

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
September 27, 2021 – 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

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

Members Absent: Karen Clementi and Dick Whitfield

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

Others Present: Scott Richmond, Lorena Gutierrez, Dan Kramer, Michael Ruffatto, and Robert VanderBeek

Chairman Mohr swore in Scott Richmond, Lorena Gutierrez, Dan Kramer, Michael Ruffatto, and Robert VanderBeek.

PETITIONS

The Zoning Board of Appeals started their review of Petition 21-29 at 7:01 p.m.

Petition 21 – 29 – Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez on Behalf of JJ Gutierrez Lawn Care, LLC

Request: Special Use Permit for a Landscaping Business and Variances to Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance Allowing Off-Street Parking in the Front Yard Setback

PIN: 08-02-300-012

Location: 12830 Ashley Road in Lisbon Township

Purpose: Petitioner Wishes to Operate a Landscaping Business at the Property; Property is Zoned A-1

Mr. Asselmeier summarized the request.

In January 2021, Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez purchased the subject property and wished to operate JJ Gutierrez Lawn Care, LLC at the property.

The application materials, survey of the property, site plan, aerial of the property with site plan superimposed, and topographic survey were provided.

Based on the information provided, a variance to allow parking in the front yard setback was also required.

The property was located at 12830 Ashley Road and consisted of approximately one point five (1.5) acres.

The existing land use was Agricultural/Farmstead and the property was zoned A-1.

The Land Resource Management Plan called for the property to be Agriculture in the County and Plattville's Future Land Use Map called for the property to be Low Density Residential.

Ashley Road was a Township maintained major collector.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent lands were zoned either A-1 in the County or A-1 inside the Village of Plattville.

The Land Resource Management Plan called for the area to the west to be Agricultural. Plattville's Future Land Use Map called for the area to be Low Density Residential.

The zoning districts within one half (1/2) mile were A-1, A-1 SU, and R-1 in the County and A-1 and R-1 inside the Village of Plattville.

Pictures of the property were provided.

The A-1 special use permit to the west is for electromagnetic compatibility testing.

EcoCAT Report was submitted on July 7, 2021, and consultation was terminated.

The NRI application was submitted on July 16, 2021. The LESA Score was 193 indicating a low level of protection.

Petition information was sent to Lisbon Township on August 5, 2021. The Lisbon Township Planning Commission reviewed this proposal at their meeting on September 14, 2021. The Commission voted to approve the proposal by a vote of three (3) in favor and one (1) in opposition. The Lisbon Township Board reviewed this proposal at their meeting on September 14, 2021. The motion to approve the proposal with the condition that the culvert be inspected by the Township Highway Commissioner was rejected by a vote of one (1) in favor and three (3) in opposition. The draft minutes of the Lisbon Township Board meeting were provided.

Petition information was sent to the Village of Plattville on August 5, 2021.

Petition information was sent to the Lisbon-Seward Fire Protection District on August 5, 2021. The Fire District sent an email on August 30, 2021 requesting one (1) fire extinguisher and one (1) first aid kit with applicable signage. The email was provided. The Petitioners were agreeable to this request.

ZPAC reviewed this proposal at their meeting on September 7, 2021. The Kendall County Soil and Water Conservation District noted the location of hydric soils on the property. The Kendall County Health Department stated their preference to have a dedicated well on the site or have clear language in any easements related to the well regarding usage of the well. The Petitioners indicated they were working on addressing the stormwater detention requirements. ZPAC recommended approval of the request by

a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 22, 2021. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and one (1) in opposition with one (1) member absent. Chairman Ashton voted no because the Petitioner previously started operations at the property without securing proper zoning. The minutes of this meeting were provided.

The Petitioners purchased the property in 2021 and started running a landscaping business on the premises without proper zoning. Upon receiving the warning letter, the Petitioners ceased operations of the business and started applying for the special use permit. The Petitioners continue to live at the property.

According to the business plan, JJ Gutierrez Lawn Care has been in business since 2016. The business has five (5) employees. Employees arrive at the property at approximately 6:00 a.m., go to work sites by 7:00 a.m., finish at work sites by 4:00 p.m., and return to the property and leave to go home by 6:00 p.m. The business operates Monday through Saturday. Business equipment presently consists of three (3) six (6) wheel dump trucks, one (1) pickup truck, and five (5) trailers for carrying lawn equipment. The Petitioners did not anticipate adding additional employees or equipment.

If approved, the Petitioners plan to start operations immediately.

One (1) two (2) story, approximately two thousand (2,000) square foot house, constructed in 1936 was located on the property.

According to the site plan and the site plan superimposed over the aerial, the Petitioners planned to install one (1) forty foot by eight foot by six foot (40'X8'X6') storage container. The container would be used to store small landscaping equipment such as weed trimmers, power washers, ladders, blowers, and similar equipment.

The site plan and aerial also showed three (3) open storage areas; one (1) for gravel, one (1) for mulch, and one (1) for compost. The storage areas individually were ten feet (10') wide and eighteen feet (18') in depth. The piles of materials stored in these areas would be a maximum of seven feet (7') height.

Any structures related to the landscaping business would be required to obtain applicable building permits.

Per the site survey, the property was served by a shared well. The well was located northwest of the existing house. There was a septic system on the premises. Employees would not be able to use the well on the property and no onsite restrooms would be provided.

There was also a propane tank on the premises located northeast of the house.

No outdoor refuse area was planned as part of the special use.

The property drained to the southeast.

A stormwater management permit will be required. The topographic survey was provided.

WBK reviewed this proposal and provided comments in a letter dated August 9, 2021, which was provided. The Petitioners amended the site plan from their original submittal to include a raingarden. The Petitioners were also in discussions with the County to pay a fee-in-lieu in addition to the raingarden to address the detention requirements. The specific information regarding the raingarden will be addressed as part of the stormwater management permit.

Per the survey, access to the existing house was by an easement with the properties to the north and east of the subject property.

According to the site plan and the site plan superimposed over the aerial, the Petitioners proposed to install a new twenty foot (20') wide driveway five (5') feet to the north of the south property line. They also planned to install a culvert under the new driveway. Lisbon Township would have to approve this new access point.

According to the site plan and the site plan superimposed over the aerial, the Petitioners planned to install a gravel area approximately two hundred feet (200') in depth and one hundred fifteen feet (115') wide. There were five (5) parking spaces available on the west side of the gravel area for employee parking. The parking stalls would be ten feet (10') wide by twenty feet (20') long. There would also be a five (5) parking spaces on the east side of the property for trailers and trucks.

According to the site plan and the site plan superimposed over the aerial, the parking lot would be approximately forty-seven feet (47') from the centerline of Ashley Road. The right-of-way for Ashley Road has not been dedicated in this area. Per Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance, the parking area cannot encroach into the required one hundred fifty foot (150') front yard setback. The Petitioners were seeking a variance to allow the parking area as shown on the site plan.

No customers of the business would be invited onto the property.

If there is a motor vehicle or equipment related leak, the area impacted gravel and dirt would be removed and replaced with clean gravel and dirt.

Other than lighting related to signage, no additional lighting was planned as part of the special use.

According to the site plan superimposed over the aerial, the Petitioners planned to install one (1) two (2)-sided sign north of the arborvitae along the west side of the property. The sign would be six feet (6') wide and three feet (3') tall. The sign would be elevated approximately one point five feet (1.5') above grade.

The Petitioners would like the sign to be illuminated. Per Section 12:08.A.2.a of the Kendall County Zoning Ordinance, the sign could be illuminated between 6:00 a.m. and 11:00 p.m.

Two (2) existing A-1 zoned properties with special use permits for landscaping businesses, 1996 Cannonball Trail and 997 Harvey Road, had illuminated signs.

No security gates or fencing were planned as part of the special use.

The Petitioners had already planted sixteen (16) arborvitae on the west side of the property as shown on the site plan and aerial. They were approximately three feet to four feet (3'-4') in height. They would grow to approximately sixteen feet (16') in height.

Fifteen (15) blue spruce trees would be planted near the southern property line in spring of 2022. The height at the time of planting would be five feet to six feet (5'-6') and they would grow to approximately twenty to twenty-five feet (20'-25') in height.

No information was provided regarding noise control.

No new odors were foreseen by the proposed use.

If approved, this would be the sixteenth (16th) special use permit for a landscaping business in unincorporated Kendall County.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the parking area, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The owners of the business allowed by the special use permit will not invite the public onto the property. Only landscape related materials and equipment will be stored at the subject property.

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

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. If Lisbon Township approves the new access point, then adequate points of ingress and egress will be provided. No customers will be allowed on the property and employees will not be able to use the well or restrooms in the existing house. The owners of the business allowed by the special use permit have applied for the applicable stormwater 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. Provided a variance is granted for the location of the parking area, the 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 use is consistent with an objective found on Page 9-21 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”.

The proposed Findings of Fact for the variance were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject property is approximately two hundred feet (200') deep as measured from west to east. It would be difficult to have off-street parking and the proposed business on the subject property without a variance for parking.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Most A-1 zoned properties, including properties that have existing special use permits for landscaping businesses, are larger and wider and do not have a need for a variance with regards to parking in the front yard setback.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners did not create the size or configuration of the subject property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Allowing the parking encroachment will not impair any of the above items.

Staff recommended approval of the special use permit for a landscaping business and variance to allow parking in the front yard setback subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan and aerial showing the site plan, including the addition of the raingarden shown on the site plan.
2. A variance to Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance shall be granted allowing off-street parking no closer than forty-seven feet (47') from the centerline of Ashley Road.
3. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the site plan. The

parking area shall be gravel.

4. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored items stored on the subject property and shall promptly clean up the site if leaks occur.
5. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be seven feet (7'), provided a Stormwater Management Permit is issued.
10. One (1) two (2)-sided business related sign may be installed in substantial the location shown on the site plan. The sign shall be a maximum of six feet (6') wide and three feet (3') tall. The sign may be elevated no greater than one point five feet (1.5') from the ground.
11. A minimum of sixteen (16) arborvitae shall be planted and maintained in substantially the locations shown on the site plan. The arborvitae shall be a minimum of three feet (3') tall at the time of planting and shall grow to approximately twelve feet (12'). Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
12. A minimum of fifteen (15) blue spruce trees shall be planted by June 30, 2022, and maintained in substantially the locations shown on the site plan. The blue spruce trees shall be a minimum of five feet (5') tall at the time of planting and shall grow to approximately twenty feet (20'). Damaged or dead blue spruce trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
13. No landscape waste generated off the property can be burned on the subject property.
14. A maximum of five (5) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
15. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.

16. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
17. 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.
18. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
19. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Chairman Mohr asked where the landscaping business had been operating on the property. Mr. Asselmeier responded that the Petitioners had been storing items approximately where the parking lot was located.

Chairman Mohr asked about the approval of the Lisbon Township Highway Commissioner regarding the access permit for the new driveway. Mr. Asselmeier responded that approval process was between the Petitioner and the Lisbon Township Highway Commissioner. If the Lisbon Township Highway Commissioner denied the access permit, the Petitioners would have to work with the adjoining property owners on using the existing driveway for the house.

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

Scott Richmond, Attorney for the Petitioner, stated that he did not have anything to add. The Petitioners wish to operate their landscaping business at the property. The property would be used for the storage of equipment and as a place for employees to report to for work. The Petitioner purchased the property in January 2021 and they do not work in the winter. In April, they brought equipment to the property and receive notice from the County that the use was not allowed without a special use permit. They hired Mr. Richmond, ceased operations at the property, and started the special use approval process.

Chairman Mohr asked if the Petitioners brought in the gravel shown on the aerial. Lorena Gutierrez responded that they added gravel to the property.

Mr. Richmond explained that the Petitioners would work with the property owner to the north for access, if the Lisbon Township Highway Commissioner denied access.

Chairman Mohr asked where the Petitioners take their landscaping materials. Ms. Gutierrez responded that they take those materials to another site.

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

Mr. Asselmeier noted the votes of the Lisbon Township Planning Commission and the Lisbon Township Board.

Member Cherry expressed concerns regarding the County's ability to enforce the restrictions in the special use permit. Member Cherry asked about burning regulations. Mr. Asselmeier explained State and Kendall County Health Department regulations and the potential revocation of the special use permit, if a violation occurs. Mr. Richmond noted that a township trustee lived in the area and the Petitioners understood that, if they violated the terms of their special use permit, the County probably would be notified.

Mr. Asselmeier explained that the people operating the special use permit had to reside on the property. The special use permit runs with the land.

Member LeCuyer made a motion, seconded by Member Thompson, to approve the Findings of Fact for the special use permit and variance.

Discussion occurred regarding the lighted sign. The sign will have small, landscaping lights shining on it. The sign will not be internally illuminated.

The votes were as follows:

Ayes (5): Cherry, Fox, LeCuyer, Mohr, and Thompson
Nays (0): None
Abstain (0): None
Absent (2): Clementi and Whitfield

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

The votes were as follows:

Ayes (5): Cherry, Fox, LeCuyer, Mohr, and Thompson
Nays (0): None
Abstain (0): None
Absent (2): Clementi and Whitfield

The motion passed.

Lisbon Township will be notified of the results of the public hearing. The proposal will go to the Kendall County Planning, Building and Zoning Committee on Tuesday, October 12, 2021.

The Zoning Board of Appeals completed their review of Petitions 21-29 at 7:30 p.m.

PUBLIC COMMENTS

Mr. Asselmeier stated that, for the October meeting, there would be proposed text amendments to the Zoning Ordinance to address the recently passed Garden Act and Agricultural Experience Act. There were also requests for a special use permit for a landscaping business 3549 Bell Road, a text amendment request adding contractor services to the list of special uses in the A-1 District, and a request to amend the Future Land Use Map and rezone the property across from 16924 O'Brien Road for a house.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

With a voice vote of five (5) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:43 p.m.

The next hearing/meeting will be on November 1, 2021.

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

Exhibits

1. Memo on Petition 21-29 Dated September 23, 2021
2. Certificate of Publication for Petition 21-29 (Not Included with Report but on file in Planning, Building and Zoning Office)

Matt Asselmeier

From: Steve Gengler <[REDACTED]>
Sent: Monday, September 27, 2021 11:30 AM
To: Matt Asselmeier
Subject: [External]Semper-Fi

Matthew H. Asselmeier
Senior Planner
Kendall County Planning, Building and Zoning.
111 W. Fox Street
Yorkville, Il 60560

Dear Matt,

At the September 21st Kendall Township Board meeting the board voted unanimously to approve the motion from the Kendall Township Planning Commission.

The motion states

To recommend approval of zoning request (from Semper-Fi) to Kendall County Board. Subject to careful consideration of stormwater outlet elevation and retention by Kendall County Stormwater engineer, With request of consideration of a draitile to protect surrounding properties.

Thanks for your consideration,

Steve Gengler

Kendall Township Supervisor

Sent via the Samsung Galaxy S21 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-29

**Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez on Behalf of JJ Gutierrez Lawn Care, LLC
A-1 Special Use Permit for Landscaping Business
Variance to Allow Parking in the Front Yard Setback**

INTRODUCTION

In January 2021, Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez purchased the subject property and wished to operate JJ Gutierrez Lawn Care, LLC at the property.

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

Based on the information provided, a variance to allow parking in the front yard setback is also required.

SITE INFORMATION

PETITIONERS: Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez on Behalf of JJ Gutierrez Lawn Care, LLC

ADDRESS: 12830 Ashley Road, Newark

LOCATION: Approximately 0.1 Miles North of Plattville Road on the East Side of Ashley Road



TOWNSHIP: Lisbon

PARCEL #: 08-02-300-012

LOT SIZE: 1.5 +/- Acres

EXISTING LAND USE: Agricultural/Farmstead

ZONING: A-1

LRMP:	Future Land Use	Agriculture (County) Low Density Residential (Max 0.65 DU/Acre) (Plattville)
	Roads	Ashley Road is a Township maintained major collector.
	Trails	There are no trails planned in the area.
	Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Special Use Permit for a Landscaping Business
Variance to Allow Parking in the Front Yard Setback

APPLICABLE REGULATIONS: Section 4:05.B – Permitted Obstructions in Required Yards
Section 7:01.D.30 – A-1 Special Uses
Section 7:01.G.2 – Setbacks on A-1 Zoned Property
Section 13:04 – Variance Procedures
Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within 1/2 Mile
North	Agricultural/Farmstead	A-1 (Plattville)	Low Density Residential (Max 0.65 DU/Acre) (Plattville)	A-1 (County) A-1 (Plattville)
South	Agricultural	A-1 (Plattville)	Low Density Residential (Plattville)	A-1 and R-1 (County) A-1 and R-1 (Plattville)
East	Agricultural/Farmstead	A-1 (Plattville)	Low Density Residential (Plattville)	A-1 (Plattville)
West	Agricultural Farmstead	A-1 (County)	Agriculture (County) Low Density Residential (Plattville)	A-1 and A-1 SU (County)

Pictures of the property are included as Attachments 6-9.

The A-1 special use permit to the west is for electromagnetic compatibility testing.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report was submitted on July 7, 2021, and consultation was terminated, see Attachment 1,

Pages 9-11.

NATURAL RESOURCES INVENTORY

The NRI application was submitted on July 16, 2021, see Attachment 1, Page 8. The LESA Score was 193 indicating a low level of protection. The NRI Report is included as Attachment 10.

ACTION SUMMARY

LISBON TOWNSHIP

Petition information was sent to Lisbon Township on August 5, 2021. The Lisbon Township Planning Commission reviewed this proposal at their meeting on September 14, 2021. The Commission voted to approve the proposal by a vote of three (3) in favor and one (1) in opposition. The Lisbon Township Board reviewed this proposal at their meeting on September 14, 2021. The motion to approve the proposal with the condition that the culvert be inspected by the Township Highway Commissioner was rejected by a vote of one (1) in favor and three (3) in opposition. The draft minutes of the Lisbon Township Board meeting are included as Attachment 14.

