable bathrooms shown on the attached site plan shall be removed.
- C. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.
- D. The subject parcel must follow the site plan configuration with the exception of the right-of-way dedication listed in condition L.
- E. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.
- F. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. Any signage provided will not be illuminated. The owners of the business allowed by this special use permit may install additional non-illuminated traffic directional signs not shown on the approved site plan within their property.
- G. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- H. The noise regulations are as follows:

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

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

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven

o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

- I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. For events with music, the north and south barn doors shall close by 7:00 p.m.
- J. Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day prior to the event and 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30).
- K. A new certificate of occupancy must be issued for the barn.
- L. Within ninety (90) days of the approval of this special use permit ordinance, the owners of the subject property shall dedicate a strip of land along the entire western boundary of the property at a depth of forty-five feet (45') as measured from the centerline of Crimmin Road to Fox Township to be used as Crimmin Road right-of-way.
- M. No patron or other entity associated with the business allowed by this special use permit shall be allowed to park on Crimmin Road.
- N. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
- O. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws including, but not limited to Fox Township's laws, related to the operation of this type of business.
- P. 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.
- Q. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

As noted on Attachment 1, Page 5, The Petitioners would like to divide the nearly nineteen thousand seven hundred (19,700) square foot building into Event Space A with nine thousand six hundred (9,600) square feet, Event Space B with two thousand nine hundred (2,900) square feet, and the remaining seven thousand two hundred forty-two (7,242) square feet as non-project space. As noted on Attachment 1, Pages 3-4, the Petitioners would like to utilize Event Space B year-round for smaller events.

In order to accommodate this proposed change in business operations, the Petitioners are requesting the following changes to the special use permit (changes marked in red):

- C. A maximum of two hundred eighty (280) guests **shall be allowed** in attendance ~~at a banquet center related event may be on the subject property at a given time within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.~~
- I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. ~~For events with music, the north and south barn doors shall close by 7:00 p.m.~~
- J. ~~Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends~~

~~shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day prior to the event and 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30). Events in either event spaces shall conclude by Midnight. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. Event Space A would close on November 1st and reopen April 1st. Event Space B may operate year round.~~

The Petitioners provided a comparison of certain restrictions on banquet centers which can be found on Attachment 1, Page 6.

The Petitioners have no plans to change the site plan, landscaping plan, or parking illumination plan approved as part of Ordinance 2019-23. Also, other than Conditions C, I, and J, the Petitioners do not propose any other changes to the requirements of the special use permit.

BUILDING CODES

An updated Occupancy Permit will be required reflecting the change of use.

ENVIRONMENTAL HEALTH

The Petitioners were working with Environmental Health regarding the size of the septic system.

ROAD ACCESS

The property fronts Crimmin Road.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan approved with Ordinance 2019-23, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces are located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

LIGHTING

Two (2) new lights are proposed for site. According to the parking illumination plan approved with Ordinance 2019-23, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

SIGNAGE

One entrance and one exit sign are shown on the site plan attached to Ordinance 2019-23. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

LANDSCAPING

As shown on the site plan attached to Ordinance 2019-23, the site contains approximately one hundred sixty-six (166) trees of varying heights encircling the venue.

NOISE CONTROL

All music and noise shall originate inside the venue except for processions and recessions at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face inside the building.

With the combination of distance and plantings, the Petitioners believe noise will not be an issue.

Since the issuance of the special use permit in 2019, the Kendall County Sheriff's Department has responded to one (1) noise complaint at the property. The Sheriff's Department responded to the complaint, but the decibel level was not confirmed to be in violation of the special use permit.

FINDINGS OF FACT

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

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with the site plan, landscaping plan, and lighting plan approved as part of Ordinance 2019-23.***

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

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **True, the Petitioner's approved site plan from Ordinance 2019-23 addresses utilities, drainage, and points of ingress and egress.***

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

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

RECOMMENDATION

Staff recommends approval of the requested major amendment to an existing special use permit subject to the following conditions and restrictions:

1. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided in substantial the way shown on Attachment 1, Page 5.
2. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:
 - C. A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.
3. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:
 - I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards

the inside of buildings.

4. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:
 - J. Events in either event spaces shall conclude by Midnight. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. Event Space A would close on November 1st and reopen April 1st. Event Space B may operate year round.
5. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.
6. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or 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 Materials
2. Ordinance 2019-23
3. Aerial



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME Brighter Daze Farms

FILE # 21-26

NAME OF APPLICANT		
Robert Bright and JoAnn Bright-Theis		
CURRENT LANDOWNER/NAME(s)		
Madison Trust and Castle Bank NA		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
38.34 Acres	10978 Crimmins Rd. in Fox Township	04-29-300-010 and more
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Agricultural	A-1	Agricultural
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input 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 checked="" type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input checked="" type="checkbox"/> Major; _____ Minor)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Boyd Ingemunson	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
n/a	n/a	n/a
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
n/a	n/a	n/a
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 6/22/21

FEE PAID: \$ 115.00
 CHECK #: [REDACTED]

RECEIVED

JUN 22 2021

KENDALL COUNTY
 PLANNING, BUILDING
 & ZONING

¹Primary Contact will receive all correspondence from County
²Engineering Contact will receive all correspondence from the County's Engineering Consultants

PROPOSED AMENDMENTS TO SPECIAL USE

Original Conditions

C. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.

I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of the building. For events with music, the north and south barn doors shall close by 7:00 p.m.

J. Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day prior to the event and 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30).

Proposed Amended Conditions:

C. A maximum of two hundred eighty (280) guests shall be allowed to be in attendance within event space A at a given time. A maximum of sixty (60) guests shall be allowed to be in attendance within event space B at a given time. There shall only be one event taking place at a given time and the total allowable guests shall not exceed a total of two hundred (280) guests.

I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of the building.

J. Events in either event spaces shall conclude by Midnight. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. Event space A would close on November 1st and reopen April 1st. Event space B may operate year round.



Mission Statement (Event Space "B")

BrighterDaze Farm is committed to offering an exclusive and memorable experience for our customer's event. BrighterDaze is the ideal setting for anyone looking for a beautiful, private and spacious venue. We provide an 2,900 square foot event space that can accommodate intimate weddings of approximately (60) people. We understand that everyone has a different idea of perfect; that's why we allow our customers the opportunity to customize the finest details of their event.

Business Plan

Hours of Operation:

Monday – Thursday: 9:00 AM – 10:00 PM

Friday – Saturday: 9:00 AM – 12:00 PM

Holiday Schedule: Open on the Eve and Day of all Federal Holidays

Open Year Round

Event Tours scheduled by appointment by appointment only outside hours of operation

Event Setup begins at 9:00 AM CST the day of event

Customers are to "vacate" the property 1 hour after conclusion of event

of Employees: 1

Event Setup & Cleanup Plans: BDF to utilize local sub-contracting services for all applicable trades to include but not limited to: Table(s), chair(s), linens, decorations (flowers, center-pieces, etc), food, beverage(s), bathrooms and cleanup services.

NO CASH BARS allowed

Bathrooms: Onsite.

Max Occupancy: 60 people

Venue Information: 2,900 sq ft Intimate Event Space

Noise Control: All music/noise to originate from within venue at all times with the exception of processional(s)/recessional(s).

Sound not to exceed 65 dB (7:00 AM – 10:00 PM)

Sound not to exceed 55 dB (10:00 PM – 7:00 AM)

BrighterDaze Farm has mature trees located on the property to facilitate dampening the sound.

Distance from Venue to Crimmin Rd = 700'

Setback from Crimmin Rd to neighbors residence = 200'

Parking Plan: One-Way Traffic Pattern to be utilized during business hours

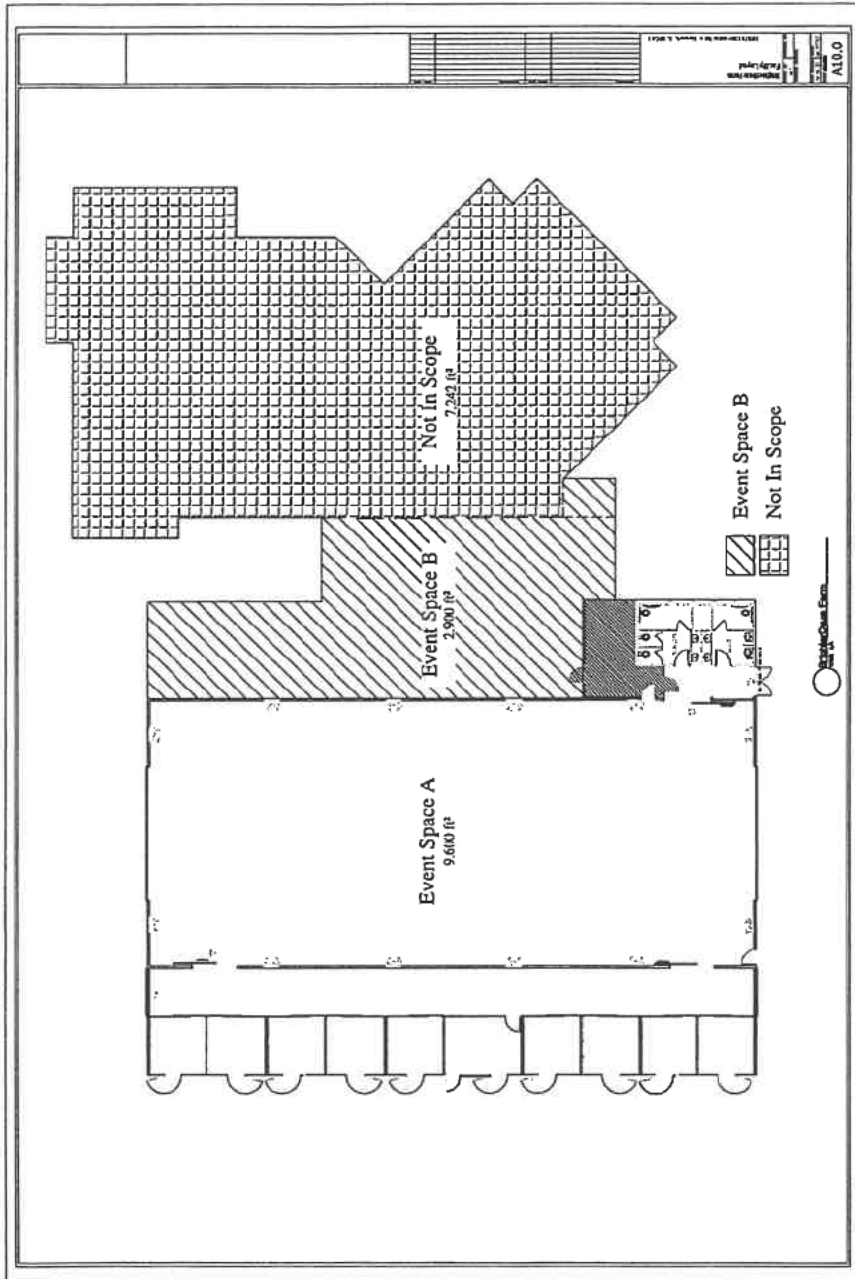
34 Regular Parking Spaces + 4 Handicapped Spaces (Venue)

75 Regular Parking Spaces (Remote)

Lighting to be "off" 1 hour after conclusion of event

Sale of Ancillary Items

BDF reserves the right to sell ancillary items such as sweaters, shirts, cups/glasses, etc



Comparison A-1 Special Uses for Banquet Facilities

	Brighter Daze	Northfork	Ashley Farms	Mathre 1916	Harvest Moon
operation calendar	April 1 st - November 30	May 1 st - November 15	year round	May thru 2 nd full week of November	May 1 st - October 31 st
# of Events	30	No limit	60	No limit	No more than 4 events in a 7 day period
Days of Operation	Friday - Monday Mon or Thurs if federal holiday	No limit	No limit	No limit	No limit
Music Restrictions	- No music outside building - Barn Doors closed by 7 p.m.	No Restriction	No music outside building	No Restriction	- No music outside building - No bands
Event end time	10:00 p.m	No Restriction	12:00 a.m.	11:30 p.m.	12:00 a.m.

Exhibit A

LEGAL DESCRIPTION OF ROBERT BRIGHT TRACT (38.3391 Acres):

That part of the Southwest Quarter of Section 29, that part of the Southeast Quarter of Section 30, that part of the Northeast Quarter of Section 31 and that part of the Northwest Quarter of Section 32, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Northeast Quarter of Section 31; thence Southerly, along the East Line of said Northeast Quarter, 412.50 feet for a point of beginning; thence West, along a line which is parallel with the North Line of said Northeast Quarter and which forms an angle of $88^{\circ}55'20''$ with the last described course, measured counter-clockwise therefrom, 628.98 feet; thence Northwesterly, along a line which forms an angle of $136^{\circ}30'40''$ with the last described course, measured counter-clockwise therefrom, 506.73 feet to the centerline of Crimmins Road; thence Northeasterly, along said centerline which forms an angle of $105^{\circ}18'51''$ with the last described course, measured counter-clockwise therefrom, 50.50 feet; thence Northeasterly, along said centerline being a tangential curve to the right with a radius of 2300.0 feet, an arc distance of 1058.74 feet; thence Northeasterly, along said centerline which is tangent to the last described curve at the last described point, 299.42 feet; thence Northeasterly, along said centerline being a curve to the left with a radius of 730.0 feet, an arc distance of 8.76 feet to the West Line of said Southwest Quarter of Section 29; thence Southerly, along said West Line, 22.82 feet; thence Southeasterly, along a line which forms an angle of $136^{\circ}53'45''$ with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southeasterly, along a line which forms an angle of $148^{\circ}16'44''$ with the last described course, measured counter-clockwise therefrom, 889.54 feet to a point on a Southerly Line of a Tract conveyed to Robert A. Bright as Trustee of the Robert A. Bright Declaration of Trust by Trustee's Deed recorded as Document 9801248 on February 4, 1998; thence Southwesterly along said Southerly Line which forms an angle of $89^{\circ}59'40''$ with the last described course, measured counter-clockwise therefrom, 197.0 feet to a Southerly Corner of said Bright Tract; thence Northwesterly, along a line which forms an angle of $95^{\circ}37'45''$ with the last described course, measured counter-clockwise therefrom, 359.61 feet to a point on a line drawn Easterly, parallel with the North Line of said Northwest Quarter of Section 32, from the point of beginning and which is 607.20 feet from the point of beginning; thence Westerly, along said parallel line which forms an angle of $107^{\circ}48'12''$ with the last described course, measured clockwise therefrom, 607.20 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 38.3391 acres.

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

ORIGINATING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Chicago Title Company, LLC 2000 West Galena, Suite 105 Aurora, IL 60506 Main Phone: (630)892-3775 Email: aurorescrow@ctt.com	Chicago Title and Trust Company 2000 West Galena, Suite 105 Aurora, IL 60506 Main Phone: (630)892-3775 Main Fax: (630)892-9241

Issued By: Daniel J. Kramer
 1107A S. Bridge St.
 Yorkville, IL 60560

SCHEDULE A

ORDER NO. [REDACTED]

Property Ref.: Vacant land, Newark, IL 60541

1. Effective Date: September 20, 2017
2. Policy or Policies to be issued:
 - a. ALTA Owner's Policy 2006
 Proposed Insured: Madison Trust Company, Custodian FBO Robert A. Bright M1507085
 Policy Amount: \$250,000.00
 - b. ALTA Loan Policy 2006
 Proposed Insured: First National Bank, its successors and/or assigns as their respective interests may appear
 Policy Amount: \$390,000.00
3. The estate or interest in the land described or referred to in this Commitment is:
 Fee Simple
4. Title to the estate or interest in the land is at the Effective Date vested in:
First National Bank of Omaha, DeKalb Illinois, (formerly known as Castle Bank, a division of First National Bank of Omaha) as Trustee under Trust Agreement dated November 15, 2006 and known as Trust Nuber 2526, as to parcels 1 and 2
 Madison Trust Company, Custodian FBO Robert A. Bright M1507085 as to parcel 3

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

SCHEDULE A
(continued)

5. The land referred to in this Commitment is described as follows:

PARCEL 1:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 29, THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30, THAT PART OF THE NORTHEAST QUARTER OF SECTION 31 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 31; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 412.50 FEET FOR A POINT OF BEGINNING; THENCE WEST, ALONG A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER AND WHICH FORMS AN ANGLE OF 88 DEGREES 55 MINUTES 20 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 628.98 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 136 DEGREES 30 MINUTES 40 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 506.73 FEET TO THE CENTERLINE OF CRIMMINS ROAD; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE WHICH FORMS AN ANGLE OF 105 DEGREES 18 MINUTES 51 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 50.50 FEET; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE BEING A TANGENTIAL CURVE TO THE RIGHT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF 1058.74 FEET; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE WHICH IS TANGENT TO THE LAST DESCRIBED CURVE AT THE LAST DESCRIBED POINT, 299.42 FEET; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE BEING A CURVE TO THE LEFT WITH A RADIUS OF 730.0 FEET, AN ARC DISTANCE OF 8.76 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 29; THENCE SOUTHERLY, ALONG SAID WEST LINE, 22.82 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 136 DEGREES 53 MINUTES 45 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 1066.40 FEET; THENCE SOUTH SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 148 DEGREES 16 MINUTES 44 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 889.54 FEET TO A POINT ON A SOUTHERLY LINE OF A TRACT CONVEYED TO ROBERT A BRIGHT, AS TRUSTEE OF THE ROBERT A BRIGHT DECLARATION OF TRUST BY TRUSTEE'S DEED RECORDED AS DOCUMENT 9801248 ON FEBRUARY 4, 1998; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE WHICH FORMS AN ANGLE OF 89 DEGREES 59 MINUTES 40 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 197.0 FEET TO A SOUTHERLY CORNER OF SAID BRIGHT TRACT; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 95 DEGREES 37 MINUTES 45 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 359.61 FEET TO A POINT ON A LINE DRAWN EASTERLY, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 32, FROM THE POINT OF BEGINNING AND WHICH IS 607.20 FEET FROM THE POINT OF BEGINNING; THENCE WESTERLY, ALONG SAID PARALLEL LINE WHICH FORMS AN ANGLE OF 107 DEGREES 48 MINUTES 12 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 607.20 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PART DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 31; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 233.54 FEET

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ALTA Commitment (06/17/2006)

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

SCHEDULE A
(continued)

FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY, ALONG SAID EAST LINE, 178.96 FEET; THENCE WESTERLY, ALONG A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER AND WHICH FORMS AN ANGLE OF 88 DEGREES 55 MINUTES 20 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 628.98 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 136 DEGREES 30 MINUTES 40 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 506.73 FEET TO THE CENTERLINE OF CRIMMINS ROAD; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE WHICH FORMS AN ANGLE OF 105 DEGREES 18 MINUTES 51 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 50.50 FEET; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE BEING A TANGENTIAL CURVE TO THE RIGHT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF 500.21 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH IS RADIAL TO SAID LAST DESCRIBED CURVE, 575.07 FEET; THENCE SOUTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 109 DEGREES 41 MINUTES 44 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 140.52 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 100 DEGREES 39 MINUTES 04 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 230.0 FEET; THENCE EASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 148 DEGREES 24 MINUTES 34 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 105.22 FEET TO THE POINT OF BEGINNING;

AND ALSO EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 31; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 412.50 FEET; THENCE WESTERLY, ALONG A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER AND WHICH FORMS AN ANGLE OF 88 DEGREES 55 MINUTES 20 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 628.98 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 136 DEGREES 30 MINUTES 40 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 506.73 FEET TO THE CENTERLINE OF CRIMMINS ROAD; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE WHICH FORMS AN ANGLE OF 105 DEGREES 18 MINUTES 51 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 50.50 FEET; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE BEING A TANGENTIAL CURVE TO THE RIGHT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF 500.21 FEET FOR A POINT OF BEGINNING; THENCE SOUTHEASTERLY, ALONG A LINE WHICH IS RADIAL TO SAID LAST DESCRIBED CURVE, 575.07 FEET; THENCE SOUTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 109 DEGREES 41 MINUTES 44 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 140.52 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 100 DEGREES 39 MINUTES 04 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 230.0 FEET; THENCE EASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 148 DEGREES 24 MINUTES 34 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 105.22 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 31, WHICH IS 233.54 FEET SOUTHERLY OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTHERLY, ALONG SAID EAST LINE, 233.54 FEET TO SAID NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 112 DEGREES 15 MINUTES 30 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 341.46 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 160 DEGREES 32 MINUTES 46 SECONDS WITH THE LAST

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

SCHEDULE A
(continued)

DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 451.82 FEET TO SAID CENTERLINE OF CRIMMINS ROAD; THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, BEING A NON-TANGENTIAL CURVE TO THE LEFT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF 33.0 FEET TO THE POINT OF BEGINNING; ALL IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 31; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 412.50 FEET; THENCE WEST, ALONG A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER AND WHICH FORMS AN ANGLE OF 88 DEGREES 55 MINUTES 20 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 628.98 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 136 DEGREES 30 MINUTES 40 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 506.73 FEET TO THE CENTERLINE OF CRIMMINS ROAD; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE WHICH FORMS AN ANGLE OF 105 DEGREES 18 MINUTES 51 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 50.50 FEET; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE BEING A TANGENTIAL CURVE TO THE RIGHT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF 500.21 FEET FOR A POINT OF BEGINNING; THENCE SOUTHEASTERLY, ALONG A LINE WHICH IS RADIAL TO SAID LAST DESCRIBED CURVE, 575.07 FEET; THENCE SOUTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 109 DEGREES 41 MINUTES 44 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 140.52 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 100 DEGREES 39 MINUTES 04 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 230.0 FEET; THENCE EASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 148 DEGREES 24 MINUTES 34 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 105.22 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 31 WHICH IS 233.54 FEET SOUTHERLY OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTHERLY, ALONG SAID EAST LINE, 233.54 FEET TO SAID NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 112 DEGREES 15 MINUTES 30 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 341.46 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 160 DEGREES 32 MINUTES 46 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 451.82 FEET TO SAID CENTERLINE OF CRIMMINS ROAD; THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, BEING A NON-TANGENTIAL CURVE TO THE LEFT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF

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ALTA Commitment (06/17/2006)

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

SCHEDULE A
(continued)

33.0 FEET TO THE POINT OF BEGINNING IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PARCEL 3:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 31; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 412.50 FEET; THENCE WEST, ALONG A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER AND WHICH FORMS AN ANGLE OF 88 DEGREES 55 MINUTES 20 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 628.98 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 136 DEGREES 30 MINUTES 40 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 506.73 FEET TO THE CENTERLINE OF CRIMMINS ROAD; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE WHICH FORMS AN ANGLE OF 105 DEGREES 18 MINUTES 51 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 50.50 FEET; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE BEING A TANGENTIAL CURVE TO THE RIGHT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF 96.90 FEET; THENCE CONTINUING ALONG SAID CENTERLINE AND THE LAST DESCRIBED COURSE BEING A CURVE TO THE RIGHT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF 279.87 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 85 DEGREES 16 MINUTES 45 SECONDS WITH THE CHORD OF THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 336.0 FEET; THENCE SOUTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 99 DEGREES 38 MINUTES 52 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 64.05 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 92 DEGREES 26 MINUTES 37 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 273.94 FEET; THENCE NORTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 79 DEGREES 20 MINUTES 56 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 33.58 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 79 DEGREES 20 MINUTES 56 SECONDS WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 239.11 FEET; THENCE NORTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 92 DEGREES 26 MINUTES 37 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 57.63 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 99 DEGREES 38 MINUTES 52 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 361.78 FEET TO SAID CENTERLINE OF CRIMMINS ROAD; THENCE SOUTHEASTERLY, ALONG SAID CENTERLINE, BEING A NON-TANGENTIAL CURVE TO THE LEFT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF 30.0 FEET TO THE POINT OF BEGINNING

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ALTA Commitment (06/17/2006)

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

SCHEDULE A
(continued)

IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

END OF SCHEDULE A

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

SCHEDULE B

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

General Exceptions

1. **Rights or claims of parties in possession not shown by Public Records.**
2. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.**
3. **Easements, or claims of easements, not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **Taxes or special assessments which are not shown as existing liens by the Public Records.**
6. **We should be furnished a properly executed ALTA statement and, unless the land insured is a condominium unit, a survey if available. Matters disclosed by the above documentation will be shown specifically.**
7. **Note for information: The coverage afforded by this commitment and any policy issued pursuant hereto shall not commence prior to the date on which all charges properly billed by the company have been fully paid.**

A Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

B 8. Taxes for the years 2017.
Taxes for the years 2017 are not yet due or payable.