VILLAGE OF PLATTVILLE

Petition information was sent to the Village of Plattville on August 5, 2021.

LISBON-SEWARD FIRE PROTECTION DISTRICT

Petition information was sent to the Lisbon-Seward Fire Protection District on August 5, 2021. The Fire District sent an email on August 30, 2021 requesting one (1) fire extinguisher and one (1) first aid kit with applicable signage. The email is included as Attachment 11. The Petitioners were agreeable to this request.

ZPAC

ZPAC reviewed this proposal at their meeting on September 7, 2021. The Kendall County Soil and Water Conservation District noted the location of hydric soils on the property. The Kendall County Health Department stated their preference to have a dedicated well on the site or have clear language in any easements related to the well regarding usage of the well. The Petitioners indicated they were working on addressing the stormwater detention requirements. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of this meeting are included as Attachment 12.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 22, 2021. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and one (1) in opposition with one (1) member absent. Chairman Ashton voted no because the Petitioner previously started operations at the property without securing proper zoning. The minutes of this meeting are included as Attachment 15.

GENERAL INFORMATION

The Petitioners purchased the property in 2021 and started running a landscaping business on the premises without proper zoning. Upon receiving the warning letter, the Petitioners ceased operations of the business and started applying for the special use permit. The Petitioners continue to live at the property.

BUSINESS OPERATIONS

According to the business plan found on page 2 of Attachment 1, JJ Gutierrez Lawn Care has been in business since 2016. The business has five (5) employees. Employees arrive at the property at approximately 6:00 a.m., go to work sites by 7:00 a.m., finish at work sites by 4:00 p.m., and return to the property and leave to go home by 6:00 p.m. The business operates Monday through Saturday. Business equipment presently consists of three (3) six (6) wheel dump trucks, one (1) pickup truck, and five (5) trailers for carrying lawn equipment. The Petitioners presently do not anticipate adding additional employees or equipment.

If approved, the Petitioners plan to start operations immediately.

BUILDINGS AND BUILDING CODES

One (1) two (2) story, approximately two thousand (2,000) square foot house, constructed in 1936 is located on the property.

According to the site plan (Attachment 3) and the site plan superimposed over the aerial (Attachment 4), the Petitioners plan to install one (1) forty foot by eight foot by six foot (40'X8'X6') storage container. The container would be used to store small landscaping equipment such as weed trimmers, power washers, ladders, blowers, and similar equipment.

The site plan and aerial also show three (3) open storage areas; one (1) for gravel, one (1) for mulch, and one (1) for compost. The storage areas individually are ten feet (10') wide and eighteen feet (18') in depth. The piles of materials stored in these areas would be a maximum of seven feet (7') height.

Any structures related to the landscaping business would be required to obtain applicable building permits.

ENVIRONMENTAL HEALTH

Per the site survey (Attachment 2), the property is served by a shared well. The well is located northwest of the existing house. There is a septic system on the premises. Employees will not be able to use the well on the property and no onsite restrooms will be provided.

There is also a propane tank on the premises located northeast of the house.

No outdoor refuse area is planned as part of the special use.

STORMWATER

The property drains to the southeast. The topographic survey is included in Attachment 5.

WBK reviewed this proposal and provided comments in a letter dated August 9, 2021, which is included as Attachment 13. The Petitioners amended the site plan from their original submittal to include a raingarden. The Petitioners were also in discussions with the County to pay a fee-in-lieu in addition to the raingarden to address the detention requirements. The specific information regarding the raingarden will be addressed as part of the stormwater management permit.

ACCESS

Per the survey (Attachment 2), access to the existing house is by an easement with the properties to the north and east of the subject property.

According to the site plan (Attachment 3) and the site plan superimposed over the aerial (Attachment 4), the Petitioners propose to install a new twenty foot (20') wide driveway five (5') feet to the north of the south property line. They also plan to install a culvert under the new driveway. Lisbon Township would have to approve this new access point.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan (Attachment 3) and the site plan superimposed over the aerial (Attachment 4), the Petitioners plan to install a gravel area approximately two hundred feet (200') in depth and one hundred fifteen feet (115') wide. There are five (5) parking spaces available on the west side of the gravel area for employee parking. The parking stalls would be ten feet (10') wide by twenty feet (20') long. There would also be a five (5) parking spaces on the east side of the property for trailers and trucks.

According to the site plan (Attachment 3) and the site plan superimposed over the aerial (Attachment 4), the parking lot will be approximately forty-seven feet (47') from the centerline of Ashley Road. The right-of-way for Ashley Road has not been dedicated in this area. Per Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance, the parking area cannot encroach into the required one hundred fifty foot (150') front yard setback. The Petitioners are seeking a variance to allow the parking area as shown on the site plan.

No customers of the business would be invited onto the property.

If there is a motor vehicle or equipment related leak, the area impacted gravel and dirt will be removed and replaced with clean gravel and dirt.

LIGHTING

Other than lighting related to signage, no additional lighting is planned as part of the special use.

SIGNAGE

According to the site plan superimposed over the aerial (Attachment 4), the Petitioners plan to install one (1) two (2)-sided sign north of the arborvitae along the west side of the property. The sign would be six feet (6') wide and three feet (3') tall. The sign would be elevated approximately one point five feet (1.5') above grade.

The Petitioners would like the sign to be illuminated. Per Section 12:08.A.2.a of the Kendall County Zoning Ordinance, the sign could be illuminated between 6:00 a.m. and 11:00 p.m.

Two (2) existing A-1 zoned properties with special use permits for landscaping businesses, 1996 Cannonball Trail and 997 Harvey Road, have illuminated signs.

SECURITY

No security gates or fencing is planned as part of the special use.

LANDSCAPING

The Petitioners have already planted sixteen (16) arborvitae on the west side of the property as shown on the site plan (Attachment 3) and aerial (Attachment 4). They are approximately three feet to four feet (3'-4') in height presently. They will grow to approximately sixteen feet (16') in height.

Fifteen (15) blue spruce trees will be planted near the southern property line in spring of 2022. The height at the time of planting will be five feet to six feet (5'-6') and they will grow to approximately twenty to twenty-five feet (20'-25') in height.

NOISE CONTROL

No information was provided regarding noise control.

ODORS

No new odors are foreseen by the proposed use.

RELATION TO OTHER SPECIAL USES

If approved, this would be the sixteenth (16th) special use permit for a landscaping business in unincorporated Kendall County.

FINDINGS OF FACT-SPECIAL USE PERMIT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications.

*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 the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the parking area, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The owners of the business allowed by the special use permit will not invite the public onto the property. Only landscape related materials and equipment will be stored at the subject property.***

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

in the special use permit to regulate the number of employees, hours of operation, site landscaping, and noise. Therefore, the neighboring property owners should not suffer loss in property values and the use will not negatively impact the adjacent land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. If Lisbon Township approves the new access point, then adequate points of ingress and egress will be provided. No customers will be allowed on the property and employees will not be able to use the well or restrooms in the existing house. The owners of the business allowed by the special use permit have applied for the applicable stormwater 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. **Provided a variance is granted for the location of the parking area, the 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 use is consistent with an objective found on Page 9-21 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”.***

FINDINGS OF FACT-VARIANCE

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **The subject property is approximately two hundred feet (200') deep as measured from west to east. It would be difficult to have off-street parking and the proposed business on the subject property without a variance for parking.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **Most A-1 zoned properties, including properties that have existing special use permits for landscaping businesses, are larger and wider and do not have a need for a variance with regards to parking in the front yard setback.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The owners did not create the size or configuration of the subject property.***

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **Allowing the parking encroachment will not impair any of the above items.***

RECOMMENDATION

Staff recommends approval of the special use permit for a landscaping business and variance to allow parking in the front yard setback subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 3) and aerial showing the site plan (Attachment 4), including the addition of a raingarden as shown on the attached site plan (Attachment 3).

2. A variance to Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance shall be granted allowing off-street parking no closer than forty-seven feet (47') from the centerline of Ashley Road.
3. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the attached site plan (Attachment 3). The parking area shall be gravel.
4. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored items stored on the subject property and shall promptly clean up the site if leaks occur.
5. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the attached site plan (Attachment 3). The maximum height of the piles of landscaping related material shall be seven feet (7'), provided a Stormwater Management Permit is issued.
10. One (1) two (2)-sided business related sign may be installed in substantial the location shown on the attached site plan (Attachment 3). The sign shall be a maximum of six feet (6') wide and three feet (3') tall. The sign may be elevated no greater than one point five feet (1.5') from the ground.
11. A minimum of sixteen (16) arborvitae shall be planted and maintained in substantially the locations shown on the attached site plan (Attachment 3). The arborvitae shall be a minimum of three feet (3') tall at the time of planting and shall grow to approximately twelve feet (12'). Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
12. A minimum of fifteen (15) blue spruce trees shall be planted by June 30, 2022, and maintained in substantially the locations shown on the attached site plan (Attachment 3). The blue spruce trees shall be a minimum of five feet (5') tall at the time of planting and shall grow to approximately twenty feet (20'). Damaged or dead blue spruce trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
13. No landscape waste generated off the property can be burned on the subject property.
14. A maximum of five (5) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
15. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
16. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
17. 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.

18. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
19. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

ATTACHMENTS

1. Application Materials (Including Petitioner's Findings of Fact, NRI Application, and EcoCat)
2. Survey
3. Site Plan
4. Aerial with Site Plan Superimposed
5. Topographic Survey
6. Special Use Area North
7. Special Use Area Center
8. Special Use Area South
9. Existing Arborvitae
10. NRI Report
11. August 30, 2021 Lisbon Seward Fire Protection District Email
12. September 7, 2021 ZPAC Minutes (This Petition Only)
13. August 9, 2021 WBK Letter
14. September 14, 2021 Draft Lisbon Township Board Minutes
15. September 22, 2021 Kendall County Regional Planning Commission Minutes (This Petition Only)


DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION
PROJECT NAME JJ Gutierrez Lawn Care Special Use **FILE #:** 21-29

NAME OF APPLICANT		
JJ Gutierrez Lawn Care, Inc.		
CURRENT LANDOWNER/NAME(s)		
Lorena Gutierrez, Jose DeJesus Gutierrez, Refugio Alvarez and Etelvina Alvarez		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
1.5012	12830 Ashley Rd., Newark, IL 60541	08-02-300-012
EXISTING LAND USE		
Residential/ Agricultural	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
	A1	Agricultural
REQUESTED ACTION (Check All That Apply):		
<input checked="" 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.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1 PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Scott Richmond, Esq.	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
2 ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE
[REDACTED]		7-16-21

 FEE PAID: \$1155
 CHECK #: 3449

¹Primary Contact will receive all correspondence from County

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME JJ Gutierrez Lawn Care Special Use FILE #: _____

NAME OF APPLICANT JJ Gutierrez Lawn Care, Inc.		
CURRENT LANDOWNER/NAME(s) Lorena Gutierrez, Jose DeJesus Gutierrez, Refugio Alvarez and Etelvina Alvarez		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
1.5012	12830 Ashley Road, Newark, IL 60541	08-02-300-012
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Residential/Agricultural	A-1	Agricultural
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Scott Richmond, Esq.	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	[REDACTED]	
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT	[REDACTED]	DATE 7/26/21

FEE PAID:\$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

Description of Proposed Use

The special use being applied for is to operate a landscaping business on the property at 12830 Ashley Road, Newark, IL. JJ Gutierrez Lawn Care, Inc. has been in business since 2016. The business has 5 employees and will operate Monday through Saturday from 7:00 a.m. to 6:00 p.m. The business provides landscaping services off site, so the operations will involve employees arriving prior to 7:00 a.m. and leaving the site in company vehicles for the day and returning after 6:00 p.m.

JJ Gutierrez Lawn Care has the following equipment which will be stored at the site:

- 3 dump trucks (6 wheel)

- 1 pickup truck

- 5 trailers for carrying lawn care equipment

JJ Gutierrez Lawn Care plans to have outside storage bins for dirt, mulch and gravel on site and will have a storage container for equipment and supplies.

The owners will reside on site at this property as well.

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST $\frac{1}{4}$ OF SEC 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST $\frac{1}{4}$; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST $\frac{1}{4}$ 505.85 FEET FOR A POINT OF BEGINNING; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 87 DEGREES 09 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE MEASURED COUNTER-CLOCKWISE THEREFROM, 200.78 FEET; THENCE NORTH PARALLEL WITH SAID WEST LINE 316.80 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 98 DEGREES 00 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM 202.50 FEET TO SAID WEST LINE; THENCE SOUTHERLY ALONG SAID WEST LINE 335.00 FEET TO THE POINT OF BEGINNING, IN LISBON TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PIN: 08-02-300-012

Common address: 12830 Ashley Rd., Newark, IL 60541

20CSA620269A
213 CA

202100005470

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL
RECORDED: 3/3/2021 9:12 AM
REC FEE: 57.00 RHSPS: 10.00
STATE TAX: 230.00
COUNTY TAX: 115.00
PAGES: 3

WARRANTY DEED

Tenancy By The Entirety (Illinois)

**THE GRANTORS,
JOHN S. HUGHES and
DEBRA A. HUGHES,
Husband and Wife,**

of the [REDACTED]
in the County of Kendall
and State of Illinois

for and in consideration of Ten and 00/100 Dollars in hand paid, **CONVEY AND WARRANT TO:**

**LORENA GUTIERREZ and JOSE DE JESUS GUTIERREZ and REFUGIO ALVAREZ and
ETELVINA ALVAREZ**

whose address is: [REDACTED]

not as Tenants by the Entirety or Tenants in Common, but as **Joint Tenants**, the following described Real Estate situated in the County of Kendall in the State of Illinois, to wit:

THAT PART OF THE SOUTHWEST ¼ OF SEC 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST ¼; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST ¼ 505.85 FEET FOR A POINT OF BEGINNING; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 87 DEGREES 09 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE MEASURED COUNTER-CLOCKWISE THEREFROM, 200.78 FEET; THENCE NORTH PARALLEL WITH SAID WEST LINE 316.80 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 98 DEGREES 00 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM 202.50 FEET TO SAID WEST LINE; THENCE SOUTHERLY ALONG SAID WEST LINE 335.0 FEET TO THE POINT OF BEGINNING, IN LISBON TOWNSHIP, KENDALL COUNTY, ILLINOIS.

SUBJECT TO: Existing easements, covenants, and restrictions of record, 2020 and subsequent years real estate taxes.

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois. **TO HAVE AND TO HOLD** said premises, not as tenants by the entirety or as tenants in common, but as **Joint Tenants**.

Permanent Real Estate Index Number: 08-02-300-012
Address of Real Estate: 12830 Ashley Rd., Newark, IL 60541

Dated this 11 Day of January, 2021.



[REDACTED]
JOHN S. HUGHES

[REDACTED]
DEBRA A. HUGHES

Warranty Deed - Tenancy by the Entirety

STATE OF ILLINOIS)
) SS.
COUNTY OF Kendall)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT John S. Hughes and Debra A. Hughes personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered this instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 11th Day of January, 2021.

[REDACTED]

Notary Public

SEND SUBSEQUENT TAX BILLS TO:
Lorena Gutierrez & Jose De Jesus Gutierrez
Refugio Alvarez & Etelvina Alvarez
[REDACTED]



THIS DOCUMENT PREPARED BY:
Attorney Kelly A. Helland
Law Offices of Daniel J. Kramer
[REDACTED]

AFTER RECORDING RETURN TO:
Attorney Gregg Littlejohn
[REDACTED]



Debbie Gillette
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
)SS
COUNTY OF KENDALL)

Kelly A. Helland, being duly sworn on oath, states that affiant resides at 1107 A S. Bridge St. And further states that (please check the appropriate box)

A. [x] That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being part of a larger tract of land; or
B. [] That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number)

- 1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into not more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
10. The conveyance is of land described in the same manner as title was taken by grantor(s).

AFFIANT further states that S he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

This 11th day of January 20 21 2.

Signature of Notary Public

Signature of Affiant



Kendall County Soil & Water Conservation District

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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: JJ Gutierrez Lawn Care, Inc. Contact Person: Scott Richmond, Esq.
Address: [Redacted]
City, State, Zip: [Redacted]
Phone Number: [Redacted]
Email: [Redacted]

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

Site Location & Proposed Use

Township Name Lisbon Township 37 N, Range 7 E, Section(s) 2
Parcel Index Number(s) 08-02-300-012
Project or Subdivision Name JJGutierrez Lawn Care Special Use Number of Acres 1.5012
Current Use of Site Residential/Agriculture Proposed Use Residential/Landscaping Business
Proposed Number of Lots 1 Proposed Number of Structures 1
Proposed Water Supply Well Proposed type of Wastewater Treatment Septic
Proposed type of Storm Water Management No change

Type of Request

[] Change in Zoning from [] to []
[] Variance (Please describe fully on separate page)
[X] Special Use Permit (Please describe fully on separate page)
Name of County or Municipality the request is being filed with: Kendall County Zoning

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

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

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

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

Table with 2 columns: Fee description, Amount. Total NRI Fee: \$375.00

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

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 2 years after the date reported.