Permanent Tax No.: 04-29-300-007-0000 (1 of 12)

Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.

(affects part of parcel 1)

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

SCHEDULE B
(continued)

- C 9. Taxes for the years 2017.
Taxes for the years 2017 are not yet due or payable.
Permanent Tax No.: 04-29-300-010-0000 (2 of 12)
Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.
(affects part of parcel 1)

- D 10. Taxes for the years 2017.
Taxes for the years 2017 are not yet due or payable.
Permanent Tax No.: 04-29-300-012-0000 (3 of 12)
Note: Taxes for the year 2016 amounting to \$2,033.16 are paid of record.
(affects part of parcel 1)

- E 11. Taxes for the years 100.
Taxes for the years 2017 are not yet due or payable.
Permanent Tax No.: 04-30-400-007-0000 (4 of 12)
Note: Taxes for the year 2016 amounting to \$89.30 are paid of record.
(affects part of parcel 1)

- F 12. Taxes for the years 2017.
Taxes for the years 2017 are not yet due or payable.
Permanent Tax No.: 04-30-400-011-0000 (5 of 12)
Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.
(affects part of parcel 1)

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ALTA Commitment (06/17/2005)



SCHEDULE B
(continued)

- G 13. Taxes for the years 2017.
Taxes for the years 2017 are not yet due or payable.
Permanent Tax No.: 04-32-100-006-0000 (6 of 12)
Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.
(affects part of parcel 1)

- H 14. Taxes for the years 2017.
Taxes for the years 2017 are not yet due or payable.
Permanent Tax No.: 04-32-100-008-0000 (7 of 12)
Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.
(affects part of parcel 1)

- I 15. Taxes for the years 2017.
Taxes for the years 2017 are not yet due or payable.
Permanent Tax No.: 04-30-400-012-0000 (8 of 12)
Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.
(affects parts of parcels 2 and 3)

- J 16. Taxes for the years 2017.
Taxes for the years 2017 are not yet due or payable.
Permanent Tax No.: 04-30-400-013-0000 (9 of 12)
Note: Taxes for the year 2016 amounting to \$5952.78 are paid of record.
(affects parts of parcels 2 and part of parcel 3)

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ALTA Commitment (06/17/2006)



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CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B
(continued)

- K 17. Taxes for the years 2017.
Taxes for the years 2017 are not yet due or payable.
Permanent Tax No.: 04-30-400-014-0000 (10 of 12)
Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.
(affects part of parcel 2)
- L 18. Taxes for the years 2017.
Taxes for the years 2017 are not yet due or payable.
Permanent Tax No.: 04-31-200-013-0000 (11 of 12)
Note: Taxes for the year 2016 amounting to \$18.20 are paid of record.
(affects part of parcel 3)
- M 19. Taxes for the years 2017.
Taxes for the years 2017 are not yet due or payable.
Permanent Tax No.: 04-31-200-014-0000 (12 of 12)
Note: Taxes for the year 2016 amounting to \$6,973.78 are paid of record.
(affects part of parcel 2)
- N 20. Mortgage dated December 20, 2011 and recorded January 12, 2012 as Document No. 201200000710 made by Castle Bank, a Division of First National Bank of Omaha as Trustee under Trust Agreement dated November 15, 2006 and known as Trust Number 2526 to First National Bank of Omaha to secure an indebtedness in the amount of \$900,000.00.
Modification of Mortgage recorded April 25, 2013 as Document No. 201300008721.
(affects parcels 1 and 2)
- O 21. Assignment of Rents recorded January 12, 2012 as Document No. 201200000711 made by Castle Bank, a Division of First National Bank of Omaha as Trustee under Trust Agreement dated November 15, 2006 and known as Trust Number 2526 to First National Bank of Omaha.
(affects parcels 1 and 2)

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ALTA Commitment (08/17/2006)

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

SCHEDULE B
(continued)

- P 22. Mortgage dated December 20, 2011 and recorded January 12, 2012 as Document No. 201200000712 made by Castle Bank, a division of First National Bank of Omaha as Trustee under Trust Agreement dated November 15, 2006 and known as Trust Number 2526 to First National Bank of Omaha to secure an indebtedness in the amount of \$500,000.00.
- (affects parcel 2)
- Q 23. Assignment of Rents recorded January 12, 2012 as Document No. 201200000713 made by Castle Bank, a division of First National Bank of Omaha as Trustee under Trust Agreement dated November 15, 2006 and known as Trust Number 2526 to First National Bank of Omaha.
- (affects parcel 2)
- AE 24. If work has been performed on the Land within the last six months which may subject the Land to liens under the mechanics lien laws, the Company should be furnished satisfactory evidence that those who have performed such work have been fully paid and have waived their rights to a lien. If evidence is not provided or is unsatisfactory, this commitment/policy will be subject to the following exception:
- Any lien, or right to a lien, for services, labor or material, heretofore or hereafter furnished, imposed by law, and not shown by the Public Records.
- The Company reserves the right to add additional items or make further requirements after review of the requested documentation.
- AB 25. Information should be furnished establishing whether any written agreement has been entered into by and between any party and a broker for the purposes of buying, selling, leasing or otherwise conveying any interest in the Land described herein. If such an agreement has been entered into, satisfactory evidence should be furnished establishing that the compensation agreed upon in such agreement has been paid and the broker's lien, or right to a lien, for such amount has been extinguished. In the event said evidence is not furnished, our policy(ies), when issued, will be subject to the following exception:
- Any lien, or right to a lien, imposed by law under the provisions of the Commercial Real Estate Broker Lien Act for compensation agreed upon by a broker and the broker's client or customer under the terms of a written agreement entered into for the purposes of buying, selling, leasing, or otherwise conveying any interest in the Land described in Schedule A.
- AC 26. The Company should be furnished a statement that there is no property manager employed to manage the Land, or, in the alternative, a final lien waiver from any such property manager.

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ALTA Commitment (06/17/2006)

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ASSOCIATION



COMMITMENT NO. [REDACTED]

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B
(continued)

- AF 27. The Company should be furnished the following:
- a) A Certification of Trust executed by the trustee in accordance with 760 ILCS 5/8.5, together with excerpts of the trust agreement and amendments thereto relating to the designation of trustees and the power of the trustee to act in the current transaction, or
- b) In the alternative, the trustee, in his or her sole discretion, may deliver to the Company a full copy of the trust agreement together with all amendments thereto.
- The Company reserves the right to add additional items or make further requirements after review of the requested documentation.
- S 28. Terms, powers, provisions, and limitations of the Trust under which title to the Land is held.
- T 29. The Land described in Schedule A either is unsubdivided property or constitutes part of a subdivided lot. As a result, a Plat Act Affidavit should accompany any conveyance to be recorded. In the alternative, compliance should be had with the provisions of the Plat Act (765 ILCS 205/1 et seq.)
- AD 30. Existing unrecorded leases and all rights thereunder of the lessees and of any person or party claiming by, through or under the lessees.
- U 31. Rights of the public, the state of Illinois and the municipality in and to that part of the land, if any, taken or used for road purposes. Affects part of the land lying in Crimmin Road in survey dated Jan 5, 1998 by James M. Olson, surveyor no. 2253.
- V 32. Rights of way for drainage tiles, ditches, feeders, laterals and underground pipes, if any.
- W 33. Rights of owners of land bordering on the streams in respect to the water and use of the surface of said body of water.
- X 34. Easement granted June 9, 1964 and recorded July 21, 1964 as document 145640 by Crimmins, et al to Illinois Power Company, its successors and assigns, the right and easement for public utilities purposes as described therein, together with the right of ingress and egress thereto for said purposes. Said easement was assigned to Northern Illinois Gas Company, its successors and assigns, by instrument recorded March 3, 1966 as document 151253.
- Y 35. Encroachment of the fence located mainly on the land onto the property North and adjoining by approximately 3.2 feet and along the West line measuring 255.45 feet by approximately 1.3 feet in section 30, land onto the property Southwesterly and adjoining by approximately 16.4 feet and the property Southerly and adjoining by approximately 19.4 feet in section 31 and onto the property South and adjoining by approximate 8.5 feet and onto the property East and adjoining by approximate 7.5 feet in section 28; onto property North and adjoining by approximate 20.5 feet in section 29; as shown on plat of survey number 2253 prepared by Illinois Professional Land Surveyer dated January 5, 1998.

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

SCHEDULE B
(continued)

- Z 36. Easement in favor of Nicor Gas, and its/their respective successors and assigns, to install, operate and maintain all equipment necessary for the purpose of serving the land and other property, together with the right of access to said equipment, and the provisions relating thereto contained in the grant recorded/filed as document no. 2000004172.
(see instrument for affects)
- AA 37. Terms and provisions of a Kendall County Health Department Well Variance recorded October 19, 2004 as Document No. 200400029156.

(For further particulars, see record.)
- AG 38. All endorsement requests should be made prior to closing to allow ample time for the company to examine required documentation.
(This note will be waived for policy).
- AH 39. Note for additional information: the "Kendall" county recorder requires that any documents presented for recording contain the following information:
 - A. The name and address of the party who prepared the document;
 - B. The name and address of the party to whom the document should be mailed after recording;
 - C. All permanent real estate tax index numbers of any property legally described in the document;
 - D. The address of any property legally described in the document;
 - E. All deeds should contain the address of the grantee and should also note the name and address of the party to whom the tax bills should be sent.
 - F. Any deeds conveying unsubdivided land, or, portions of subdivided land, may need to be accompanied by a properly executed "plat act affidavit."
- AI 40. For residential property only:

A provision for inflation coverage will be added to the owner's policy. This enhancement can automatically increase the amount of the owner's policy. For additional information, please contact your local underwriter.

END OF SCHEDULE B

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

SCHEDULE B
(continued)

Title Insurance Agent:

Daniel J. Kramer
1107A S. Bridge St.
Yorkville, IL 60560
Phone: (630)553-9500
Fax: (630)553-5764

Authorized Signatory

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ALTA Commitment (06/17/2006)

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CHICAGO TITLE INSURANCE COMPANY

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the Insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org>.*

END OF CONDITIONS

1031 EXCHANGE SERVICES

If your transaction involves a tax deferred exchange, we offer this service through our 1031 division, IPX1031. As the nation's largest 1031 company, IPX1031 offers guidance and expertise. Security for Exchange funds includes segregated bank accounts and a 100 million dollar Fidelity Bond. Fidelity National Title Group also provides a 50 million dollar Performance Guaranty for each Exchange. For additional information, or to set-up an Exchange, please call Scott Nathanson at (312)223-2178 or Anna Barsky at (312)223-2169.

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KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1 Applicant Madison Trust Company FBO Robert Bright M1507085.
Address 401 East 8th Street Suite 200P
City Sioux Falls State SD Zip 57103

2. Nature of Benefit Sought Special Use Permit

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:
Self-Directed IRA

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
Robert Bright	[REDACTED]	100%

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

Shaine Timmins, 401 East 8th Street, Suite 200P, Sioux Falls, SD 57103, Authorized Signer for Madison Trust Company

VERIFICATION

I, Shaine Timmins, 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 19th day of March, A.D. 2019

(seal)

[REDACTED]
Notary Public

CHAYA TOVA SLATER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SL6348808
Qualified In Rockland County
My Commission Expires 10-03-2020



CORPORATE RESOLUTION

This resolution remains in effect until you receive notice that it has been revoked or receive a new form.