[Redacted Signature] Date 7-16-21

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

FOR OFFICE USE ONLY

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

Applicant: JJ Gutierrez Lawn Care, Inc.
Contact: Scott Richmond
Address: [REDACTED]

IDNR Project Number: 2200195
Date: 07/07/2021

Project: JJ Gutierrez Lawn Care Special Use
Address: 12830 Ashley Rd., Newark

Description: Special use application to operate landscaping business with landscape material storage and vehicle storage on site

Natural Resource Review Results

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

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

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

Location

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

County: Kendall

Township, Range, Section:
35N, 7E, 2



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

Government Jurisdiction
Kendall County Zoning
Matthew Asselmeier
111 West Fox St., Room 204
Yorkville, Illinois 60560

Disclaimer

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

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



EcoCAT Receipt	Project Code 2200195
-----------------------	-----------------------------

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

JJ Gutierrez Lawn Care, Inc.
Scott Richmond

7/7/2021



DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
-------------	-----	-----------------	------------

EcoCAT Consultation	\$ 125.00	\$ 2.81	\$ 127.81
---------------------	-----------	---------	-----------

	TOTAL PAID	\$ 127.81
--	------------	-----------

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

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 operation of the landscape business will not adversely impact the public health, safety, morals, comfort or general welfare. Business vehicles will leave in the morning and return at night and only landscape materials and equipment will be stored on site. This is not a retail business.

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.

There will be no adverse impact on the County or surrounding area. There will be no new structures and outside storage will be limited to landscape materials and parking of vehicles. Landscaping will be put in place to buffer neighbors.

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

Adequate utilities, roads and points of ingress and egress already exist. A proposed driveway entrance off of Ashley Rd. at the south end of the property will provide additional access and will be constructed to County standards.

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 There are no variances being requested and the landscape business will conform with all

applicable codes and requirements of the County.

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 use is consistent with the County Land Resource Management Plan. At will remain A-1 and the use will remain essentially agricultural.

Please fill out the following findings of fact to the best of your capabilities. § 13:04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.

1. This lot is only 200' deep (East-West) and to require a 150' setback for vehicle parking will put a hardship on the owner because there is not enough room to maneuver vehicles if that is required.
2. A sign without illumination will only be able to be seen during daylight hours and this will be a hardship upon the owner, particularly in the winter when daylight is limited.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

1. Typically, A-1 is agricultural use with residential, and therefore, parking spaces are not required for those properties. They are generally larger than the 1.5 acres here as well and provide more room for parking with setbacks than the subject property in this petition.
2. There are not typically signs on A-1 properties and therefore, illumination is not an issue.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

1. The hardship is created by the dimensions of the lot and this was not created by the owner.
2. The hardship is derived from the ordinance limiting signs in the A-1 zoning district to being non-illuminated and was not caused by the owner.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.

1. The variance in the setback for parking will not be detrimental or injurious to the public. The parking area will be screened. Also, use will be limited to cars entering between 6-7 a.m. and leaving by 6:00 p.m. The vehicles will not be coming and going during the hours in between. This is a parking area for employee vehicles only, not commercial vehicles.
2. The illumination of the 3'x6' sign will be limited to ground lighting and will only be illuminated during permitted hours.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.

1. The parking area will not impair any light or air to adjacent property. The parking area will not substantially increase congestion. There are only 5-6 employees and they come in during the morning and leave by 6:00 p.m. at the latest. One trip in, one trip out. There is no increase in the danger of fire or to public safety and property values will not diminish as a result.
2. There is no impact whatsoever to adjacent properties by ground illuminating the sign on the property.

PLAT OF SURVEY OF PART OF THE SOUTHWEST QUARTER OF SECTION 2, T35N-R7E, 3rd PM LISBON TOWNSHIP KENDALL COUNTY ILLINOIS

N

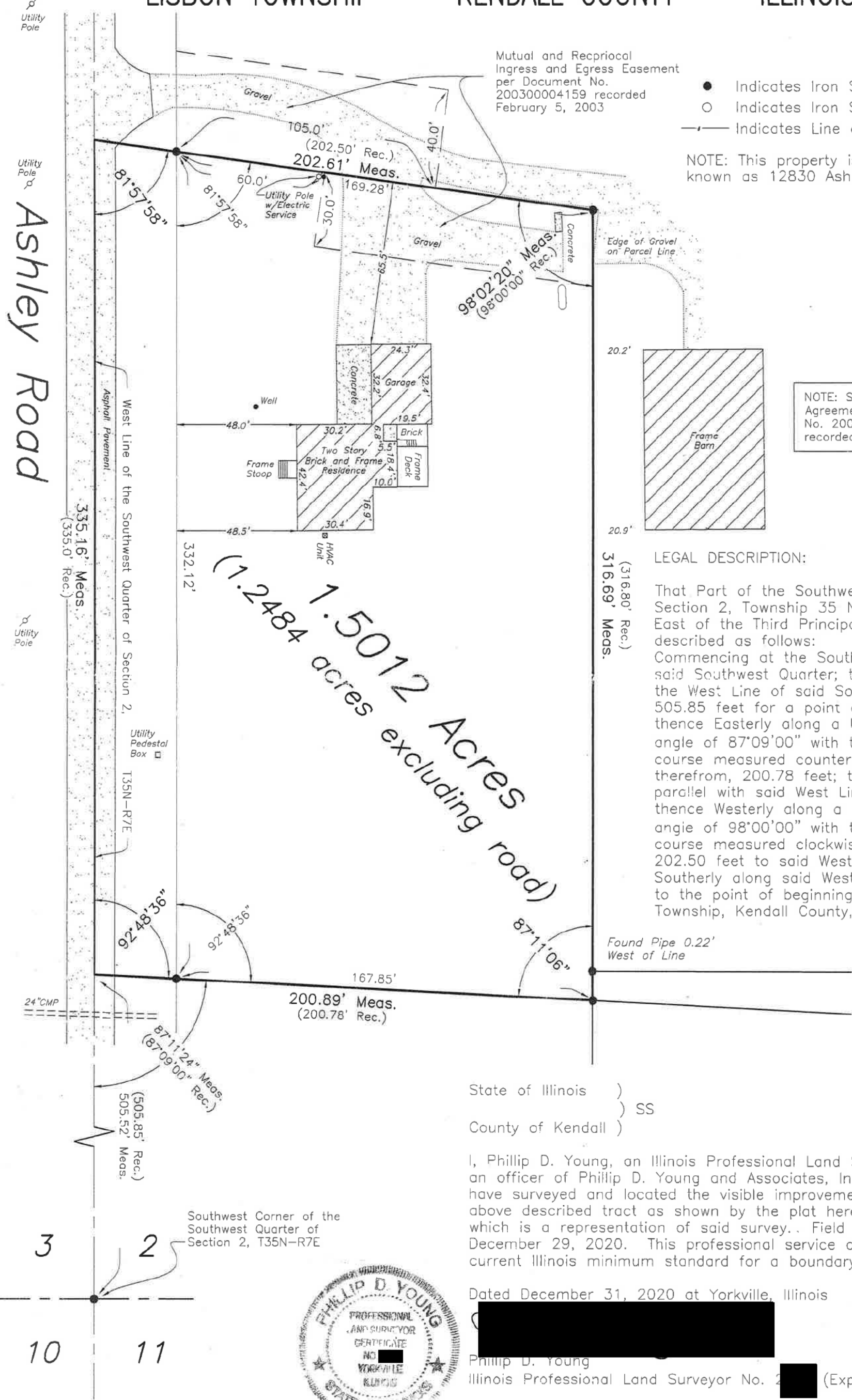
Mutual and Reciprocal
Ingress and Egress Easement
per Document No.
200300004159 recorded
February 5, 2003

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence

NOTE: This property is commonly known as 12830 Ashley Road.

SCALE
1"=40'

NOTE: Shared Well Agreement per Document No. 200300004159 recorded February 3, 2003



LEGAL DESCRIPTION:

That Part of the Southwest Quarter of Section 2, Township 35 North, Range 7 East of the Third Principal Meridian, described as follows:
Commencing at the Southwest Corner of said Southwest Quarter; thence North along the West Line of said Southwest Quarter, 505.85 feet for a point of beginning; thence Easterly along a line forming an angle of 87°09'00" with the last described course measured counter-clockwise therefrom, 200.78 feet; thence North parallel with said West Line, 316.80 feet; thence Westerly along a line forming an angle of 98°00'00" with the last described course measured clockwise therefrom, 202.50 feet to said West Line; thence Southerly along said West Line, 335.0 feet to the point of beginning, in Lisbon Township, Kendall County, Illinois.

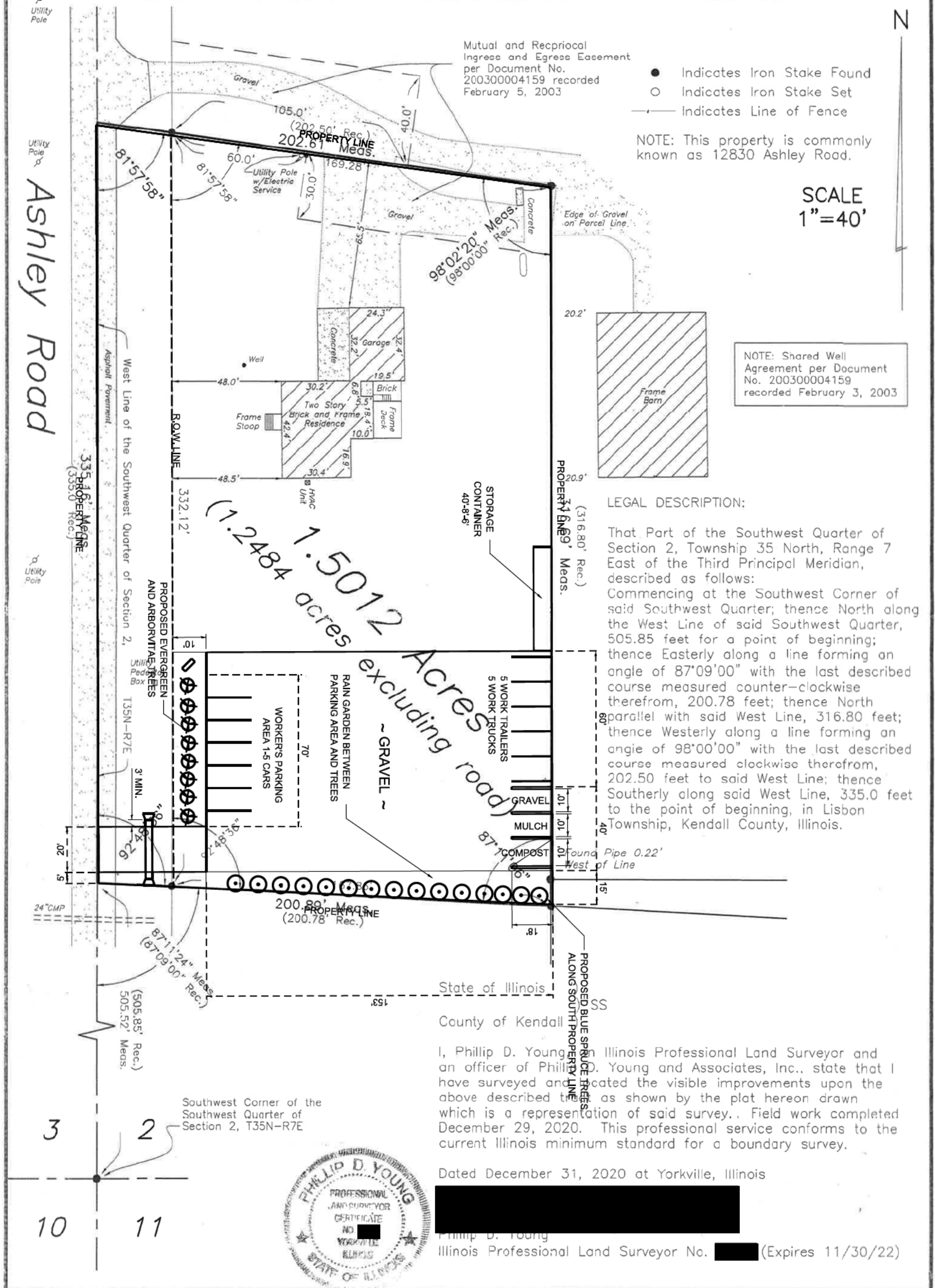
State of Illinois)
County of Kendall) SS

I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements upon the above described tract as shown by the plat hereon drawn which is a representation of said survey. Field work completed December 29, 2020. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated December 31, 2020 at Yorkville, Illinois
Phillip D. Young
Illinois Professional Land Surveyor No. [REDACTED] (Expires 11/30/22)



PLAT OF SURVEY OF
PART OF THE SOUTHWEST QUARTER OF SECTION 2, T35N-R7E, 3rd PM
LISBON TOWNSHIP KENDALL COUNTY ILLINOIS



NO.	DATE	DESCRIPTION

DESIGNED:	JCE

PROJECT NUMBER:	21.0466
-----------------	---------

FILE:	
-------	--

SCALE:	1"=8'H, 1"=20'
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DESIGNED:	JCE

PROJECT NUMBER:	12830 Ashley Road, Newark, IL 60541
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PLAT PLAN

TOTAL SHEETS	2
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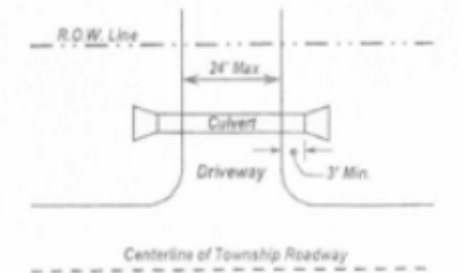
SHEET NUMBER	2
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JOB NO. 20408	Phillip D. Young and Associates, Inc.	1107B South Bridge Street Yorkville, Illinois 60560 Telephone (630)553-1580
JOB NAME ATTY. HELLAND		
DWG FILE 20408		

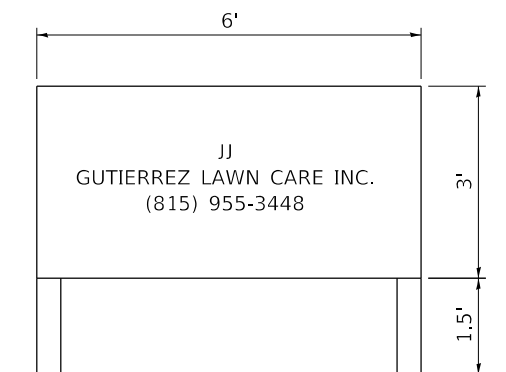
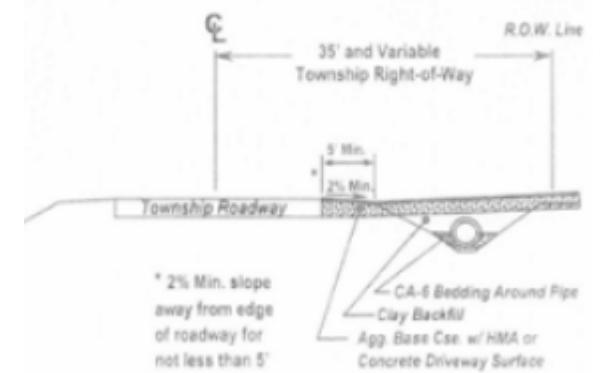
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775



Roadways without Curb



Typical Section



NOTE: SIGN WILL BE ILLUMINATED BY GROUND SOLAR LIGHTS

SIGN DETAIL

REVISIONS			
NO.	DATE	DESCRIPTION	

DESIGNED: JCE
 DRAWN: JCE
 CHECKED: RGN
 DATE: 07/26/2021

PROJECT NUMBER: 21.0485
 FILE: _____
 SCALE: 1"=5' H, 1"=2' V

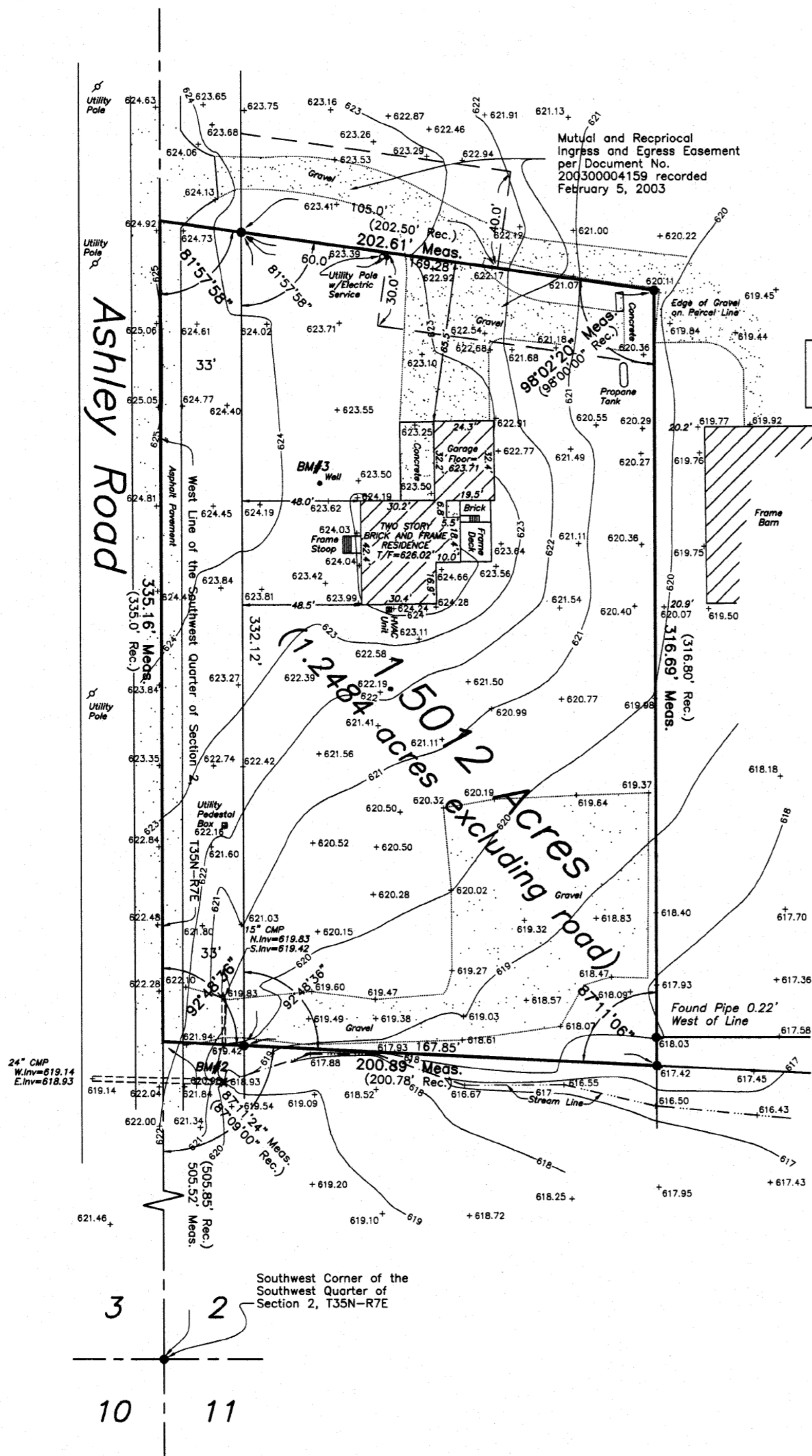
Hampton, Lenzini and Renwick, Inc.
 Civil & Structural Engineers, Land Surveyors, Environmental Services
HLR ELGIN · SPRINGFIELD · CRYSTAL LAKE · MT CARMEL
 www.hlrengineering.com
 184,009,959 ILLINOIS PROFESSIONAL DESIGN FIRM LS / PE / SE CORPORATION

12830 ASHLEY ROAD, NEWARK, IL 60541

AERIAL PLAN

TOTAL SHEETS	SHEET NUMBER
2	1

PLAT OF SURVEY AND TOPOGRAPHY OF
PART OF THE SOUTHWEST QUARTER OF SECTION 2, T35N-R7E, 3rd PM
LISBON TOWNSHIP KENDALL COUNTY ILLINOIS



NOTE: Shared Well Agreement per Document No. 200300004159 recorded February 3, 2003

LEGAL DESCRIPTION:

That Part of the Southwest Quarter of Section 2, Township 35 North, Range 7 East of the Third Principal Meridian, described as follows:
Commencing at the Southwest Corner of said Southwest Quarter; thence North along the West Line of said Southwest Quarter, 505.85 feet for a point of beginning; thence Easterly along a line forming an angle of 87°09'00" with the last described course measured counter-clockwise therefrom, 200.78 feet; thence North parallel with said West Line, 316.80 feet; thence Westerly along a line forming an angle of 98°00'00" with the last described course measured clockwise therefrom, 202.50 feet to said West Line; thence Southerly along said West Line, 335.0 feet to the point of beginning, in Lisbon Township, Kendall County, Illinois.

SCALE
1"=40'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- + 630.53 Indicates Spot Elevation
- 630— Indicates Contour Elevation

NOTE: This property is commonly known as 12830 Ashley Road.

BENCHMARKS (NAVD 1988)

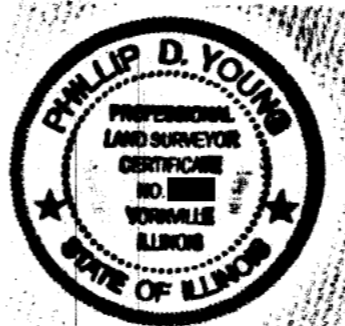
- OFFSITE VERTICAL CONTROL BM#1 -- (Kendall County Benchmark #510b) Brass Marker on the Southeast corner of double box culvert over a tributary to West Aux Sable Creek and Ashley Road South of Platville Road. Elevation = 608.13
- BM#2 -- Top of East end of 24" Corrugated Metal Pipe at the Southwest corner of Subject Parcel. Elevation = 620.98
- BM#3 -- Top of Well Cap West of the House on the Subject Parcel. Elevation = 624.36

State of Illinois)
County of Kendall) SS

I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements upon the above described tract as shown by the plat hereon drawn which is a representation of said survey. Field work completed June 30, 2021. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated July 2, 2021 at Yorkville, Illinois

Phillip D. Young
Illinois Professional Land Surveyor No. [REDACTED] (Expires 11/30/22)



JOB NO.	20408
JOB NAME	ATTY. RICHMOND
DWG FILE	20408A3

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

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



07/21/2021 10:52



07/21/2021 10:52

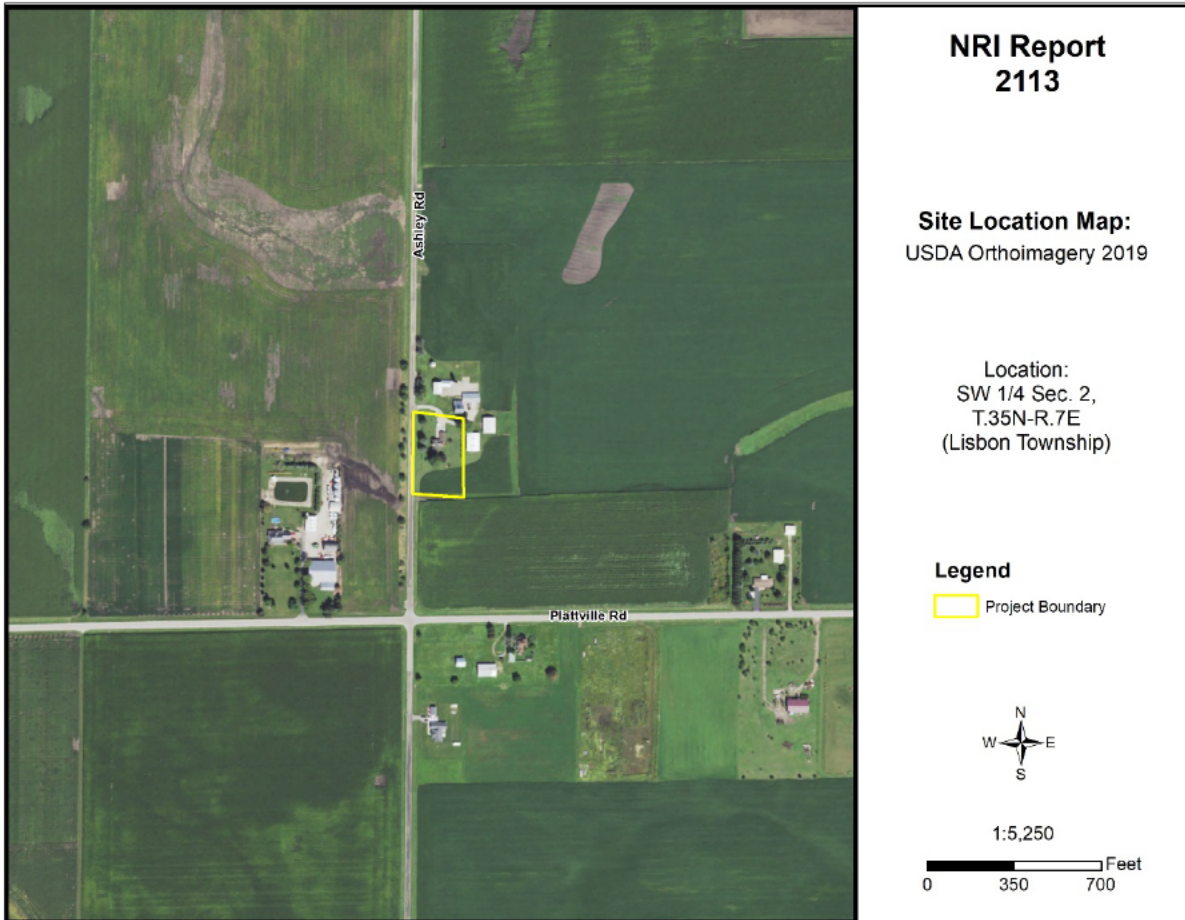


07/21/2021 10:53

Attachment 9 Existing Arborvitae



NATURAL RESOURCE INFORMATION (NRI) REPORT: #2113



Aug.
2021

Petitioner: JJ Gutierrez Lawn Care, Inc.
Contact: Scott Richmond, Esq.

Prepared By:



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

**KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT
NATURAL RESOURCE INFORMATION (NRI) REPORT**

Natural Resource Information Report Number	2113
Date District Board Reviews Application	August 2021
Applicant's Name	JJ Gutierrez Lawn Care, Inc.
Size of Parcel	(+/-) 1.5 acres
Current Zoning & Use	A-1 Agricultural; Residential/Agriculture
Proposed Zoning & Use	A-1 SU Agricultural Special Use; Residential/Landscaping Business
Parcel Index Number(s)	08-02-300-012
Contact Person	Scott Richmond, Esq.

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

Report Prepared By: *Alyse Olson* Position: *Resource Conservationist*

PURPOSE AND INTENT

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

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

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

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

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

Kendall County Soil and Water Conservation District
7775A Route 47, Yorkville, IL 60560
Phone: (630) 553-5821 ext. 3
E-mail: Alyse.Olson@il.nacdnet.net

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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2113
Petitioner	JJ Gutierrez Lawn Care, Inc.
Contact Person	Scott Richmond, Esq.
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SW ¼ of Section 2, Township 35 North, Range 7 East (Lisbon Township) of the 3 rd Principal Meridian
Project or Subdivision Name	JJ Gutierrez Lawn Care, Inc.
Existing Zoning & Land Use	A-1 Agricultural; Residential/Agriculture
Proposed Zoning & Land Use	A-1 SU Agricultural Special Use; Residential/Landscaping Business
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	No change
Size of Site	(+/-) 1.5 acres
Land Evaluation Site Assessment Score	193 (Land Evaluation: 97; Site Assessment: 96)

NATURAL RESOURCE CONSIDERATIONS

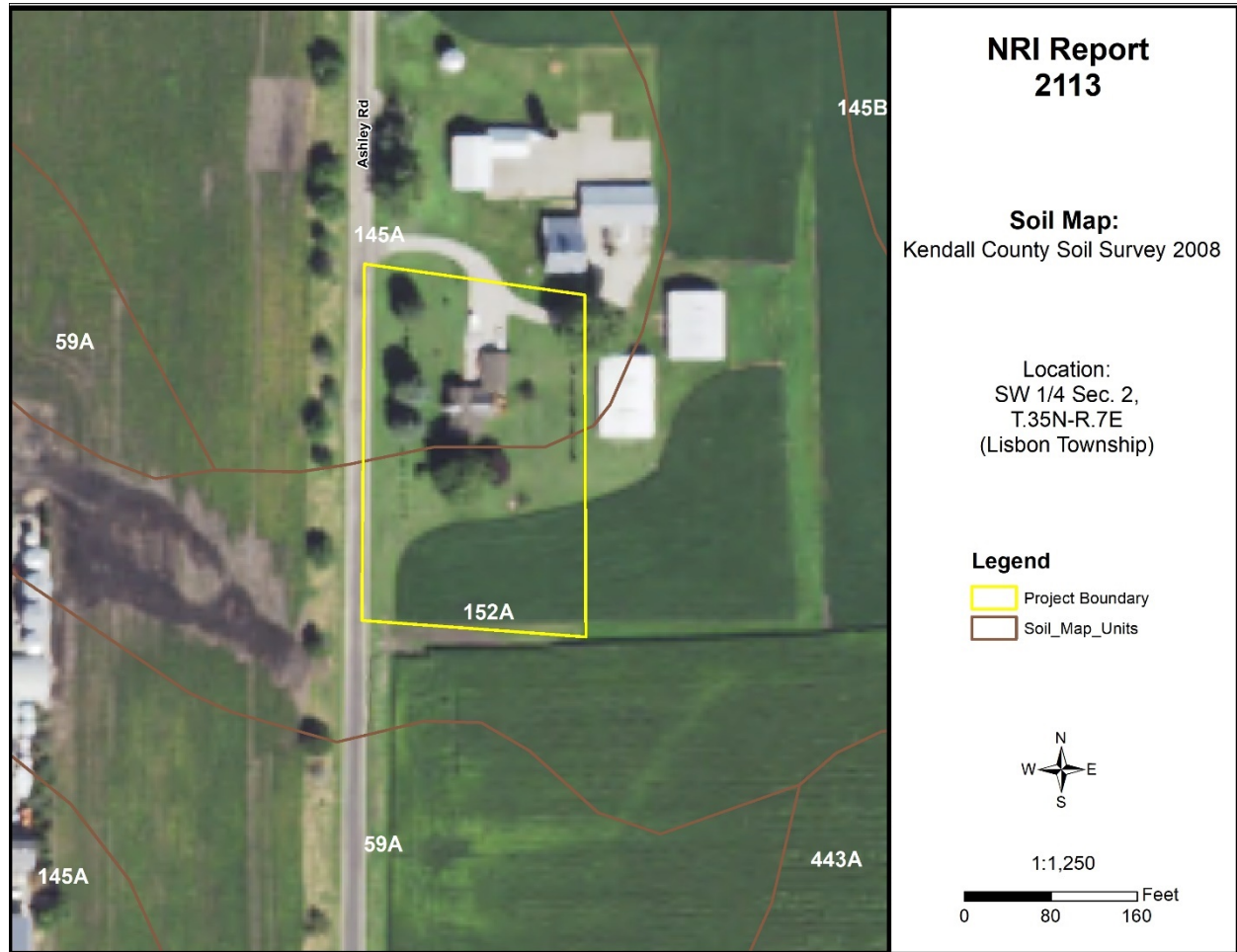


Figure 1: Soil Map

SOIL INFORMATION

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

Table 1: Soils Information

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
145A	Saybrook silt loam, 0-2% slopes	Moderately Well Drained	C	Non-Hydric	Prime Farmland
152A	Drummer silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if drained

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

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

Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as hydric soil (152A Drummer silty clay loam), and one is classified as non-hydric soil (145A Saybrook silt loam).

Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, one is designated as prime farmland (145A Saybrook silt loam) and the other is designated as prime farmland if drained (152A Drummer silty clay loam).

Soil Limitations – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings with basements, dwellings without basements, small commercial buildings, shallow excavations, lawns/landscaping, and local roads and streets. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are Somewhat Limited are moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

Table 2: Soil Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns/ Landscaping	Conventional Septic Systems
145A	Somewhat Limited	Somewhat Limited	Somewhat Limited	Suitable/ Not Limited
152A	Very Limited	Very Limited	Very Limited	Unsuitable/ Very Limited

Septic Systems – The factors considered for determining suitability are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. Soils are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department (811 W. John Street, Yorkville, IL; (630) 553-9100 ext. 8026).

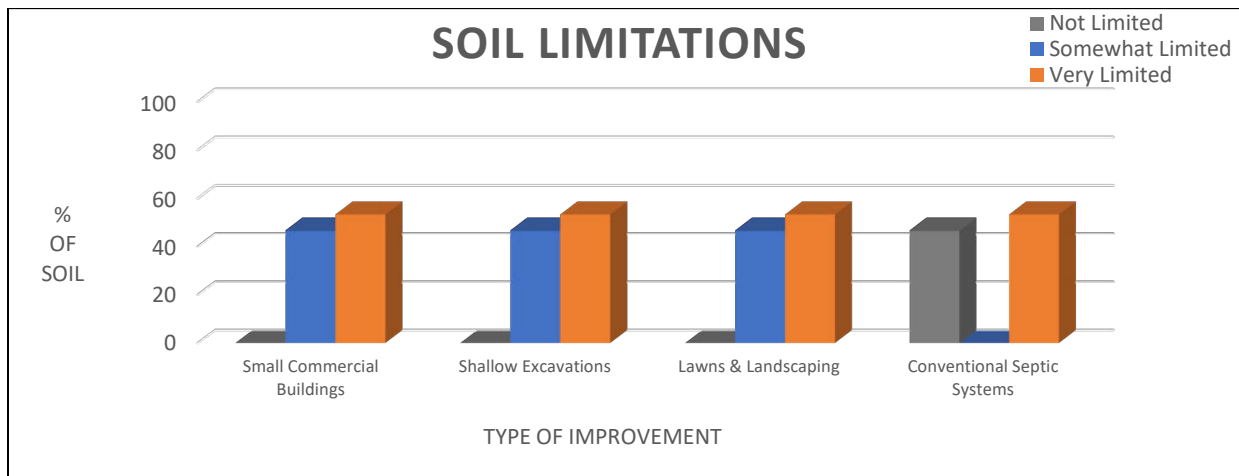


Figure 2: Soil Limitations

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - The Land Evaluation score for this site is **97**, indicating that this site is **well suited** for agricultural uses.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - The Site Assessment score for this site is **96**.

The **LESA Score for this site is 193 out of a possible 300, which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect

the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

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

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0125G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel is **not located within** the floodplain and floodway.

SEDIMENT AND EROSION CONTROL

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

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner JJ Gutierrez Lawn Care, Inc. for the proposed Special Use Permit to operate a landscaping business on parcel 08-02-300-012 within Lisbon Township of Kendall County located in the SW ¼ of Section 2, Township 35N, and Range 7E of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 100% are classified as prime farmland or prime farmland if drained. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored a 97 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 193 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 53% are very limited for small commercial buildings, shallow excavations, and lawns/landscaping. The remaining soils are considered somewhat limited for these types of developments. Additionally, 53% of the soils are considered unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Upper Illinois River watershed and the West Branch Aux Sable Creek/Lisbon Creek sub watershed. This development should include a soil erosion and sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution; eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

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

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



SWCD Board Representative

08/09/2021
Date

PARCEL LOCATION

Location Map for Natural Resources Information Report #2113

SW ¼ of Section 2, Township 35 North, Range 7 East (Lisbon Township) on 1.5 acres. This parcel is located on the east side of Ashley Road, west of N Church Road, south of Penman Road, and north of Plattville Road in Newark, IL. The parcel is part of unincorporated Kendall County.