I. Organization Information

- a. Name of Organization: Madison Trust Company, Inc.
- b. Organization Type: Trust Company serving as IRA Custodian
- c. Corporate Headquarters: 401 E. 8th Street, Suite 200P, Sioux Falls, SD 57103
- d. Telephone Number: 800-721-4900

II. This resolution is an authorization to act on behalf of Madison Trust Company's accounts.

III. Authorized Signatories:

The Individuals who sign below are authorized to:

- a. Sign any documents related to assets held by Madison Trust Company's accounts.
- b. Invest and redeem the assets held by Madison Trust Company's accounts.
- c. Obtain account information and give instructions for the purchase, sale, exchange, transfer or assets or securities held by Madison Trust Company's accounts.
- d. Establish access to Madison Trust Company's accounts online or through any other electronic or telephonic system.
- e. Engage in any other action regarding the assets held by Madison Trust Company's accounts.

The number of signatures required on a document is one (1).

Name of authorized signatories:

E. Brian Finkelstein, Chairman

Mervyn Klein, CEO

Daniel Gleich, President



_____ Dated: 02/20/2018

_____ Dated: 02/20/2018

_____ Dated: 02/20/2018



Additional Persons who can conduct transactions:

The individuals listed below are authorized to sign Transfer Authorizations, Re-registration Confirmations, Assignment of Notes, and any documents related to assets on behalf of Madison Trust Company's accounts.

Charles Knopf

Alexa Holzberg

Aidy Markowitz

Tova Slater

Maggie Borchardt

Amanda Pillitteri

Anne McBride

Brittany Bordeau

Elizabeth Frasciello

Jim Riswold

Nick Talarico

Xiomara Rodriguez

Seth Bergida

Shaine Timmins

Liam Stewart

Ian Robertson

Zachary Croan

The individuals listed below are authorized to sign IRA LLC Operating Agreements on behalf of Madison Trust Company's accounts.

Charles Knopf

Alexa Holzberg

Aidy Markowitz

Tova Slater

Maggie Borchardt

Amanda Pillitteri

Shaine Timmins

Ian Robertson

Elizabeth Frasciello

Joel Galkin

Mark Weissman

Kathleen Christman

Laurah Boswell

Anne McBride

Liam Stewart

Brittany Bordeau

Zachary Croan



Certification and Indemnification:

The undersigned signatories of Madison Trust Company hereby certify that:

- Each of the authorized signatories listed below is authorized by resolution of the board of directors to act on behalf of the organization in connection with any of the Madison Trust Company accounts.
- Madison Trust Company agrees to indemnify and hold harmless any investment company, its officers, employees and agents from and against all losses, claims and expenses (including attorney's fees) incurred by the investment company for relying in good faith upon the information provided in this resolution and for action on instructions believed by the investment company to have originated from any authorized signatory or additional authorized person listed above.
- This resolution remains in full force and effect until revoked by an authorized signatory of Madison Trust Company. Any revocation will not affect any liability resulting from transactions initiated before the investment company has had a reasonable amount of time to act upon the revocation.

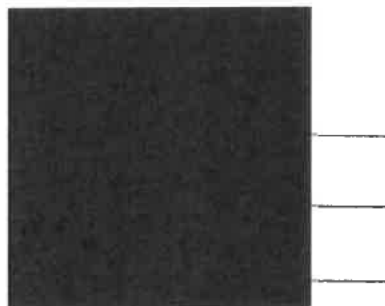
The undersigned are authorized to certify this information on behalf of Madison Trust Company and confirm that these provisions conform to the charter or other organizing document of Madison Trust Company.

Authorized Signatories:

E. Brian Finkelstein, Chairman

Mervyn Klein, CEO

Daniel Gleich, President



Dated: 02/20/2018

Dated: 02/20/2018

Dated: 02/20/2018

**KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM**

1. Applicant Bright & Enthaising Events
 Address 10978 Crimmin Rd
 City Newark, IL 60541 State IL Zip 60541

2. Nature of Benefit Sought Special Use Permit

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:

Event Venue

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
JoAnn Bright-Theis	[REDACTED]	25%
Adan Theis	[REDACTED]	25%
Nicola Bright	[REDACTED]	25%
Robert Bright	[REDACTED]	25%

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
JoAnn Bright-Theis 10978 Crimmins Rd Newark, IL 60541

VERIFICATION

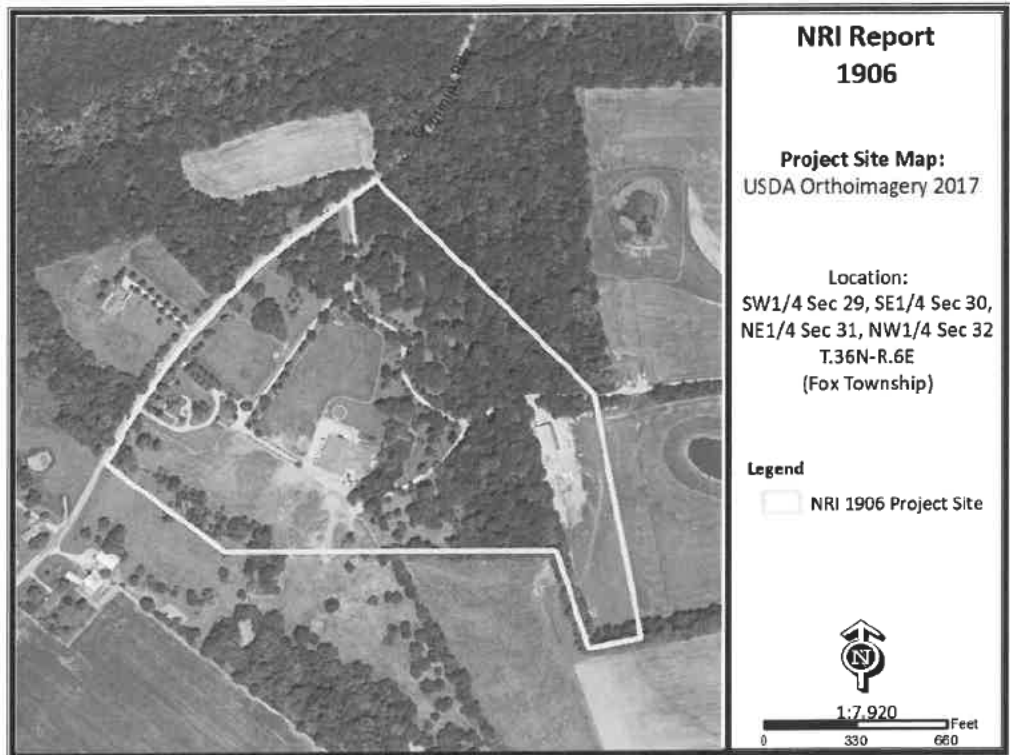
I, _____, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance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

Subscribed and sworn to before me this _____ day of _____, A.D. _____

(seal)

Notary Public

NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 1906



April 2019

Petitioner: Robert Bright
Contact: JoAnn Bright-Theis

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

1906

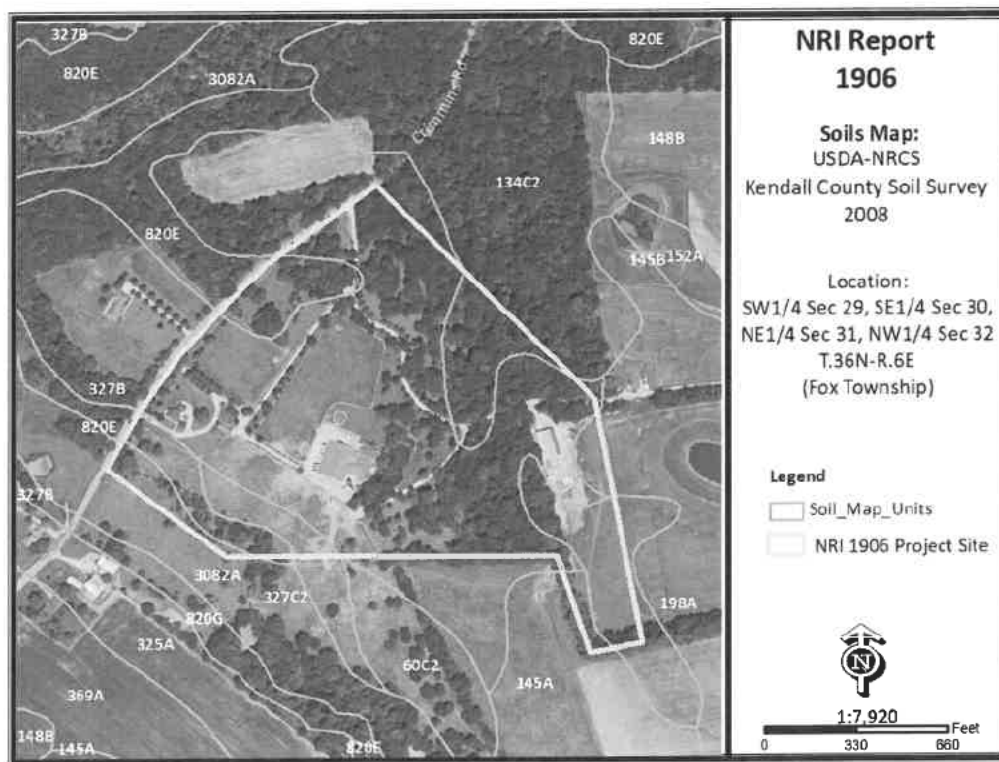
Executive Summary

April 8, 2019

Petitioner: Robert Bright**Contact Person:** JoAnn Bright-Theis**County or Municipality the petition is filed with:** Kendall County**Location of Parcel:** SW¼ Section 29, SE ¼ Section 30, NE ¼ Section 31 & NW ¼ Section 32 T.36N.-R.6E. (Fox Township), 3rd Principal Meridian in Kendall Co., IL**Project or Subdivision Name:** Not Provided**Existing Zoning & Land Use:** A-1; Residential, Barn with Paddock areas, Wooded**Proposed Zoning & Land Use:** A-1 Special Use; Banquet Center**Proposed Water Source:** Well**Proposed Type of Sewage Disposal System:** Septic**Proposed Type of Storm Water Management:** N/A**Size of Site:** 38.3acres**Land Evaluation Site Assessment Score:** 181 (Land Evaluation: 78; Site Assessment: 103)

Natural Resource Considerations

Soil Map:



SOIL INFORMATION:

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

Table 1:

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
134C2	Camden silt loam, 5-10% slopes, eroded	Well drained	B	Non-hydric	Statewide Importance
145A	Saybrook silt loam, 0-2% slopes	Moderately well drained	C	Non-hydric	Prime Farmland
145B	Saybrook silt loam, 2-5% slopes	Moderately well drained	C	Non-hydric	Prime Farmland
198A	Elburn silt loam, 0-2% slopes	Somewhat poorly drained	B/D	Non-hydric Hydric Inclusions likely	Prime Farmland
327B	Fox silt loam, 2-4% slopes	Well drained	B	Non-hydric	Prime Farmland
327C2	Fox silt loam, 4-6% slopes, eroded	Well drained	B	Non-hydric	Prime Farmland
820E	Hennepin-Casco complex, 12-30% slopes	Hennepin: Well drained Casco: Somewhat Excessively drained	Hennepin: C Casco: B	Non-hydric	Non-prime
3082A	Millington silt loam, 0-2% slopes, frequently flooded	Poorly drained	B/D	Hydric	Prime Farmland (if drained and protected from flooding or not frequently flooded during growing season)

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

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

Hydric Soils: A soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. Of the soils found onsite, 3082A Millington silt loam is identified as a hydric soil and, 198A Elburn silt loam is denoted as having the potential for hydric inclusions.