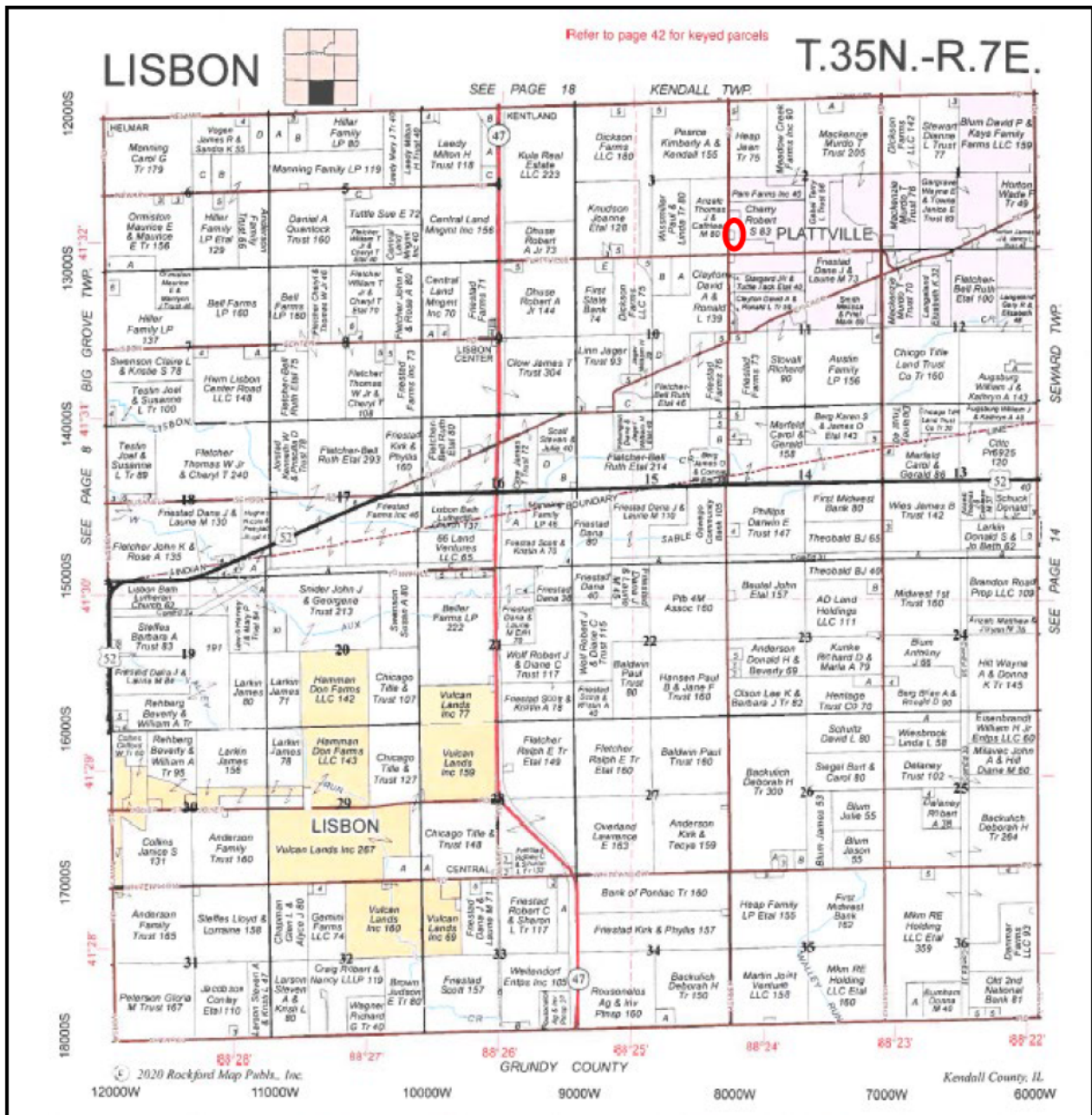


Figure 3: 2021 Plat Map

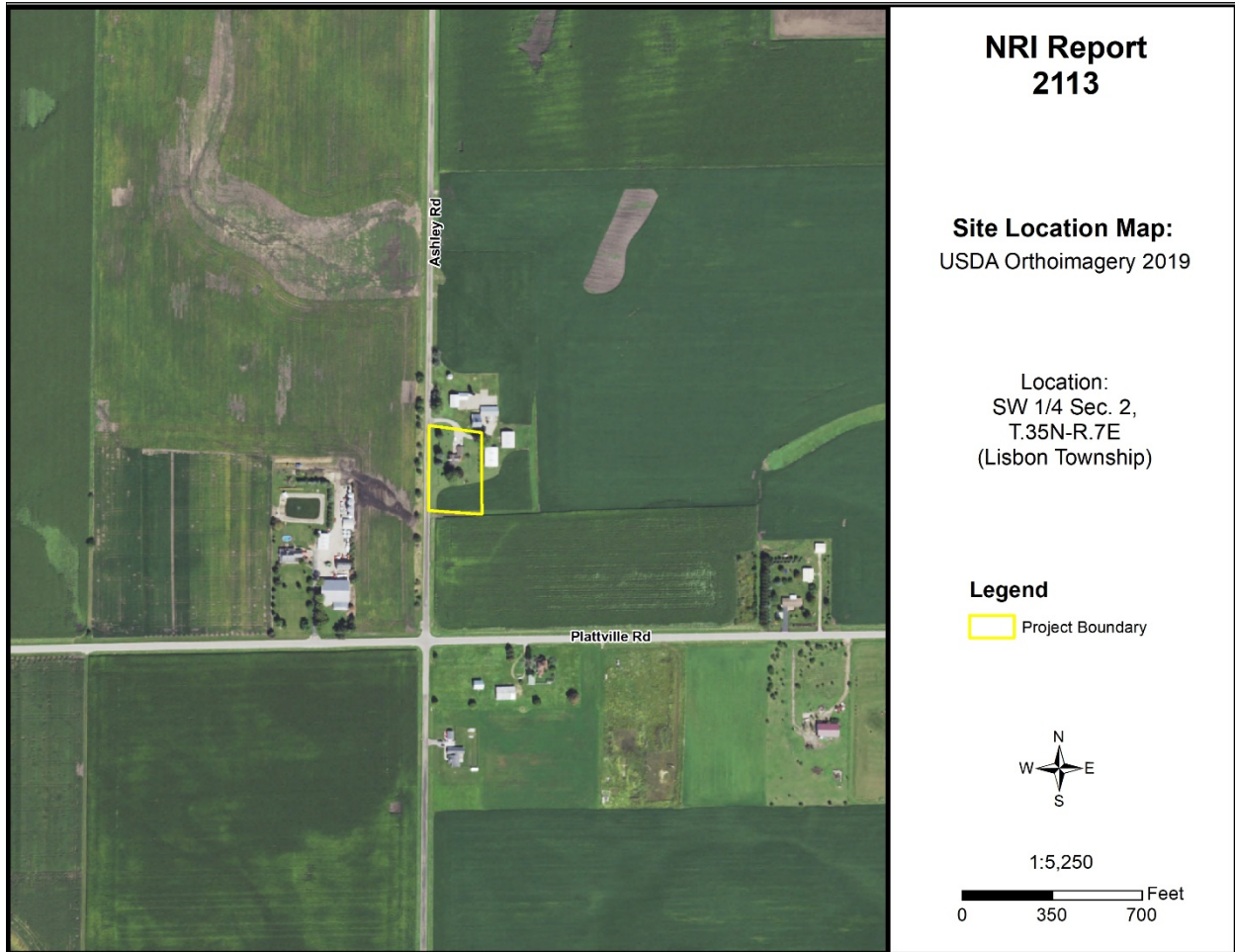


Figure 4: 2019 Aerial Map with NRI Site Boundary

ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION

Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions.

The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

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

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

ECOLOGICALLY SENSITIVE AREAS

WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?¹

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

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

The reasons for protecting biological diversity are complex, but they fall into four major categories. First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s (Roush 1982).

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

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

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of

chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds (Hoose 1981).

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and wellbeing, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

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

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

BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL

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

Office maps indicate that ecologically sensitive area(s) are not located near the parcel in question (PIQ).

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

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

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

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

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

The limitation categories (not limited, somewhat limited, or very limited) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with to complete the proposed activity successfully. Very limited indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a somewhat limited or not limited rating.

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

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

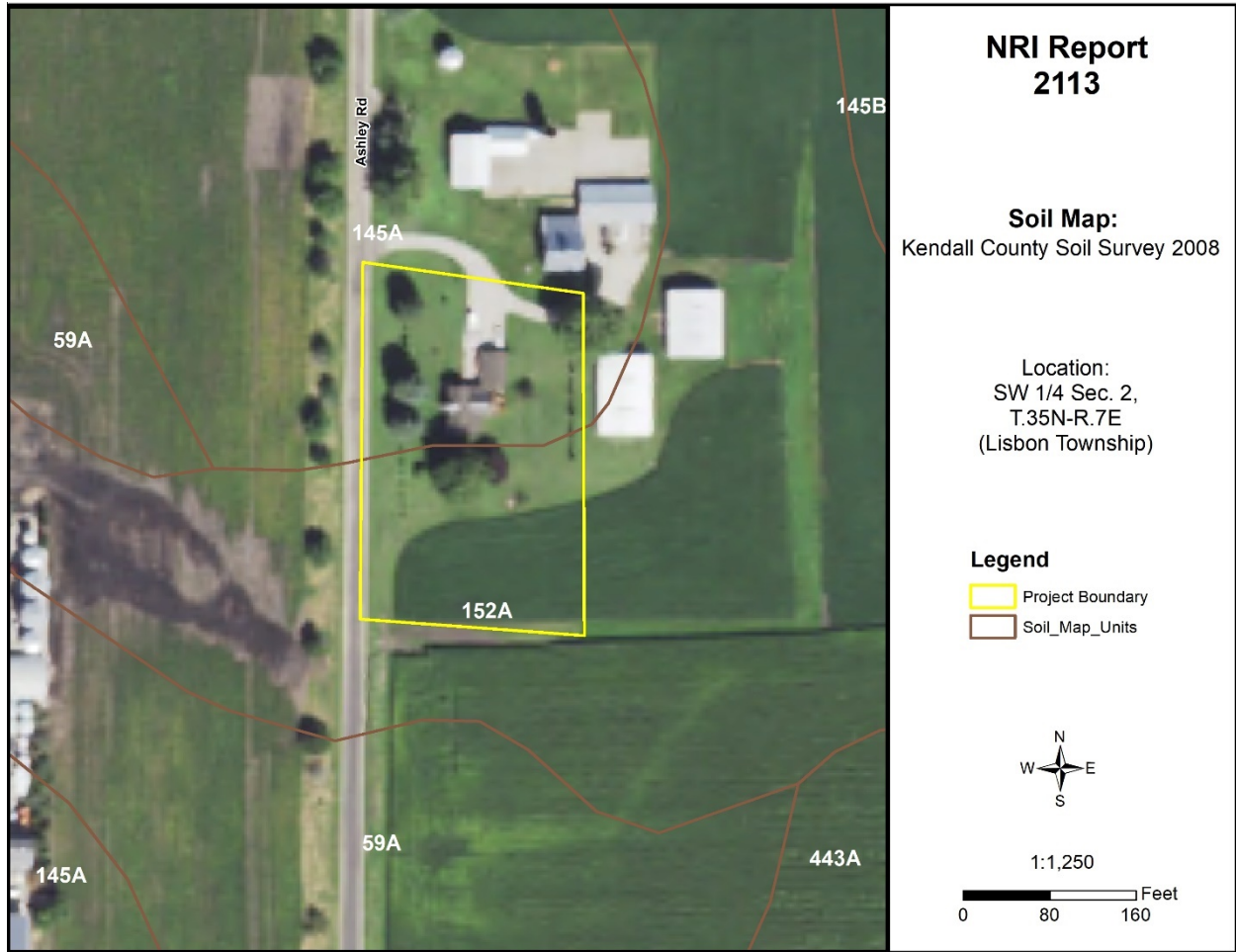


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
145A	Saybrook silt loam, 0-2% slopes	0.7	46.7%
152A	Drummer silty clay loam, 0-2% slopes	0.8	53.3%

Source: National Cooperative Soil Survey – USDA-NRCS

SOILS INTERPRETATIONS EXPLANATION

GENERAL – NONAGRICULTURAL

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

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of not limited, somewhat limited, and very limited are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered unsuitable for all types of construction.

LIMITATIONS RATINGS

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

BUILDING LIMITATIONS

BUILDING ON POORLY SUITED OR UNSUITABLE SOILS

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

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

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

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

Onsite Sewage Disposal – The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. The table below indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department – Environmental Health at (630) 553-9100 x8026.

Table 4: Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Systems	Acres	%
145A	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone; Dusty; Unstable excavation walls	Somewhat Limited: Dusty	Suitable	0.7	46.7%
152A	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Dusty; Unstable excavation walls	Very Limited: Ponding; Depth to saturated zone; Dusty	Unsuitable: Wet	0.8	53.3%
% Very Limited	53.3%	53.3%	53.3%	53.3%		

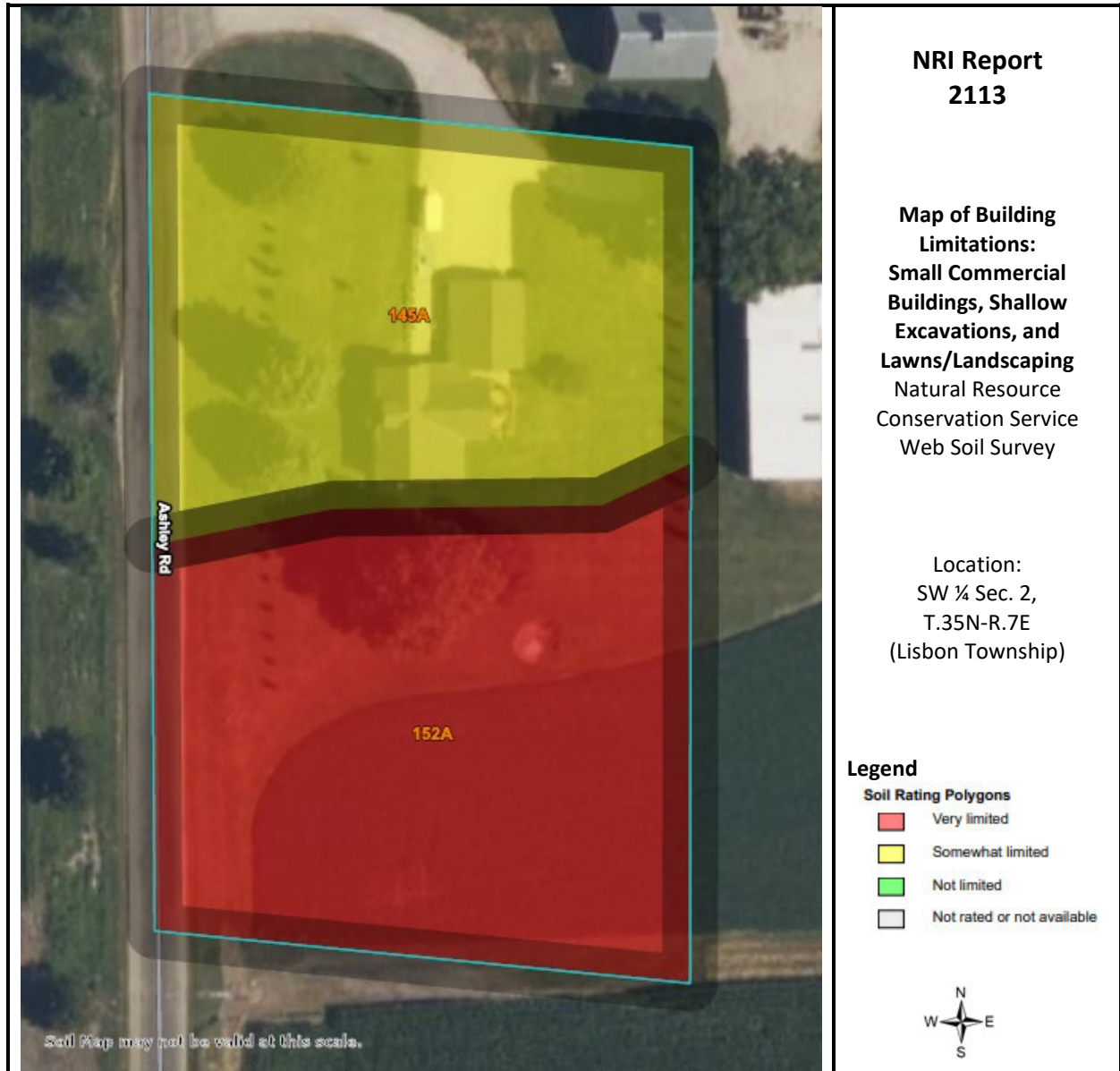


Figure 6A: Map of Building Limitations – Small Commercial Buildings, Shallow Excavations, and Lawns/Landscaping