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

Table 2:

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
134C2	Medium	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
145A	Low	February - April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-3.8'	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
145B	Low	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
198A	Low	January - May Upper Limit: 1.0'-2.0' Lower Limit: >6.0'	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
327B	Low	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
327C2	Medium	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
820E	Hennepin: Very High Casco: High	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
3082A	Negligible	January - May Upper Limit: 0.0'-1.0' Lower Limit: >6.0' June, Nov, Dec: Upper Limit: -- Lower Limit: --	January - May Surface Water Depth & Duration: 0.0'-0.5'; Brief Frequency: Frequent June, Nov, Dec: Surface Water Depth & Duration: - Frequency: None	January - May Brief, Frequent June, Nov, Dec Brief, Frequent

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

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

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

SOIL LIMITATIONS:

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

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

Conventional Septic System Rating Criteria:

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

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

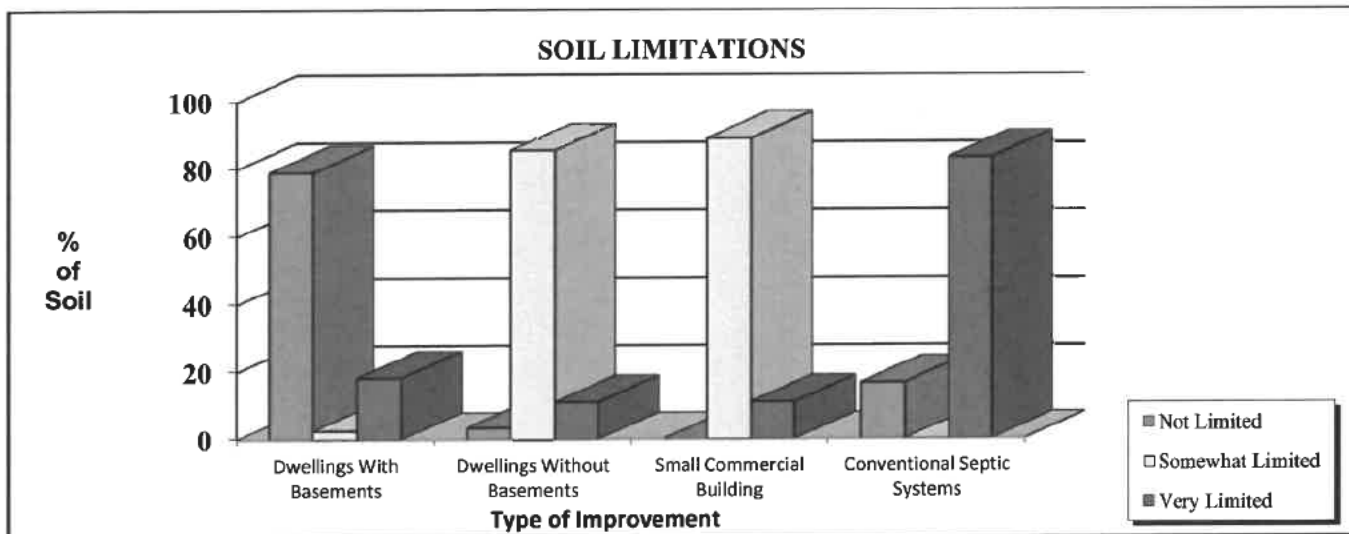
Table 3a: Building Limitations

Soil Type	Dwellings without Basements	Dwellings with Basements	Small Commercial Building	Onsite Conventional Sewage Disposal System
134C2	Somewhat Limited: Shrink-swell	Not Limited	Somewhat Limited: Slope, Shrink-swell	Suitable
145A	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone	Somewhat Limited: Shrink-swell	Suitable
145B	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone	Somewhat Limited: Shrink-swell	Suitable
198A	Somewhat Limited: Depth to saturated zone; Shrink-swell	Very Limited: Depth to saturated zone; Shrink-swell	Somewhat Limited: Depth to saturated zone; Shrink-swell	Suitable
327B	Somewhat Limited: Shrink-swell	Not Limited	Somewhat Limited: Shrink-swell	Unsuitable: Gravel
327C2	Not Limited	Not Limited	Somewhat Limited: Slope	Unsuitable: Gravel
820E	Very Limited: Slope	Very Limited: Slope	Very Limited: Slope	Unsuitable: Gravel
3082A	Very Limited: Ponding; Flooding; Depth to saturated zone	Very Limited: Ponding; Flooding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Flooding; Depth to saturated zone	Unsuitable: Frequently Flooded

Table 3b: Building Limitations

Soil Type	Shallow Excavations	Lawns & Landscaping
134C2	Somewhat Limited: Dusty, Unstable excavation walls	Somewhat Limited: Dusty
145A	Somewhat Limited: Depth to saturated zone; Dusty; Unstable excavation walls	Somewhat Limited: Dusty
145B	Somewhat Limited: Depth to saturated zone; Dusty, Unstable excavation walls	Somewhat Limited: Dusty
198A	Somewhat Limited: Depth to saturated zone; Dusty; Unstable excavation walls	Somewhat Limited: Depth to saturated zone; Dusty
327B	Somewhat Limited:	Somewhat Limited:

	Dusty; Unstable excavation walls	Dusty
327C2	Somewhat Limited: Dusty; Unstable excavation walls	Somewhat Limited: Dusty
820E	Hennepin: Very Limited: Slope; Dusty; Unstable excavation walls Casco: Very Limited: Slope; Unstable excavation walls; Dusty	Hennepin: Very Limited: Slope; Low exchange capacity; Dusty Casco: Very Limited: Slope; Dusty; Droughty
3082A	Very Limited: Ponding; Depth to saturated zone; Flooding; Dusty; Unstable excavation walls	Very Limited: Ponding; Flooding; Depth to saturated zone; Dusty



Building Limitations Maps:

Figure 2a: Dwellings With Basements

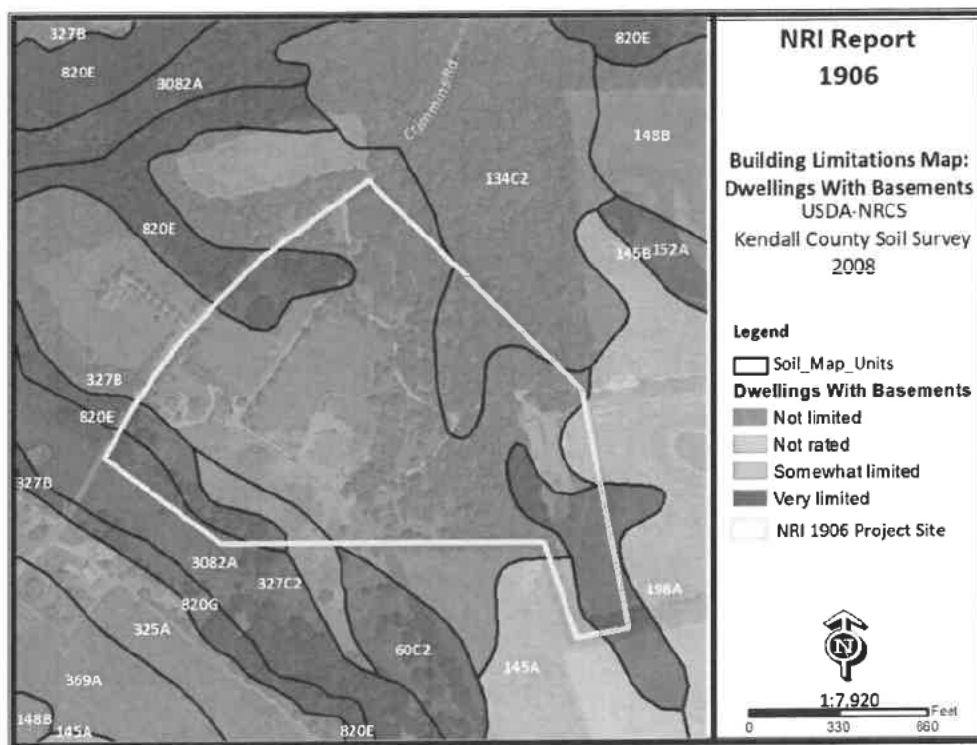


Figure 2b: Dwellings Without Basements

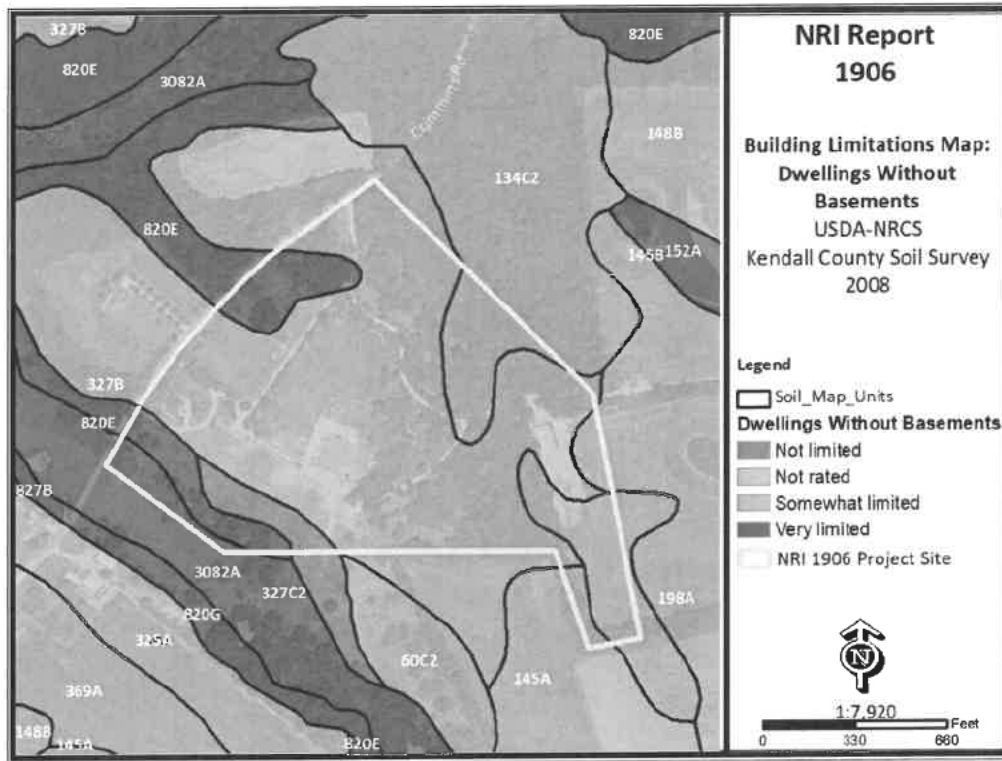


Figure 2c: Small Commercial Building

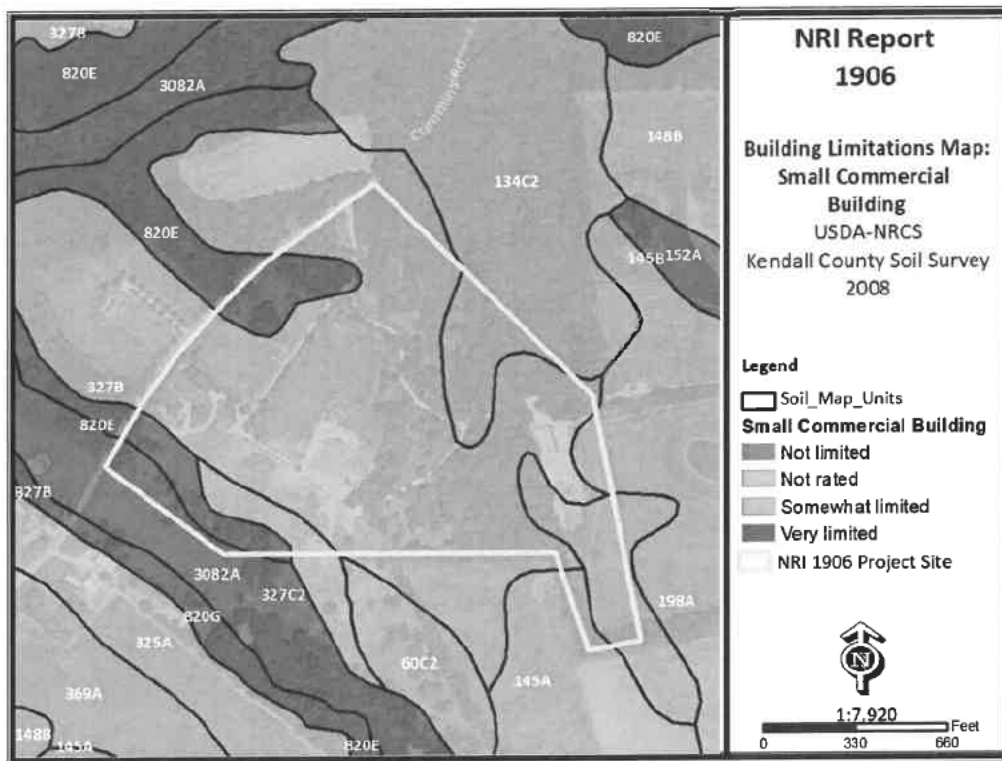


Figure 2d: Shallow Excavations

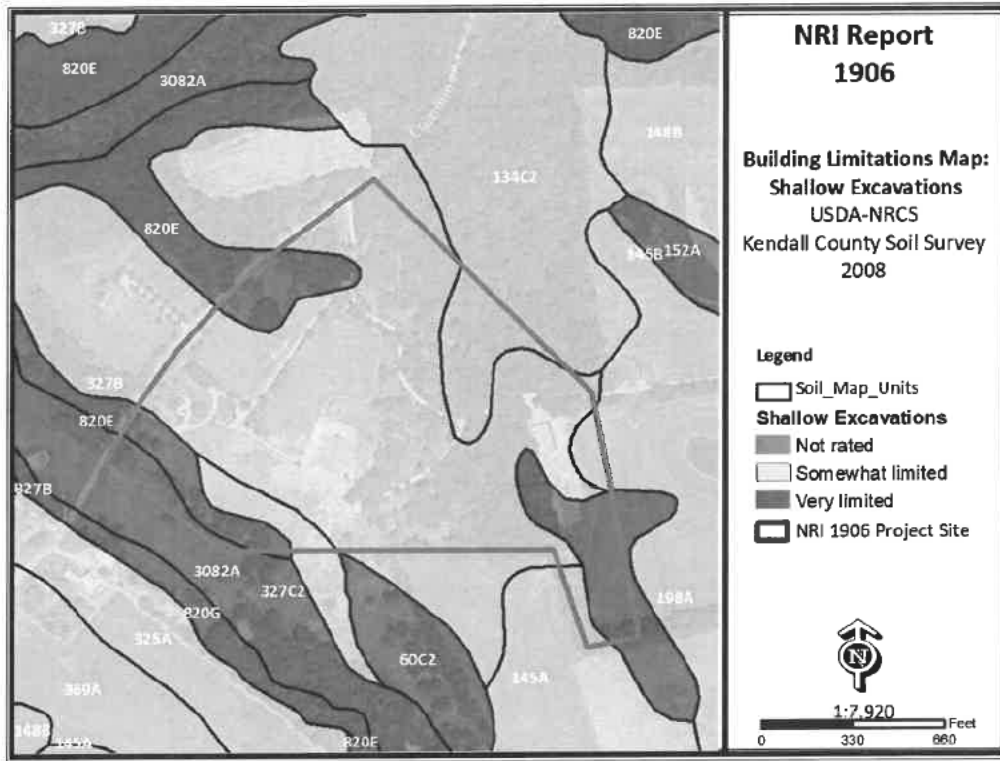
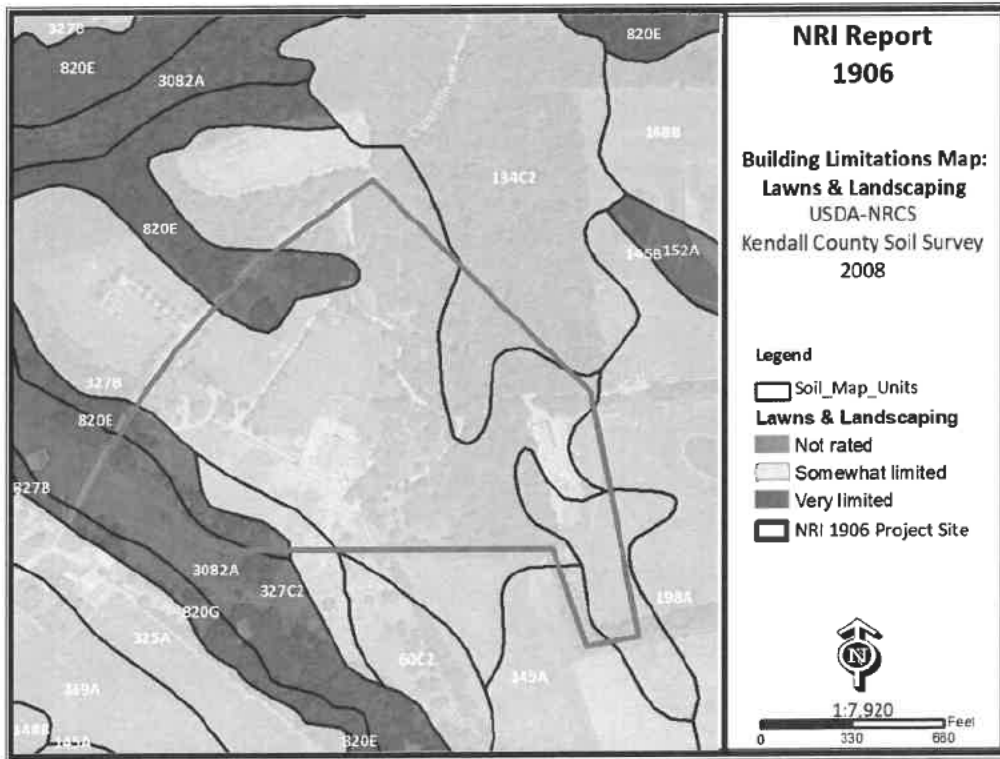


Figure 2e: Lawns & Landscaping



Kendall County Land Evaluation and Site Assessment (LESA):

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

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

Table 4a: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
134C2	5	82	2.6	213.2
145A	2	94	0.4	37.6
145B	2	94	0.6	56.4
198A	1	100	2.8	280.0
327B	4	79	26.4	2085.6
327C2	4	79	1.3	102.7
820E	7	47	3.7	173.9
3082A	4	79	0.5	39.5
Totals			38.3	2988.9
LE Score		LE= 2988.9/38.3		LE = 78

The Land Evaluation score for this site is **78**, indicating that this site is not predominately prime farmland well suited for agricultural production.

Table 4b: Site Assessment Computation

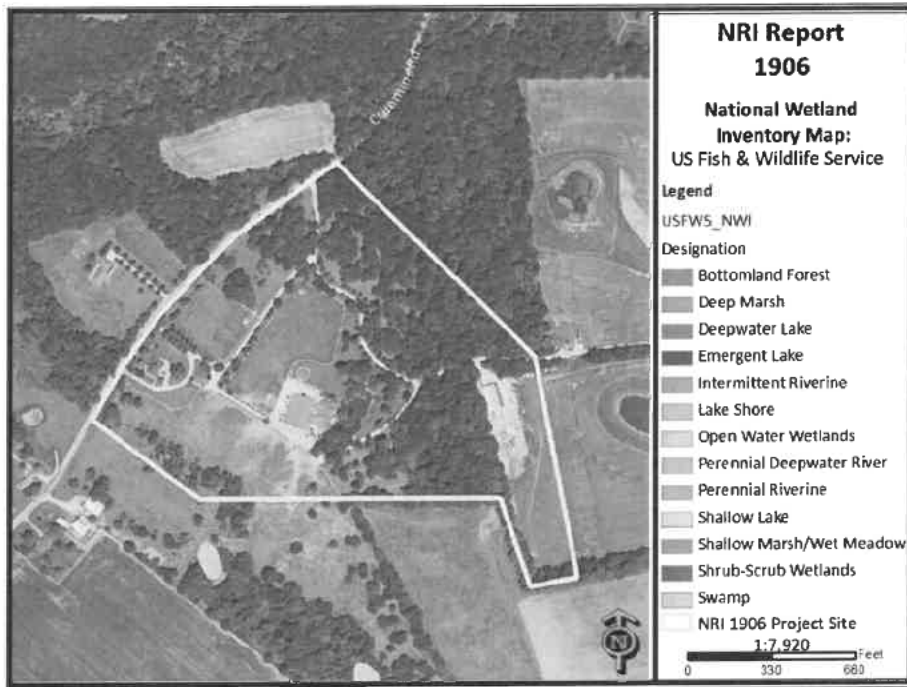
A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	10
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	10
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	Site Assessment Score:	103

Land Evaluation Value: 78 + Site Assessment Value: 103 = LESA Score: 181

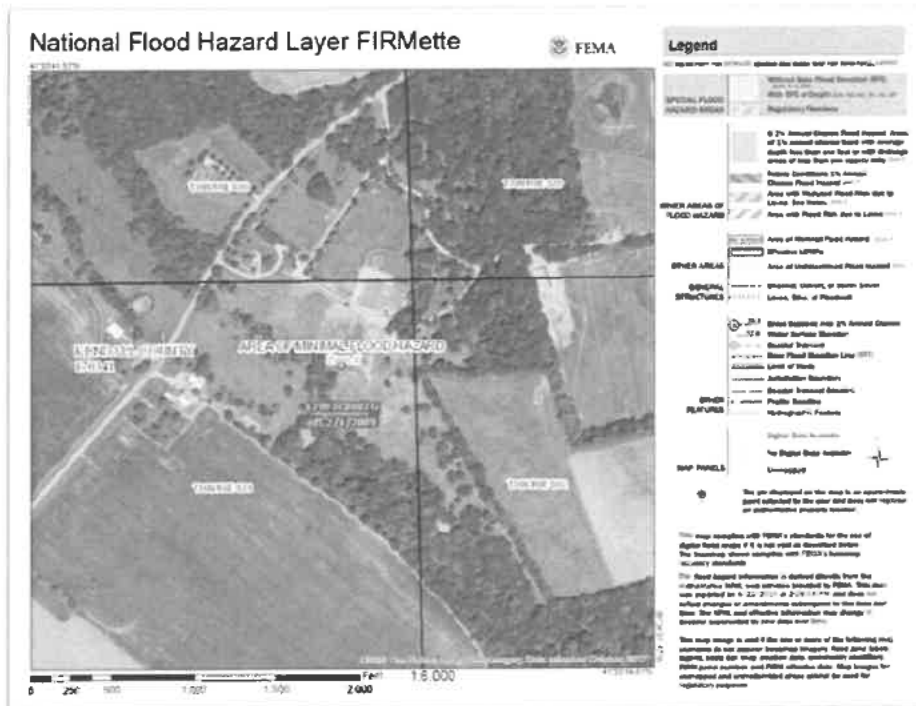
LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

The **LESA Score for this site is 181** 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 potential presence of a wetland on the project site. If a wetland is present and will be impacted by the project, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.



Floodplain: The parcel is not located within the floodplain.



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

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Robert Bright at the request of their contact JoAnn Bright-Theis for the proposed A-1 Special Use petition project. This parcel is located in portions of Sections 29, 30, 31 & 32 in Fox Township (T.36N.-R.6E. 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 has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored an 78 out of a possible 100 points indicating the soils found on the project site are not predominately prime farmland well suited for agricultural production. The overall LESA Score for this site is 181 which indicates a low level of protection for the proposed project site. Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production and is an important resource to Kendall County; of the eight soil types identified onsite, six are designated as prime farmland, one is designated as farmland of statewide importance and one is not indicated as either. A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile; one soil type found onsite, 3082A Millington silt loam is designated as a hydric soil and one soil type, 198A Elburn silt loam has the potential to have hydric inclusions.

For proposed land uses, soils can have potential limitations. This report indicates, if the following uses were to be included as part of future site development or expansion, that for soils located on the parcel, 83.3% are unsuitable for onsite conventional septic systems, 80.1% of the soils are very limited for shallow excavations, 78.8% are very limited for onsite conventional septic systems, 18.3% are very limited for dwellings with basements and shallow excavations, and 11% are very limited for dwellings without basements, small commercial building and lawns/landscaping. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support development with significant limitations. Additionally, since the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Fox River Watershed and Clear Creek subwatershed.

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

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

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

04/08/19
Date



Applicant: Robert Bright
Contact: JoAnn Bright-Theis
Address: 10978 Crimmin Rd
 Newark, IL 60541

IDNR Project Number: 2114879
Date: 06/16/2021

Project: Major Amendment to Existing Special Use Permit
Address: 10978 Crimmins Rd., Newark

Description: Applicant is seeking an expansion of the allowed number of events and operating days

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:

Millington Fen INAI Site
 Millington Railroad Fen Natural Heritage Landmark
 Tucker-Millington Fen Nature Preserve
 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:

36N, 6E, 30
 36N, 6E, 31
 36N, 6E, 32



IL Department of Natural Resources

Contact

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

Government Jurisdiction

Kendall County Board
 Matt Asselmeier
 111 W. Fox St.
 Yorkville IL, 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: 2114879

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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: 2114879



EcoCAT Receipt	Project Code 2114879
-----------------------	-----------------------------

APPLICANT	DATE
------------------	-------------

Robert Bright
JoAnn Bright-Theis

6/16/2021

DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
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EcoCAT Consultation	\$ 125.00	\$ 2.81	\$ 127.81
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		TOTAL PAID	\$ 127.81
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Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
217-785-5500
dnr.ecocat@illinois.gov

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. the amendment to 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.

The amendment to the special use will not be substantially injurious to the use of other properties in the immediate vicinity. All provisions provided in the original special use ordinance shall continue in full force and effect to ensure that the use does not adversely impact adjacent uses and is compatible with the surrounding area

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

All necessary utilities, roads, drainage, and necessary facilities have previously been 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 The amendment to the special use conforms to the applicable regulations for an Agricultural

District

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

The amendment to the special use is consistent with the purpose and objectives of the Land Resource Management Plan

State of Illinois
County of Kendall

Zoning Petition
#19-12

ORDINANCE NUMBER 2019-23

GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A BANQUET FACILITY ON A 38.34 ACRE +/- PARCEL LOCATED AT 10978 CRIMMIN ROAD ON THE PROPERTY IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, AND 04-32-100-008 IN FOX TOWNSHIP

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

WHEREAS, Section 7.01.D.10 of the Kendall County Zoning Ordinance permits the operation of banquet facilities as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 38.34 acres located at 10978 Crimmin Road (PINs: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, and 04-32-100-008) in Fox 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 Madison Trust and Castle Bank N A as represented by Robert Bright and JoAnn Bright-Theis has permission to operate a banquet facility on the subject property and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about March 19, 2019, Petitioner filed a petition for a special use permit allowing the operation of a banquet facility at the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on June 6, 2019, the Kendall County Zoning Board of Appeals conducted a public hearing on July 1, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and their representative presented evidence, testimony, and exhibits in support of the requested special use permit and zero members of the public testified in favor, one member of the public testified in opposition, and two members of the public expressed concerns regarding the petition; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated July 1, 2019, a true and correct copy of which is attached hereto as Exhibit B; and

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

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

State of Illinois
County of Kendall
County Zoning Ordinance; and

Zoning Petition
#19-12

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

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

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a special use permit allowing the operation of a banquet facility on the subject property subject to the following conditions:
 - A. The site shall be developed substantially in accordance with the Site Plan attached hereto as Exhibit C, Landscaping Plan attached hereto as Exhibit D, and Parking Illumination Plan attached hereto as Exhibit E.
 - B. Permanent restroom facilities shall be installed by 2021. When the permanent restroom facilities are installed, the portable bathrooms shown on the attached site plan shall be removed.
 - C. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.
 - D. The subject parcel must follow the site plan configuration with the exception of the right-of-way dedication listed in condition L.
 - E. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.
 - F. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. Any signage provided will not be illuminated. The owners of the business allowed by this special use permit may install additional non-illuminated traffic directional signs not shown on the approved site plan within their property.
 - G. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
 - H. The noise regulations are as follows:

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

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

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

State of Illinois
County of Kendall

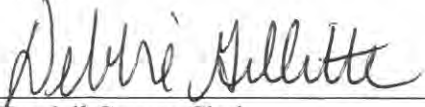
Zoning Petition
#19-12

- I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. For events with music, the north and south barn doors shall close by 7:00 p.m.
- J. Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day prior to the event and 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30).
- K. A new certificate of occupancy must be issued for the barn.
- L. Within ninety (90) days of the approval of this special use permit ordinance, the owners of the subject property shall dedicate a strip of land along the entire western boundary of the property at a depth of forty-five feet (45') as measured from the centerline of Crimmin Road to Fox Township to be used as Crimmin Road right-of-way.
- M. No patron or other entity associated with the business allowed by this special use permit shall be allowed to park on Crimmin Road.
- N. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
- O. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws including, but not limited to Fox Township's laws, related to the operation of this type of business.
- P. 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.
- Q. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

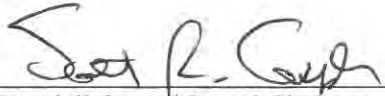
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

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

Attest:



 Kendall County Clerk
 Debbie Gillette



 Kendall County Board Chairman
 Scott R. Gryder

Exhibit A

LEGAL DESCRIPTION OF ROBERT BRIGHT TRACT (38.3391 Acres):

That part of the Southwest Quarter of Section 29, that part of the Southeast Quarter of Section 30, that part of the Northeast Quarter of Section 31 and that part of the Northwest Quarter of Section 32, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Northeast Quarter of Section 31; thence Southerly, along the East Line of said Northeast Quarter, 412.50 feet for a point of beginning; thence West, along a line which is parallel with the North Line of said Northeast Quarter and which forms an angle of $88^{\circ}55'20''$ with the last described course, measured counter-clockwise therefrom, 628.98 feet; thence Northwesterly, along a line which forms an angle of $136^{\circ}30'40''$ with the last described course, measured counter-clockwise therefrom, 506.73 feet to the centerline of Crimmins Road; thence Northeasterly, along said centerline which forms an angle of $105^{\circ}18'51''$ with the last described course, measured counter-clockwise therefrom, 50.50 feet; thence Northeasterly, along said centerline being a tangential curve to the right with a radius of 2300.0 feet, an arc distance of 1058.74 feet; thence Northeasterly, along said centerline which is tangent to the last described curve at the last described point, 299.42 feet; thence Northeasterly, along said centerline being a curve to the left with a radius of 730.0 feet, an arc distance of 8.76 feet to the West Line of said Southwest Quarter of Section 29; thence Southerly, along said West Line, 22.82 feet; thence Southeasterly, along a line which forms an angle of $136^{\circ}53'45''$ with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southeasterly, along a line which forms an angle of $148^{\circ}16'44''$ with the last described course, measured counter-clockwise therefrom, 889.54 feet to a point on a Southerly Line of a Tract conveyed to Robert A. Bright as Trustee of the Robert A. Bright Declaration of Trust by Trustee's Deed recorded as Document 9801248 on February 4, 1998; thence Southwesterly along said Southerly Line which forms an angle of $89^{\circ}59'40''$ with the last described course, measured counter-clockwise therefrom, 197.0 feet to a Southerly Corner of said Bright Tract; thence Northwesterly, along a line which forms an angle of $95^{\circ}37'45''$ with the last described course, measured counter-clockwise therefrom, 359.61 feet to a point on a line drawn Easterly, parallel with the North Line of said Northwest Quarter of Section 32, from the point of beginning and which is 607.20 feet from the point of beginning; thence Westerly, along said parallel line which forms an angle of $107^{\circ}48'12''$ with the last described course, measured clockwise therefrom, 607.20 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 38.3391 acres.

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. **The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan, landscaping plan, and lighting plan. Proper buffering and noise controls will be necessary to prevent noise from negatively impacting neighboring properties. The Kendall County Sheriff's Department has not submitted comments expressing concerns for public health and safety, based on the information provided by the Petitioners.***

Member Clementi dissented with the above Finding and stated that the proposed special use permit would be detrimental and will endanger the public health.

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

Chairman Mohr and Member Clementi dissented with the above Finding.

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **True, the Petitioner's site plan addresses utilities, drainage, and points of ingress and egress.***

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

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

Recommendation

The Kendall County Zoning Board of Appeals recommends approval of the requested special use permit with the conditions:

- A. The site shall be developed substantially in accordance with the attached Site Plan, Landscaping Plan, and Parking Illumination Plan.
- B. Permanent restroom facilities shall be installed by 2021. When the permanent restroom facilities are installed, the portable bathrooms shown on the attached site plan shall be removed.

- C. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.
- D. The subject parcel must maintain a minimum of five (5) acres.
- E. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- F. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.
- G. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. Any signage provided will not be illuminated. The owners of the business allowed by this special use permit may install additional non-illuminated traffic directional signs not shown on the approved site plan within their property.
- H. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- I. The noise regulations are as follows:
 - Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.
 - Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.
 - EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
- J. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. For events with music, barn doors shall close by 7:00 p.m.
- K. Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30).
- L. A new certificate of occupancy must be issued for the barn.
- M. Within ninety (90) days of the approval of this special use permit ordinance, the owners of the subject property shall dedicate a strip of land along the entire western boundary of the property at a depth of forty-five feet (45') as measured from the centerline of Crimmin Road to Fox Township to be used as Crimmin Road right-of-way.
- N. No patron or other entity associated with the business allowed by this special use permit shall

- be allowed to park on Crimmin Road.
- O. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
 - P. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws including, but not limited to Fox Township's laws, related to the operation of this type of business.
 - Q. 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.
 - R. 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 four (4) in favor, one (1) opposed, and two (2) absent.