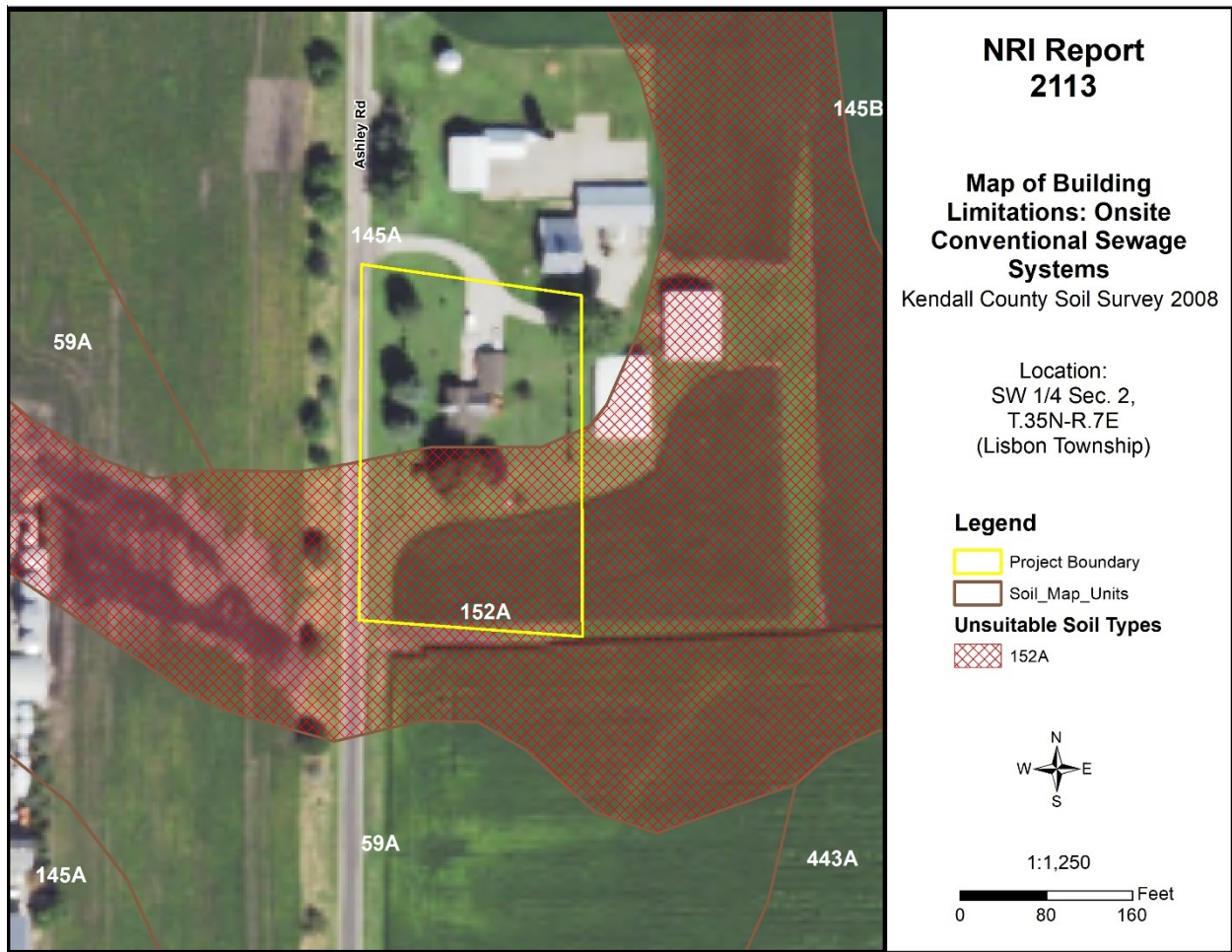


Figure 6B: Map of Building Limitations – Onsite Conventional Sewage Systems

SOIL WATER FEATURES

Table 5, below, gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

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

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

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

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

MONTHS – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

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

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

- **Duration:** Expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and *frequent* means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

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

- **Duration:** Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

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

Table 5: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
145A	C	Low	<u>January</u> Upper/Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-3.8' <u>May – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
152A	B/D	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June – December</u> Upper/Lower Limit: --	<u>January – May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None

SOIL EROSION AND SEDIMENT CONTROL

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

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

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches, and storm sewers and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- Reducing or diverting flow from exposed areas, storing flows, or limiting runoff from exposed areas
- Staging construction to keep disturbed areas to a minimum
- Establishing or maintaining temporary or permanent groundcover
- Retaining sediment on site
- Properly installing, inspecting, and maintaining control measures

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

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

Table 6: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
145A	0-2%	Slight	0.7	46.7%
152A	0-2%	Slight	0.8	53.3%

PRIME FARMLAND SOILS

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

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

Table 7: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
145A	Prime Farmland	0.7	46.7%
152A	Prime Farmland if drained	0.8	53.3%
% Prime Farmland	100%		

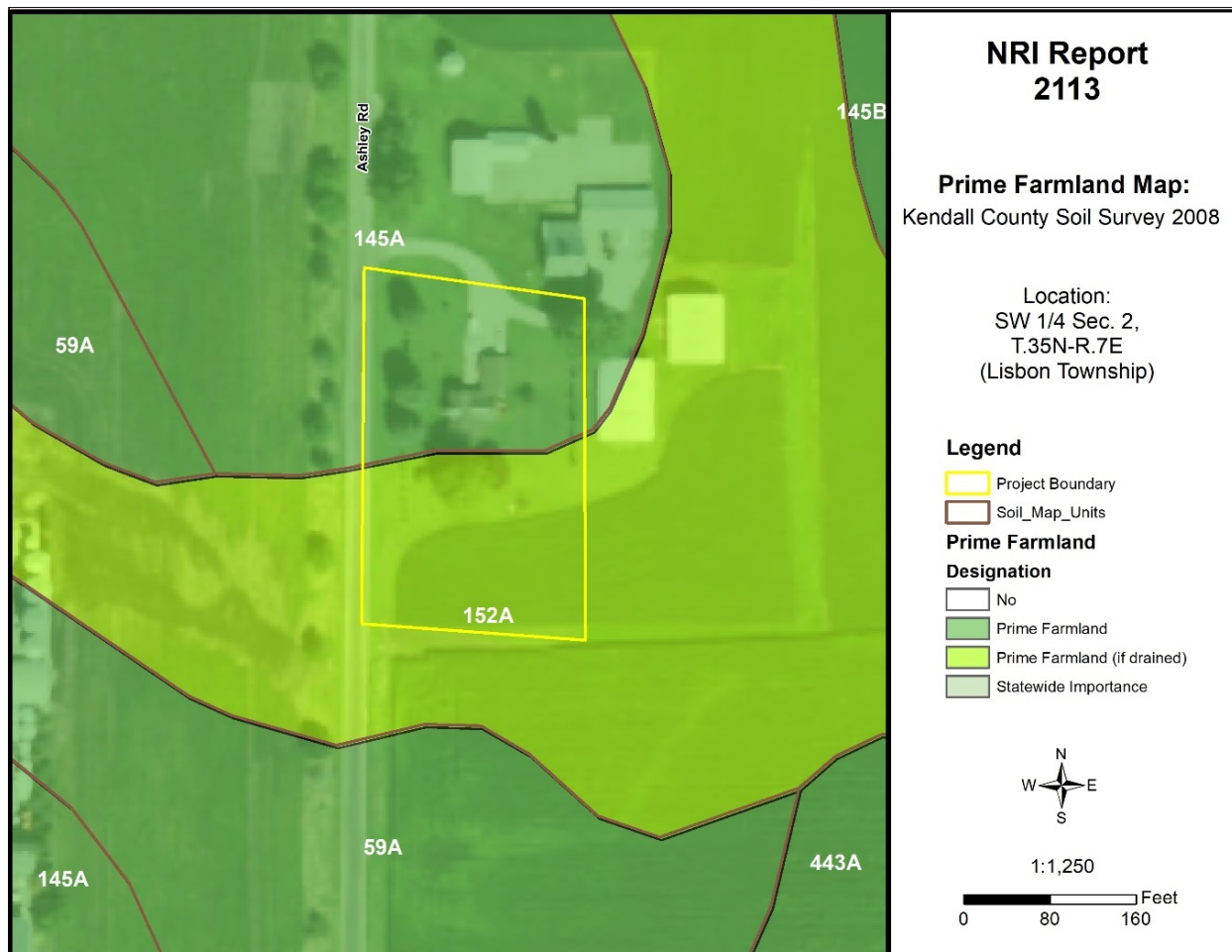


Figure 7: Map of Prime Farmland Soils

LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

LAND EVALUATION (LE)

The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100, and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

SITE ASSESSMENT (SA)

The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

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

Table 8A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
145A	2	94	0.7	65.8
152A	1	100	0.8	80
Totals			1.5	145.8
LE Calculation			(Product of relative value / Total Acres)	
			$145.8 / 1.5 = 97.2$	
LE Score			LE = 97	

The Land Evaluation score for this site is 97, indicating that this site is designated as prime farmland that is well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 8B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	5
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	15
	4. Distance from fire protection service. (10-8-6-2-0)	6
	Site Assessment Score:	96

The Site Assessment score for this site is 96. The Land Evaluation value (97) is added to the Site Assessment value (96) to obtain a LESA Score of 193. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 9: LESA Score Summary

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

Land Evaluation Value: 97 + Site Assessment Value: 96 = LESA Score: 193

The LESA Score for this site is 193 which indicates a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

LAND USE PLANS

Many counties, municipalities, villages, and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given community. Please contact the Kendall County Planning, Building & Zoning for information regarding the County's comprehensive land use plan and map.

DRAINAGE, RUNOFF, AND FLOOD INFORMATION

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

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

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

WHAT IS A WATERSHED?

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

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

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

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system

should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

IMPORTANCE OF FLOOD INFORMATION

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

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

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency (FEMA). These maps define flood elevation adjacent to tributaries and major bodies of water and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and floodplain location.) The FIRM map has three (3) zones. Zone A includes the 100-year flood, Zone B or Zone X (shaded) is the 100 to 500-year flood, and Zone C or Zone X (unshaded) is outside the floodplain.

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

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

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

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

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. Development on hydric soils can contribute to the loss of water storage within the soil and the potential for increased flooding in the area.

This parcel is located on fairly flat topography (slopes 0 to 2%) with an elevation of approximately 618-624' above sea level. According to the FIRM map, the parcel in question is outside of the floodway and floodplain. The parcel drains predominantly southeast.

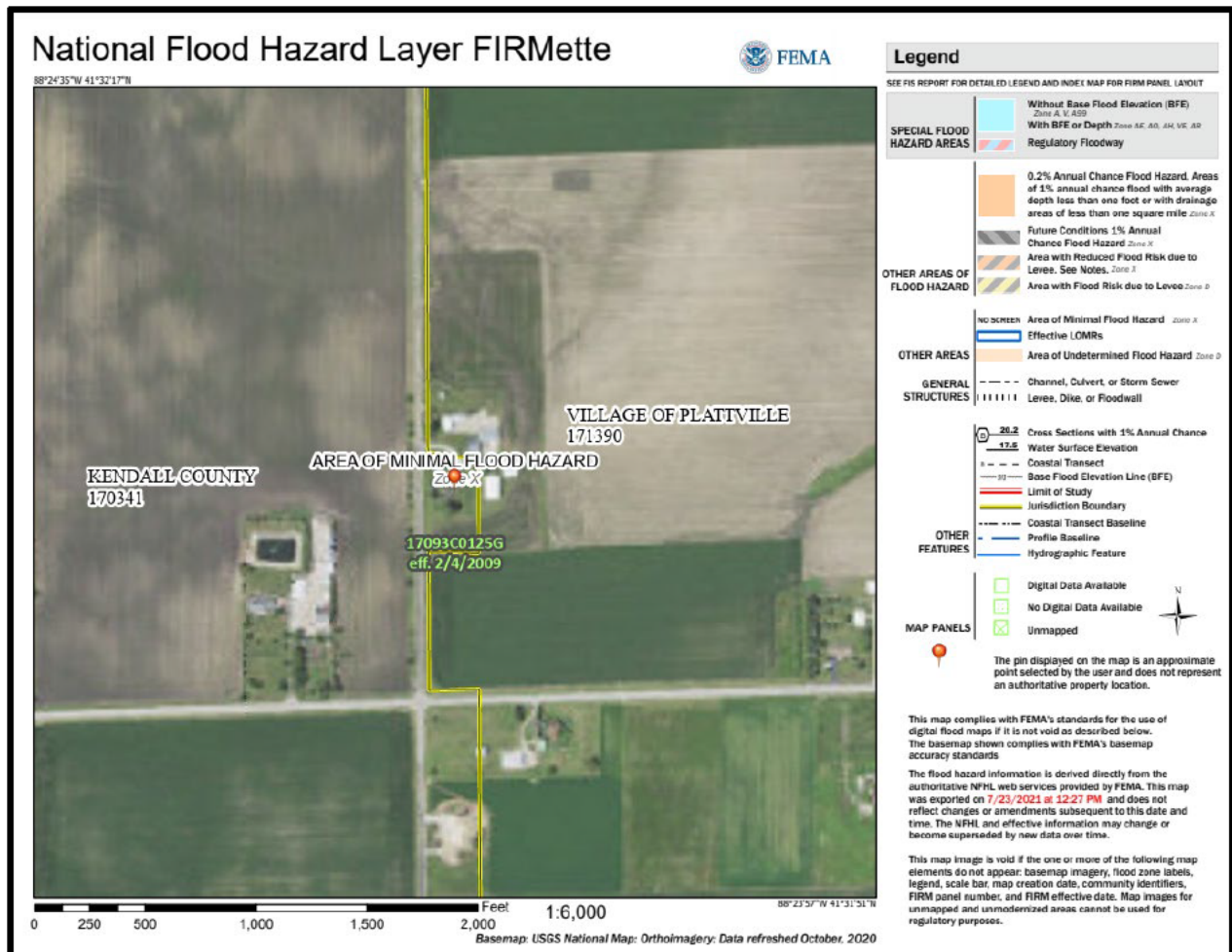


Figure 8: FEMA Floodplain Map

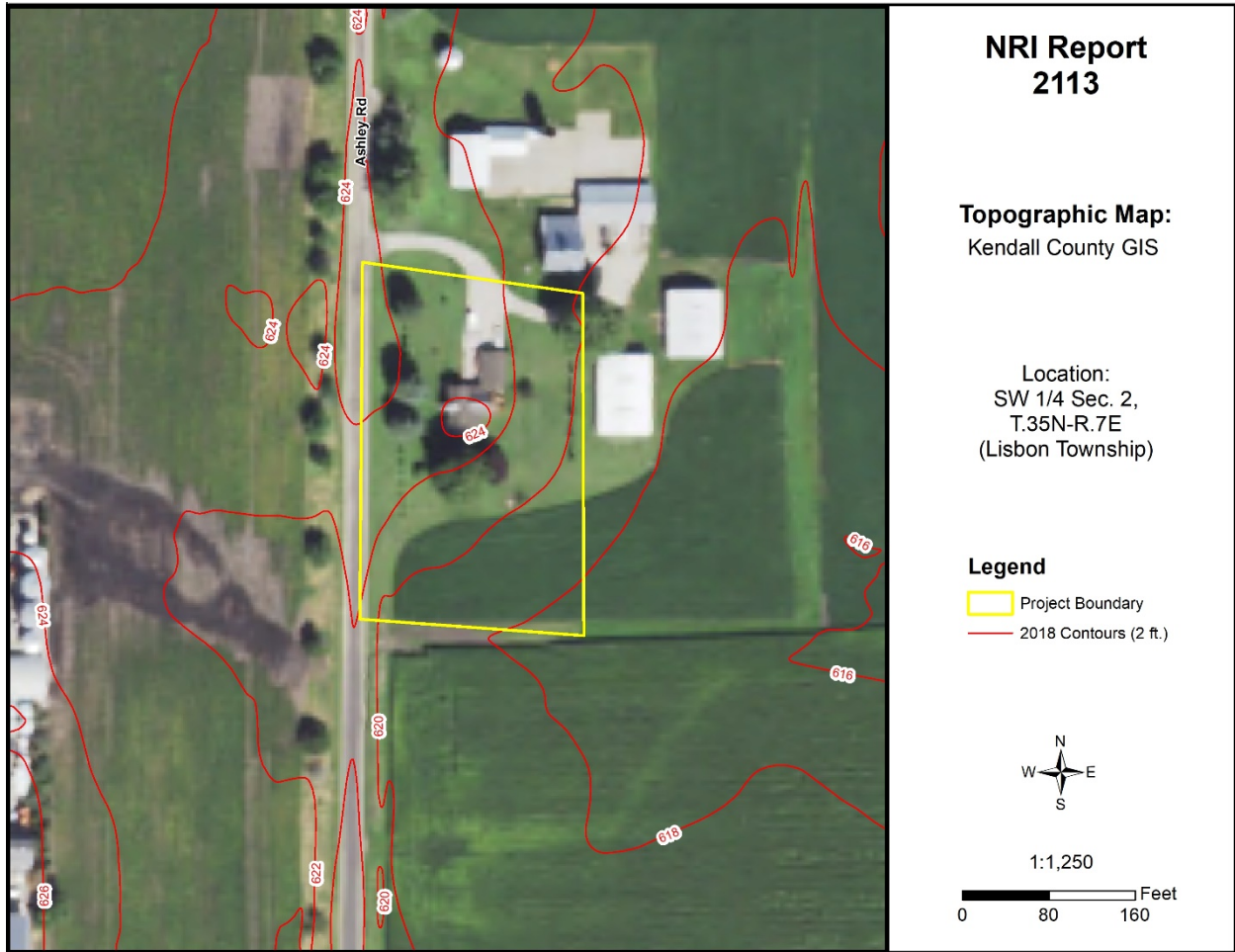


Figure 9: Topographic Map

WATERSHED PLANS

WATERSHED AND SUB WATERSHED INFORMATION

A watershed is the area of land that drains into a specific point including a stream, lake, or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries pollutants such as oils, pesticides, and soil.

Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and the implications of their activities, implementing practices recommended in watershed plans, and educating others about their watershed.

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

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

This parcel is located within the Upper Illinois River Watershed and the West Branch Aux Sable Creek/Lisbon Creek Sub Watershed.

WETLAND INFORMATION

IMPORTANCE OF WETLAND INFORMATION

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

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

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

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

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

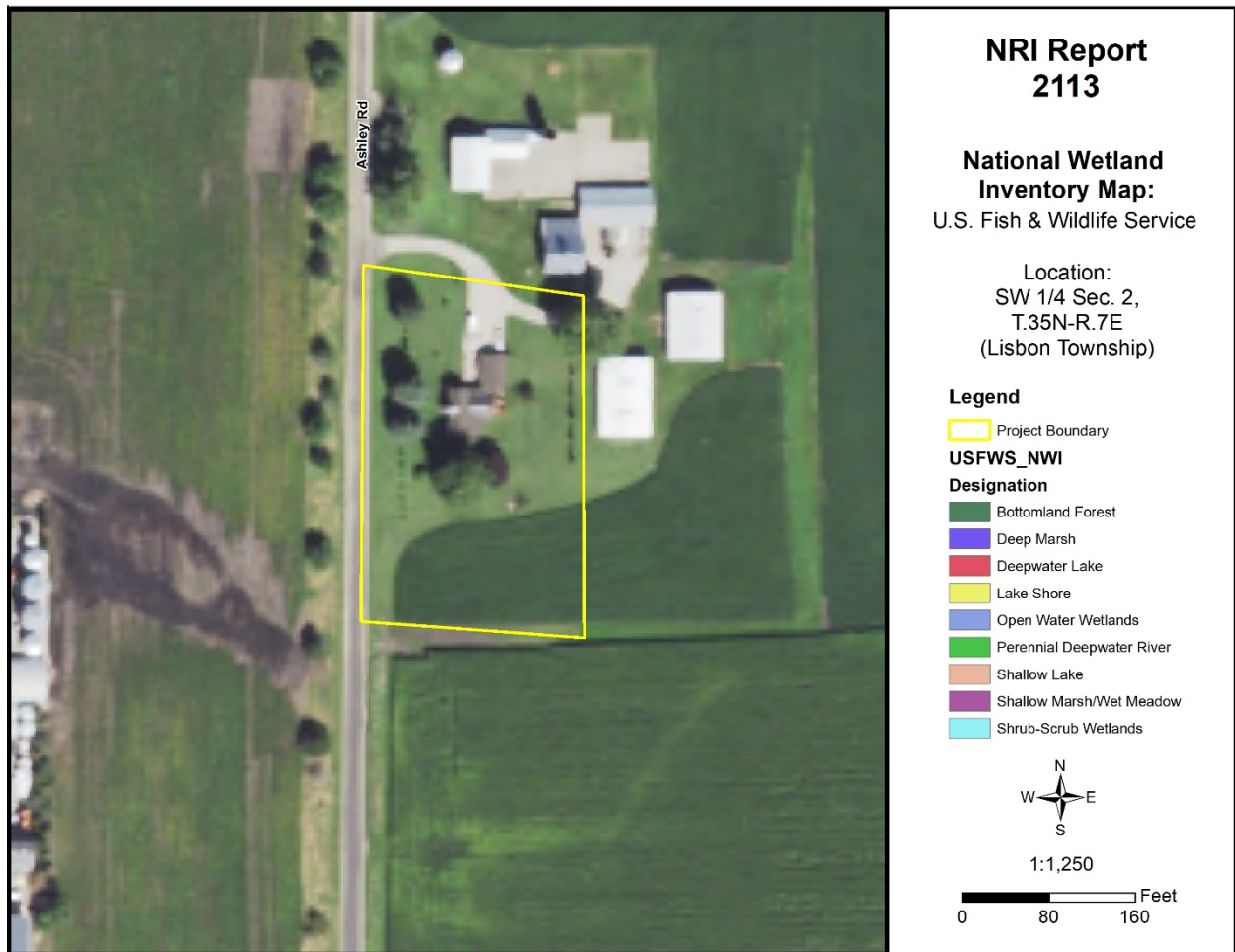


Figure 10: Wetland Map – USFWS National Wetland Inventory

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

HYDRIC SOILS

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

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

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

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

Table 10: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
145A	Moderately Well Drained	Non-Hydric	No	0.7	46.7%
152A	Poorly Drained	Hydric	No	0.8	53.3%

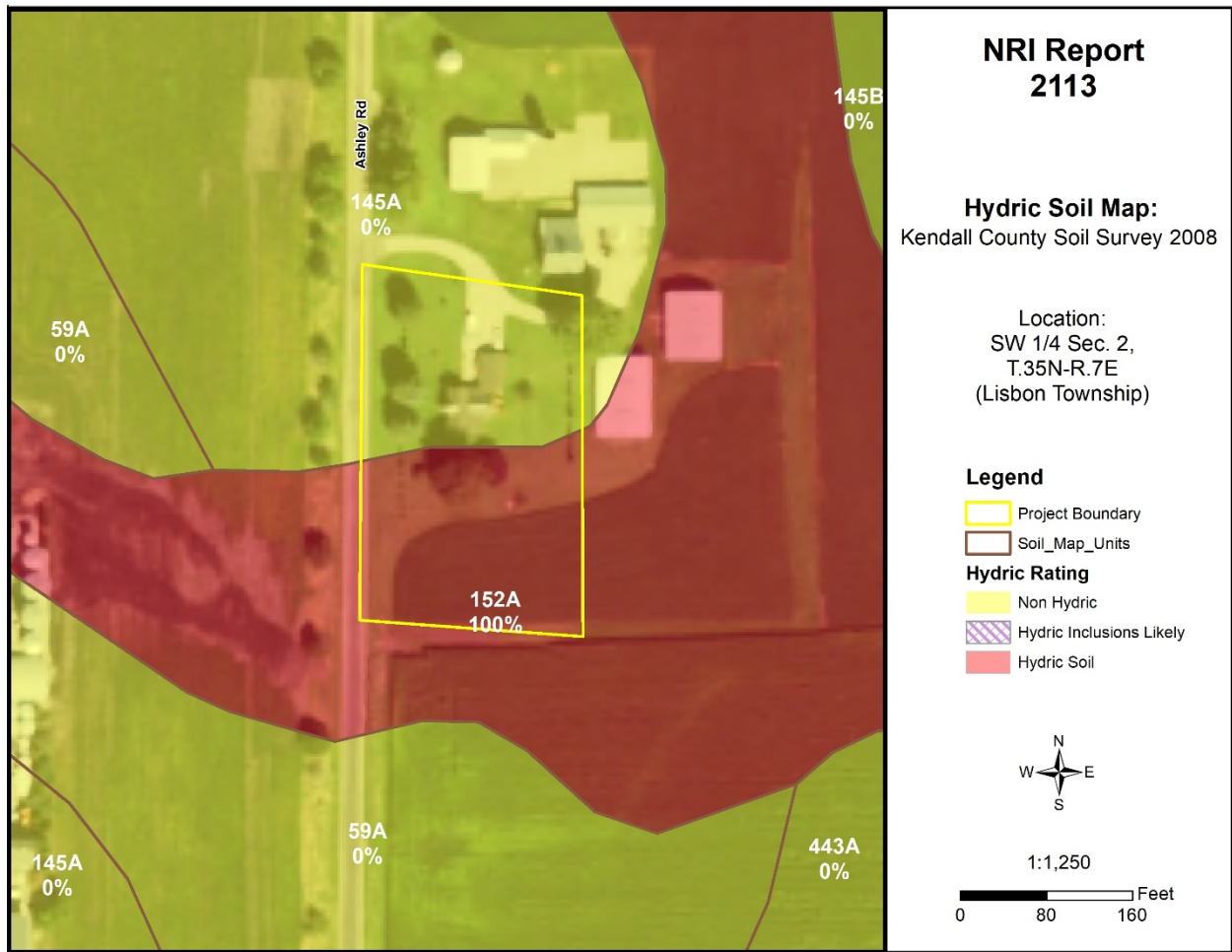


Figure 11: Hydric Soil Map

WETLAND AND FLOODPLAIN REGULATIONS

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

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

WHO MUST APPLY?

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

REGULATORY AGENCIES

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

COORDINATION

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

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

GLOSSARY

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

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

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

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

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

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

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

- **Watertable, Apparent:** A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.
- **Watertable, Artesian:** A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.
- **Watertable, Perched:** A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

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

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

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

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

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

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

PALUSTRINE - Name given to inland freshwater wetlands.

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

PIQ- Parcel in question

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

PRIME FARMLAND - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources and farming the land results in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated

with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent (USDA Natural Resources Conservation Service).

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

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

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

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

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

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

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

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

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

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

REFERENCES

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

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

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

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

Illinois Urban Manual. Association of Illinois Soil & Water Conservation Districts, 2020.

Kendall County Land Atlas and Plat Book. 21st Edition, 2021.

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

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

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

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

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

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

Matt Asselmeier

From: Tim Wallace <lsfpd202@aol.com>
Sent: Monday, August 30, 2021 3:38 PM
To: Matt Asselmeier
Subject: [External]Re: Kendall County Zoning Petition 21-33

Matt, in reply to the following, 21-33, the Lisbon Seward Fire Protection District would like to see , two, strategically placed fire extinguishers along with first aid kits and a sign stating, First aid kit and fire extinguisher.

In regards to petition 21-29, we would like to see one, fire extinguisher and a first aid kit on site, along with a sign stating, first aid kit and fire extinguisher.

Thanks, feel free to call or email with questions,

Tim Wallace

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
September 7, 2021 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Scott Gengler – PBZ Committee Chair
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

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

Audience:

Scott Richmond, Lorena Gutierrez, Jose DeJesus Gutierrez, Dan Kramer, Mike Schoppe, and Robert Velazquez

PETITIONS

Petition 21-29 Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez on Behalf of JJ Gutierrez Lawn Care, LLC

Mr. Asselmeier summarized the request.

In January 2021, Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez purchased the subject property and wished to operate JJ Gutierrez Lawn Care, LLC at the property.

The application materials, survey of the property, site plan, aerial of the property with site plan superimposed, and topographic survey were provided.

Based on the information provided, a variance to allow parking in the front yard setback was also required.

The property was located at 12830 Ashley Road and consisted of approximately one point five (1.5) acres.

The existing land use was Agricultural/Farmstead and the property was zoned A-1.

The Land Resource Management Plan called for the property to be Agriculture in the County and Plattville's Future Land Use Map called for the property to be Low Density Residential.

Ashley Road was a Township maintained major collector.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent lands were zoned either A-1 in the County or A-1 inside the Village of Plattville.

The Land Resource Management Plan called for the area to the west to be Agricultural. Plattville's Future Land Use Map called for the area to be Low Density Residential.

The zoning districts within one half (1/2) mile were A-1, A-1 SU, and R-1 in the County and A-1 and R-1 inside the Village of Plattville.

Pictures of the property were provided.

The A-1 special use permit to the west is for electromagnetic compatibility testing.

EcoCAT Report was submitted on July 7, 2021, and consultation was terminated.

The NRI application was submitted on July 16, 2021. The LESA Score was 193 indicating a low level of protection.

Petition information was sent to Lisbon Township on August 5, 2021.

Petition information was sent to the Village of Plattville on August 5, 2021.

Petition information was sent to the Lisbon-Seward Fire Protection District on August 5, 2021. The Fire Protection District requested one (1) fire extinguisher and one (1) first aid kit with applicable signage. The email was provided.

The Petitioners purchased the property in 2021 and started running a landscaping business on the premises without proper zoning. Upon receiving the warning letter, the Petitioners ceased operations of the business and started applying for the special use permit. The Petitioners continue to live at the property.

According to the business plan, JJ Gutierrez Lawn Care has been in business since 2016. The business has five (5) employees. Employees arrive at the property at approximately 6:00 a.m., go to work sites by 7:00 a.m., finish at work sites by 4:00 p.m., and return to the property and leave to go home by 6:00 p.m. The business operates Monday through Saturday. Business equipment presently consists of three (3) six (6) wheel dump trucks, one (1) pickup truck, and five (5) trailers for carrying lawn equipment. The Petitioners presently do not anticipate adding additional employees or equipment.

If approved, the Petitioners planned to start operations immediately.

One (1) two (2) story, approximately two thousand (2,000) square foot house, constructed in 1936 was located on the property.

According to the site plan and the site plan superimposed over the aerial, the Petitioners planned to install one (1) forty foot by eight foot by six foot (40'X8'X6') storage container. The container would be used to store small landscaping equipment such as weed trimmers, power washers, ladders, blowers, and similar equipment.

The site plan and aerial also showed three (3) open storage areas; one (1) for gravel, one (1) for mulch, and one (1) for compost. The storage areas individually were ten feet (10') wide and eighteen feet (18') in depth. The piles of materials stored in these areas would be a maximum of seven feet (7') height.

Any structures related to the landscaping business would be required to obtain applicable building permits.

Per the site survey, the property was served by a shared well. The well was located northwest of the existing house. There was a septic system on the premises. Employees will not be able to use the well on the property and no onsite restrooms will be provided.

There was also a propane tank on the premises located northeast of the house.

No outdoor refuse area was planned as part of the special use.

The property drained to the southeast.

A stormwater management permit will be required. The topographic survey was provided. Greg Chismark provided comments regarding the proposal; his letter was provided.

Per the survey, access to the existing house as by an easement with the properties to the north and east of the subject property.

According to the site plan and the site plan superimposed over the aerial, the Petitioners proposed to install a new twenty foot (20') wide driveway five (5') feet to the north of the south property line. They also planned to install a culvert under the new driveway. Lisbon Township would have to approve this new access point.

According to the site plan and the site plan superimposed over the aerial, the Petitioners planned to install a gravel area approximately two hundred feet (200') in depth and one hundred fifteen feet (115') wide. There were five (5) parking spaces available on the west side of the gravel area for employee parking. The parking stalls would be ten feet (10') wide by twenty feet (20') long. There would also be a five (5) parking spaces on the east side of the property for trailers and trucks.

According to the site plan and the site plan superimposed over the aerial, the parking lot will be approximately forty-seven feet (47') from the centerline of Ashley Road. The right-of-way for Ashley Road has not been dedicated in this area. Per Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance, the parking area cannot encroach into the required one hundred fifty foot (150') front yard setback. The Petitioners were seeking a variance to allow the parking area as shown on the site plan.

No customers of the business would be invited onto the property.

If there was a motor vehicle or equipment related leak, the area impacted gravel and dirt will be removed and replaced with clean gravel and dirt.

Other than lighting related to signage, no additional lighting was planned as part of the special use.

According to the site plan superimposed over the aerial, the Petitioners planned to install one (1) two (2)-sided sign north of the arborvitae along the west side of the property. The sign would be six feet (6') wide and three feet (3') tall. The sign would be elevated approximately one point five feet (1.5') above grade.

The Petitioners would like the sign to be illuminated. Per Section 12:08.A.2.a of the Kendall County Zoning Ordinance, the sign could be illuminated between 6:00 a.m. and 11:00 p.m.

Two existing A-1 zoned properties with special use permits for landscaping businesses, 1996 Cannonball Trail and 997 Harvey Road, have illuminated signs.

No security gates or fencing was planned as part of the special use.

The Petitioners have already planted sixteen (16) arborvitae on the west side of the property as shown on the site plan and aerial. They were approximately three feet to four feet (3'-4') in height. They will grow to approximately sixteen feet (16') in height.

Fifteen (15) blue spruce trees will be planted near the southern property line in spring of 2022. The height at the time of planting will be five feet to six feet (5'-6') and they will grow to approximately twenty to twenty-five feet (20'-25') in height.

No information was provided regarding noise control.

No new odors were foreseen by the proposed use.

If approved, this would be the fourteenth (14th) special use permit for a landscaping business in unincorporated Kendall County.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the parking area, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The owners of the business allowed by the special use permit will not invite the public onto the property. Only landscape related materials and equipment will be stored at the subject property.

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

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. If Lisbon Township approves the new access point, then adequate points of ingress and egress will be provided. No customers will be allowed on the property and employees will not be able to use the well or restrooms in the existing house. The owners of the business allowed by the special use permit have applied for the applicable stormwater 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. Provided a variance is granted for the location of the parking area, the 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 use is consistent with an objective found on Page 9-21 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".

The proposed Findings of Fact for the variance were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject property is approximately two hundred feet (200') deep as measured from west to east. It would be difficult to have off-street parking and the proposed business on the subject property without a variance for parking.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Most A-1 zoned properties, including properties that have existing special use permits for landscaping businesses, are larger and wider and do not have a need for a variance with regards to parking in the front yard setback.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners did not create the size or configuration of the subject property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Allowing the parking encroachment will not impair any of the above items.

Staff recommended approval of the special use permit for a landscaping business and variance to allow parking in the front yard setback subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan and aerial showing the site plan.
2. A variance to Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance shall be granted allowing off-street parking no closer than forty-seven feet (47') from the centerline of Ashley Road.
3. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the site plan. The parking area shall be gravel.
4. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored items stored on the subject property and shall promptly clean up the site if leaks occur.
5. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.

7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be seven feet (7'), provided a Stormwater Management Permit is issued.
10. One (1) two (2)-sided business related sign may be installed in substantial the location shown on the site plan. The sign shall be a maximum of six feet (6') wide and three feet (3') tall. The sign may be elevated no greater than one point five feet (1.5') from the ground.
11. A minimum of sixteen (16) arborvitae shall be planted and maintained in substantially the locations shown on the site plan. The arborvitae shall be a minimum of three feet (3') tall at the time of planting and shall grow to approximately twelve feet (12'). Damaged or dead arborvitae shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
12. A minimum of fifteen (15) blue spruce trees shall be planted by June 30, 2022, and maintained in substantially the locations shown on the site plan. The blue spruce trees shall be a minimum of five feet (5') tall at the time of planting and shall grow to approximately twenty feet (20'). Damaged or dead blue spruce trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
13. No landscape waste generated off the property can be burned on the subject property.
14. A maximum of five (5) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
15. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
16. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
17. 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.
18. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
19. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
20. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

21. 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.
22. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
23. 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.