July 1, 2019

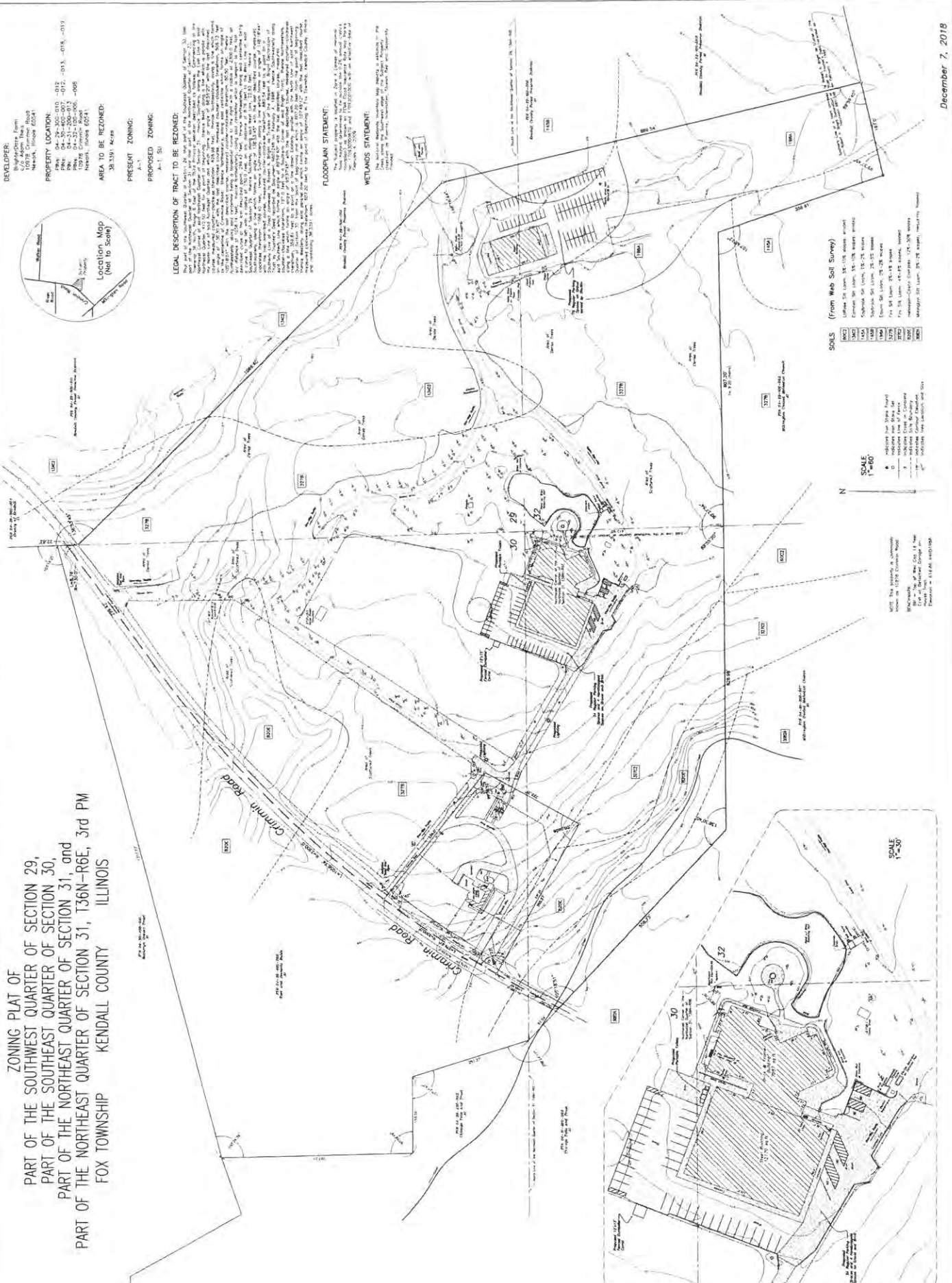
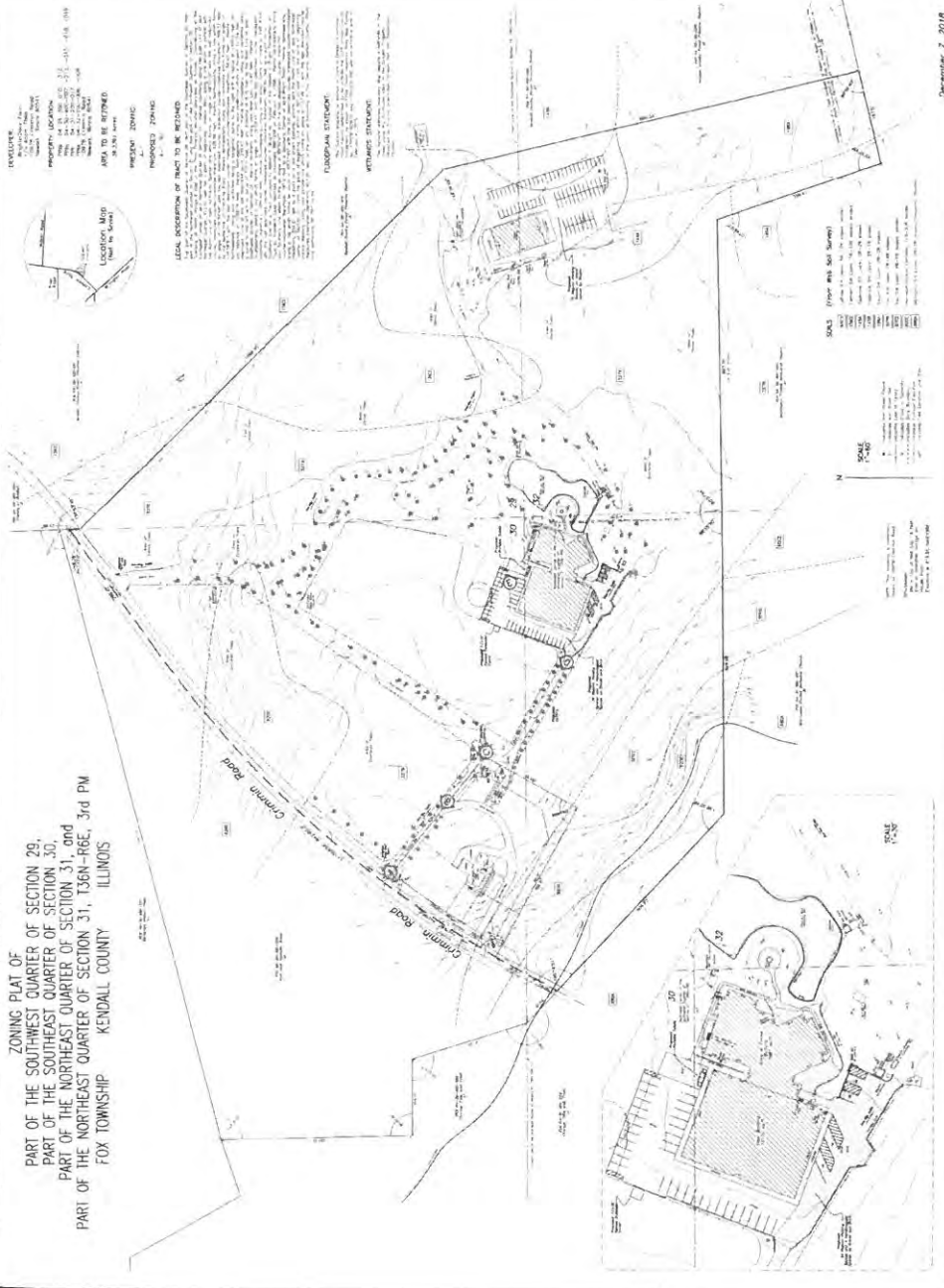


Exhibit D

ZONING PLAT OF
 PART OF THE SOUTHWEST QUARTER OF SECTION 29,
 PART OF THE SOUTHWEST QUARTER OF SECTION 30,
 PART OF THE NORTHEAST QUARTER OF SECTION 31, and
 PART OF THE NORTHEAST QUARTER OF SECTION 31, T36N-R6E, 3rd PM
 FOX TOWNSHIP KENDALL COUNTY ILLINOIS



B Main Entrance Drive



C Middle Drive



D Main Drive



E NE View



A Main Entrance

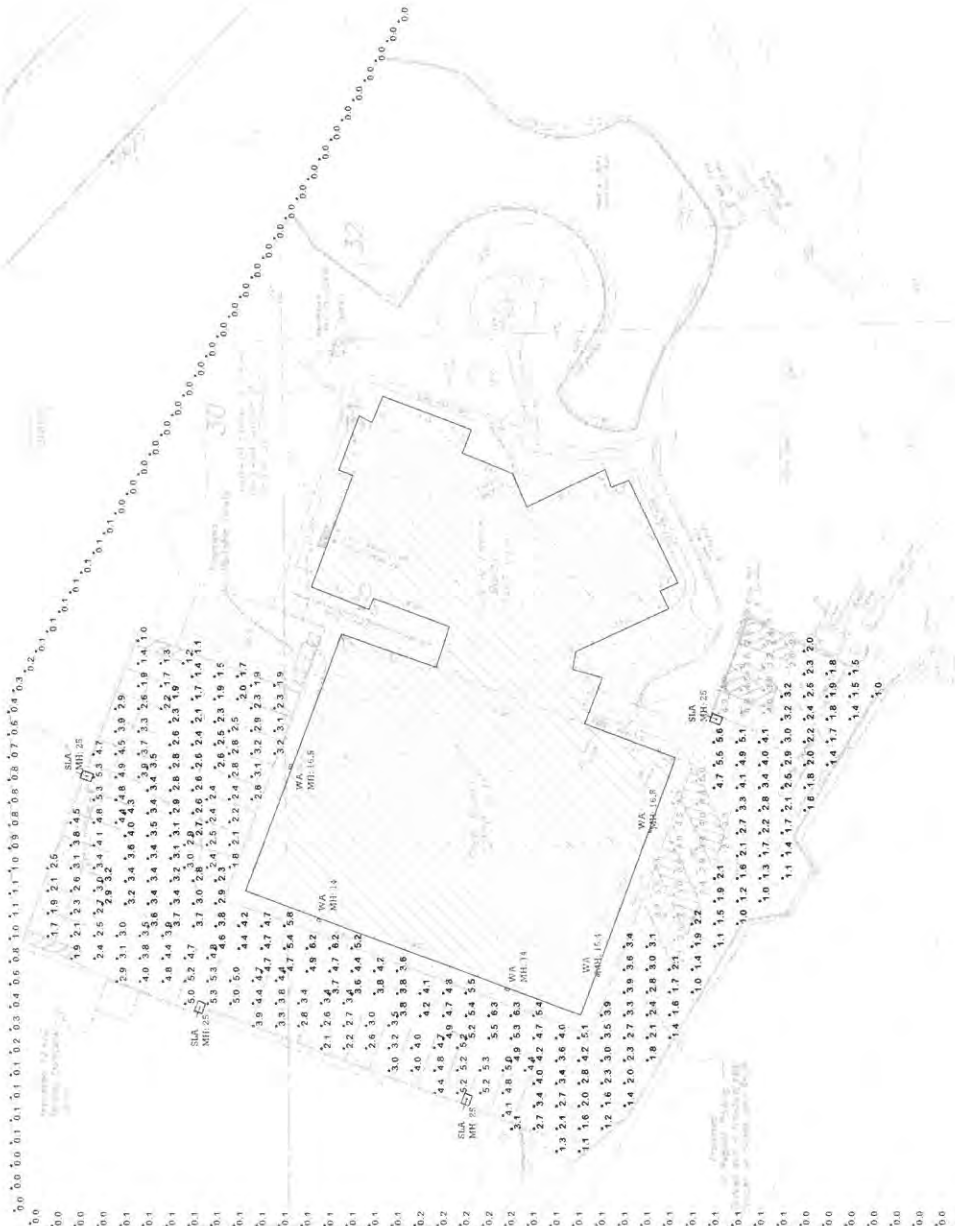
Notes:
 1) (166) Trees Ranging from 3" - 36"

Brighter Daze Farm Landscaping Plan
 SCALE: NOT TO SCALE



I.0

Brighter Daze Farm
 Landscaping Plan
 10978 Chimmus Rd • NAWAUK, IL 60541



Luminaire Data Label	Symbol	Manufacturer	Description	Lum. Lumens	LMF	Lum. Waits
SLA	☐	PHILIPS GARDCO	ECF-S-84L-IA-NW-G2-3	23936	0.8850	205.9
MH	☐	PHILIPS STONCO	LPW32-7	6910	0.8850	70.5
WA	☐					

Calculation Values						
Label	CalcType	Units	Avg	Max	Min	Max/Min
Handicap Spaces (Orange)	Illuminance	Fc	3.32	5.0	1.5	2.21
Parking Spaces (Blue)	Illuminance	Fc	3.40	5.3	1.0	5.30
Property Line (Green)	Illuminance	Fc	0.17	1.1	0.0	N/A
Traffic Lanes (Black)	Illuminance	Fc	0.07	6.3	1.0	3.04
All Hardscape	Illuminance	Fc	3.24	6	1	6.00

- NOTES**
- The calculated results of this lighting simulation represent a prediction of system performance and are not guaranteed.
 - Actual results may vary from the anticipated performance and are subject to means and conditions which are beyond the control of DB Lighting Consultation.
 - Illumination values shown (in foot-candles) are horizontal at grade level based on Mounting Height marked MH=??
 - Calculation points are on an 8' x 8' spacing

Scale: 1/4" = 20' FT.
 DB Lighting Consultation (DBLC) assumes no responsibility for any errors in the EES files, background images, or other information provided to DBLC to be used in these calculations.
 Actual or measured results may vary due to manufacturer tolerances, component malfunctions, obstructions, varying surface reflectance's and other field conditions.
 The owner assumes all responsibility for compliance with local, state and federal codes and regulations.

Prepared For: Britany Miller
 DB Lighting Consultation
 407-924-4113

Chicago Lightworks
 505 Warrenville Rd.
 Suite 101
 Naperville, IL 60532

Project Name: BrighterDaze Farms Parking
 Project ID Number: 2019-151
 Date: 03/14/2019

Rev	Date	Comments



Revisions: _____

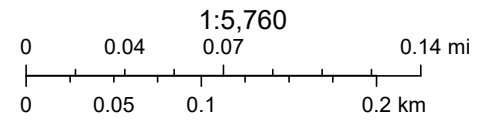
24" x 36"
 Page 1 of 1

Attachment 3



June 22, 2021

 Kendall County Address Points  Kendall County Forest Preserves
Parcels
Ownership Parcel



Map data © OpenStreetMap contributors, Microsoft, Esri Community Maps contributors, Map layer by Esri