Ms. Olson mentioned that the southern half of the site had hydric soils. Scott Richmond, Attorney for the Petitioners, explained that the site would be engineered, particularly with the driveway.

Mr. Rybski asked about the location of the water well. Mr. Richmond responded that the well was shared. The septic was onsite. Mr. Rybski recommended the property have its own well or that easements were clearly stated.

Mr. Gengler asked about the entrance onto the property. Mr. Asselmeier stated that Lisbon Township issues access permits and the County issues driveway permits.

Mr. Gengler thanked the Petitioners for submitting their application.

Mr. Gengler asked if restrooms would be onsite. Mr. Richmond responded that employees report to the site, leave for worksites, come back to the property at the end of the day, and leave.

The neighboring property owner sold the property to the Petitioners.

Mr. Richmond said that the Petitioners were working through the detention requirements.

Mr. Asselmeier made a motion, seconded by Mr. Holdiman, to recommend approval of the special use permit with the conditions proposed by Staff.

With a voice vote of seven (7) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on September 22, 2021.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Ms. Briganti, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.



The ZPAC, at 10:21 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
SEPTEMBER 7, 2021**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Dan Kram 21-30 31 32 33		
Scott Richmond, Esq. 21-29		



August 9, 2021

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

Subject: 12830 Ashley Road (WBK Project 19-102.AB)

Dear Mr. Asselmeier:

WBK Engineering has completed a review of the subject project in Kendall County. The following material was provided to us for review:

- Stormwater Management Permit Application dated July 16, 2021 and received on August 2, 2021.
- Aerial Plan and Plat Plan prepared by HLR dated July 26, 2021 and received on August 2, 2021.
- Topographic Survey prepared by Philip D. Young and Associates dated July 2, 2021 and received on February 25, 2021.

These documents have been reviewed for conformance with the Kendall County Stormwater Ordinance. The following comments are offered for the petitioner's consideration and require resolution prior to our recommendation for approval.

1. Submit a stormwater narrative that describes the total area of disturbance, the amount of gravel and storage areas proposed (considered as impervious) and if stormwater storage is required under the ordinance.
2. The topographic survey identifies the drainage way to be colinear with the south property line. Delineate tributary area, design flows and proposed grades such that the flow impacts can be verified and mitigated.
3. Depict the limits of disturbance, proposed grades and drainage patterns on the Aerial Plan.
4. Depict erosion control measures and whether an NOI is necessary for the project.
5. Proposed work appears to be immediately adjacent to property lines. Verify if adjacent owner approval is necessary.
6. Provide culvert sizing and calculations for the driveway culvert on Ashley Road.
7. Provide documentation of approval for the new driveway access to Ashley Road.
8. Verify limits of wetlands or USACE jurisdiction on site.



The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications.

If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,

A large black rectangular redaction box covering the signature of the sender.

Gr

WBK Engineering, LLC

DRAFT MINUTES

At the regular Town Meeting held in Lisbon Township and Kendall County in the State of Illinois at the Plattville Fire Barn on September 14, 2021 meeting was called to order by Darlene Ashton, Town Clerk. The following official business was transacted at 7:30 pm.

Present were Supervisor Joseph Slivka, Trustees Tom Anzelc, Bill Ashton, Tara Kunkel, Scott Wallin and Clerk Darlene Ashton. Road Commissioner Kevin Kunkel was absent. Guests were Deputy Casey Kailus, Cathy & Phillip Anzelc, Dave Smith and Keri Horton.

The minutes of the August 10, 2021 meeting were read. Trustee Ashton made the motion to accept the minutes. Trustee Anzelc seconded the motion. Motion carried.

Deputy Kailus reported that the Kendall County Sheriffs are warning of telephone scams. Callers are claiming to be a lieutenant and a warrant has been issued for their arrest. The Sheriff's department will never request money. They are still encouraging the 9pm rule due to a number of burglaries and theft. They want cars locked and everything taken inside and not kept in cars. They participated in Cop on a roof top and the funeral procession for Officer Ella French.

OLD BUSINESS

A motion to amend the agenda to include item to reverse the \$10,000 from town fund to the Road & Bridge fund came from Trustee Kunkel. Seconded by Trustee Wallin. Motion carried.

A motion to hire law firm Burton Fuller and Associates came from Trustee Kunkel Seconded by Trustee Ashton. Motion carried.

The building will be 72 x 136 at a cost of \$338,400 for the shell. The doors will be \$38,000. The building will be on hold until the price will come down on lumber.

NEW BUSINESS

Dave Smith from the Lisbon Township Planning Commission gave an overview of the J.J. Gutierrez Lawn Care. They would like to put in a new driveway and gravel pad to keep trucks. They voted 3-1 to approve their plan. A motion to approve the J.J. Gutierrez Lawn Care petition with the stipulation that the culvert will be inspected and signed off by the Road Commissioner Kevin Kunkel was presented by Trustee Kunkel and seconded by Trustee Ashton. The Lisbon Township board voted by a roll call vote. Trustee Kunkel yes, Trustee Ashton no, Trustee Anzelc no, Trustee Wallin no. The motion was denied.

A motion to pay the bills came from Trustee Ashton. Seconded by Trustee Wallin. Motion carried.

No public comments.

A motion to adjourn came from Trustee Kunkel, Seconded by Trustee Wallin. Motion carried.

Respectfully Submitted,

Darlene Ashton, Clerk

Attachment 15, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of September 22, 2021 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez (arrived at 7:05 p.m.), Claire Wilson (arrived at 7:05 p.m.), and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Scott Richmond, Lorena Gutierrez, Dan Kramer, Eryn Ruffatto, David Cline, William Sales, June Alice, and Robert VanderBeek

PETITIONS

Petition 21 – 29 – Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez on Behalf of JJ Gutierrez Lawn Care, LLC

Mr. Asselmeier summarized the request.

In January 2021, Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez purchased the subject property and wished to operate JJ Gutierrez Lawn Care, LLC at the property.

The application materials, survey of the property, site plan, aerial of the property with site plan superimposed, and topographic survey were provided.

Based on the information provided, a variance to allow parking in the front yard setback was also required.

The property was located at 12830 Ashley Road and consisted of approximately one point five (1.5) acres.

The existing land use was Agricultural/Farmstead and the property was zoned A-1.

The Land Resource Management Plan called for the property to be Agriculture in the County and Plattville's Future Land Use Map called for the property to be Low Density Residential.

Ashley Road was a Township maintained major collector.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent lands were zoned either A-1 in the County or A-1 inside the Village of Plattville.

The Land Resource Management Plan called for the area to the west to be Agricultural. Plattville's Future Land Use Map called for the area to be Low Density Residential.

The zoning districts within one half (1/2) mile were A-1, A-1 SU, and R-1 in the County and A-1 and R-1 inside the Village of Plattville.

Pictures of the property were provided.

The A-1 special use permit to the west is for electromagnetic compatibility testing.

EcoCAT Report was submitted on July 7, 2021, and consultation was terminated.

The NRI application was submitted on July 16, 2021. The LESA Score was 193 indicating a low level of protection.

Petition information was sent to Lisbon Township on August 5, 2021. The Lisbon Township Planning Commission reviewed this proposal at their meeting on September 14, 2021. The Commission voted to approve the proposal by a vote of three (3) in favor and one (1) in opposition. The Lisbon Township Board reviewed this proposal at their meeting on September 14, 2021. The motion to approve the proposal with the condition that the culvert be inspected by the Township Highway Commissioner was rejected by a vote of one (1) in favor and three (3) in opposition. The draft minutes of the Lisbon Township Board meeting were provided.

Petition information was sent to the Village of Plattville on August 5, 2021.

Petition information was sent to the Lisbon-Seward Fire Protection District on August 5, 2021. The Fire District sent an email on August 30, 2021 requesting one (1) fire extinguisher and one (1) first aid kit with applicable signage. The email was provided. The Petitioners were agreeable to this request.

ZPAC reviewed this proposal at their meeting on September 7, 2021. The Kendall County Soil and Water Conservation District noted the location of hydric soils on the property. The Kendall County Health Department stated their preference to have a dedicated well on the site or have clear language in any easements related to the well regarding usage of the well. The Petitioners indicated they were working on addressing the stormwater detention requirements. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of this meeting were provided.

The Petitioners purchased the property in 2021 and started running a landscaping business on the premises without proper zoning. Upon receiving the warning letter, the Petitioners ceased operations of the business and started applying for the special use permit. The Petitioners continue to live at the property.

Members Rodriguez and Wilson arrived at this time (7:05 p.m.)

According to the business plan, JJ Gutierrez Lawn Care has been in business since 2016. The business has five (5) employees. Employees arrive at the property at approximately 6:00 a.m., go to work sites by 7:00 a.m., finish at work sites by 4:00 p.m., and return to the property and leave to go home by 6:00 p.m. The business operates Monday through Saturday. Business equipment presently consists of three (3) six (6) wheel dump trucks, one (1) pickup truck, and five (5) trailers for carrying lawn equipment. The Petitioners did not anticipate adding additional employees or equipment.

If approved, the Petitioners plan to start operations immediately.

One (1) two (2) story, approximately two thousand (2,000) square foot house, constructed in 1936 was located on the property.

According to the site plan and the site plan superimposed over the aerial, the Petitioners planned to install one (1) forty foot by eight foot by six foot (40'X8'X6') storage container. The container would be used to store small landscaping equipment such as weed trimmers, power washers, ladders, blowers, and similar equipment.

The site plan and aerial also showed three (3) open storage areas; one (1) for gravel, one (1) for mulch, and one (1) for compost. The storage areas individually were ten feet (10') wide and eighteen feet (18') in depth. The piles of materials stored in these areas would be a maximum of seven feet (7') height.

Any structures related to the landscaping business would be required to obtain applicable building permits.

Per the site survey, the property was served by a shared well. The well was located northwest of the existing house. There was a septic system on the premises. Employees would not be able to use the well on the property and no onsite restrooms would be provided.

There was also a propane tank on the premises located northeast of the house.

No outdoor refuse area was planned as part of the special use.

The property drained to the southeast.

A stormwater management permit will be required. The topographic survey was provided.

WBK reviewed this proposal and provided comments in a letter dated August 9, 2021, which was provided. The Petitioners amended the site plan from their original submittal to include a raingarden. The Petitioners were also in discussions with the County to pay a fee-in-lieu in addition to the raingarden to address the detention requirements. The specific information regarding the raingarden will be addressed as part of the stormwater management permit.

Per the survey, access to the existing house was by an easement with the properties to the north and east of the subject property.

According to the site plan and the site plan superimposed over the aerial, the Petitioners proposed to install a new twenty foot (20') wide driveway five (5') feet to the north of the south property line. They also planned to install a culvert under the new driveway. Lisbon Township would have to approve this new access point.

According to the site plan and the site plan superimposed over the aerial, the Petitioners planned to install a gravel area approximately two hundred feet (200') in depth and one hundred fifteen feet (115') wide. There were five (5) parking spaces available on the west side of the gravel area for employee parking. The parking stalls would be ten feet (10') wide by twenty feet (20') long. There would also be a five (5) parking spaces on the east side of the property for trailers and trucks.

According to the site plan and the site plan superimposed over the aerial, the parking lot would be approximately forty-seven feet (47') from the centerline of Ashley Road. The right-of-way for Ashley Road has not been dedicated in this area. Per Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance, the parking area cannot encroach into the required one hundred fifty foot (150') front yard setback. The Petitioners were seeking a variance to allow the parking area as shown on the site plan.

No customers of the business would be invited onto the property.

If there is a motor vehicle or equipment related leak, the area impacted gravel and dirt would be removed and replaced with clean gravel and dirt.

Other than lighting related to signage, no additional lighting was planned as part of the special use.

According to the site plan superimposed over the aerial, the Petitioners planned to install one (1) two (2)-sided sign north of the arborvitae along the west side of the property. The sign would be six feet (6') wide and three feet (3') tall. The sign would be elevated approximately one point five feet (1.5') above grade.

The Petitioners would like the sign to be illuminated. Per Section 12:08.A.2.a of the Kendall County Zoning Ordinance, the sign could be illuminated between 6:00 a.m. and 11:00 p.m.

Two (2) existing A-1 zoned properties with special use permits for landscaping businesses, 1996 Cannonball Trail and 997 Harvey Road, had illuminated signs.

No security gates or fencing were planned as part of the special use.

The Petitioners had already planted sixteen (16) arborvitae on the west side of the property as shown on the site plan and aerial. They were approximately three feet to four feet (3'-4') in height. They would grow to approximately sixteen feet (16') in height.

Fifteen (15) blue spruce trees would be planted near the southern property line in spring of 2022. The height at the time of planting would be five feet to six feet (5'-6') and they would grow to approximately twenty to twenty-five feet (20'-25') in height.

No information was provided regarding noise control.

No new odors were foreseen by the proposed use.

If approved, this would be the sixteenth (16th) special use permit for a landscaping business in unincorporated Kendall County.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the parking area, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The owners of the business allowed by the special use permit will not invite the public onto the property. Only landscape related materials and equipment will be stored at the subject property.

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

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. If Lisbon Township approves the new access point, then adequate points of ingress and egress will be provided. No customers will be allowed on the property and employees will not be able to use the well or restrooms in the existing house. The owners of the business allowed by the special use permit have applied for the applicable stormwater 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. Provided a variance is granted for the location of the parking area, the 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 use is consistent with an objective found on Page 9-21 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”.

The proposed Findings of Fact for the variance were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject property is approximately two hundred feet (200') deep as measured from west to east. It would be difficult to have off-street parking and the proposed business on the subject property without a variance for parking.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Most A-1 zoned properties, including properties that have existing special use permits for landscaping businesses, are larger and wider and do not have a need for a variance with regards to parking in the front yard setback.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners did not create the size or configuration of the subject property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Allowing the parking encroachment will not impair any of the above items.

Staff recommended approval of the special use permit for a landscaping business and variance to allow parking in the front yard setback subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan and aerial showing the site plan, including the addition of the rain garden shown on the site plan.

2. A variance to Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance shall be granted allowing off-street parking no closer than forty-seven feet (47') from the centerline of Ashley Road.
3. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the site plan. The parking area shall be gravel.
4. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored items stored on the subject property and shall promptly clean up the site if leaks occur.
5. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be seven feet (7'), provided a Stormwater Management Permit is issued.
10. One (1) two (2)-sided business related sign may be installed in substantial the location shown on the site plan. The sign shall be a maximum of six feet (6') wide and three feet (3') tall. The sign may be elevated no greater than one point five feet (1.5') from the ground.
11. A minimum of sixteen (16) arborvitae shall be planted and maintained in substantially the locations shown on the site plan. The arborvitae shall be a minimum of three feet (3') tall at the time of planting and shall grow to approximately twelve feet (12'). Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
12. A minimum of fifteen (15) blue spruce trees shall be planted by June 30, 2022, and maintained in substantially the locations shown on the site plan. The blue spruce trees shall be a minimum of five feet (5') tall at the time of planting and shall grow to approximately twenty feet (20'). Damaged or dead blue spruce trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
13. No landscape waste generated off the property can be burned on the subject property.
14. A maximum of five (5) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
15. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.

16. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
17. 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.
18. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
19. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Chairman Ashton about the well. Scott Richmond, Attorney for the Petitioners clarified that the well was not shared. The driveway is shared. Discussion occurred regarding the driveway easement with the adjoining property owner. The new gravel driveway was highlighted; the new driveway will be used for business related vehicles.

Member Casey asked what the Petitioners would do with landscaping materials if they cannot burn on the premises. Mr. Richmond responded the Petitioners would dispose of the materials properly.

Member McCarthy-Lange asked why the Lisbon Township Planning Commission voted in favor of the proposal and the Lisbon Township Board voted against the proposal. Chairman Ashton said that he voted against the proposal as a Lisbon Township Trustee because the Petitioners started operating without obtaining proper zoning permits. However, Chairman Ashton noted that the Petitioners seemed very nice. Mr. Richmond said the violation was not intentional and the Petitioners were attempting to get the business into compliance. The Petitioners were trying to get into compliance as quickly as possible. Member Rodriguez stated that he felt the Petitioners were trying to correct the matter. Member Nelson concurred with Member Rodriguez.

The Petitioners purchased the property in early 2021.

Member Rodriguez asked where the business operated when they ceased operating the subject property. Lorena Gutierrez said they were renting with a neighbor. She originally felt that they were not a landscaping business because they were only storing vehicles at the property and not selling landscaping materials.

Member Nelson asked if any other reason existed, besides originally operating without proper zoning permits, to deny the request. Chairman Ashton expressed concerns regarding the waterway along the south side of the property. Mr. Richmond noted the new raingarden to address sheet flow. The Petitioners were also planning to pay a fee-in-lieu to be in compliance with the Kendall County Stormwater Management Ordinance. A culvert will be put under the driveway where the driveway meets Ashley Road.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the special use permit and variance with the conditions proposed by Staff.

The votes were as follows:

Ayes (8): Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (1): Ashton
Absent (1): Stewart
Abstain (0): None

The motion carried.

Chairman Ashton voted no because the Petitioners started operations without proper zoning permits.

This proposal will go to the Kendall County Zoning Board of Appeals on September 27, 2021.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Member Wilson made a motion, seconded by Member Rodriguez, to adjourn. With a voice of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:44 p.m.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
SEPTEMBER 22, 2021**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Dan Kramer Atty 21-30 21-32 21-31 21-33		
Scott Richmond Attorney		
DAVID CRINE		
William SALES		
JUNE ALICE		
Robert VanderBeel		