

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 21-33 at 8:19 p.m.

Petition 21 – 33 – Elizabeth Bowyer on Behalf of Doragon Properties, LLC

Request: Special Use Permit to Operate a Craft Fair/Market (Sale of Agricultural Products, Pottery, Art and Home Décor Not Produced on the Premises) and Variance to Section 7:01.D.48 to Allow the Craft Fair/Market on Land Designated as Agricultural in the Kendall County Land Resource Management Plan

PIN: 09-31-100-005

Location: 5681 Whitewillow Road, Minooka, Seward Township

Purpose: Petitioner Wants To Operate a Market on the Property; Property is Zoned A-1 Agricultural with a Special Use Permit for a Landscaping Business

Mr. Asselmeier summarized the request.

The Petitioner would like to operate a monthly craft fair (sale of agricultural products not grown on premises and the sale of pottery, art, and home décor not produced on the premises) one (1) Saturday per month between April 1st and November 1st.

The Petitioner has been operating the craft fair without a special use and would like to come into compliance.

The Zoning Ordinance required the sale of pottery, art, and home décor products to be located on properties not designated as Agricultural on the Future Land Use Map. The Petitioners were seeking a variance to this provision.

The application materials, plat of survey, aerial of the entire property, and aerial of the area where craft fair/market would occur were provided.

The property was granted a special use permit for a landscaping business in 2005. This special use permit was also provided.

The property was approximately fifty (50) acres in size.

The Current and Future Land Uses were Agricultural.

Whitewillow Road was a County maintained Major Collector. Brisbin Road was a Township maintained Major Collector.

Minooka has trails planned along Whitewillow and Brisbin Roads.

There were no floodplains or wetlands on the property. The pond was permitted as part of the development of the landscaping business.

The adjacent land uses were Agricultural and Farmstead.

The adjacent zoning districts and nearby zoning districts were A-1.

The County's Future Land Use Map called for the area to be Agricultural. The Village of Minooka's Future Land Use Map called for the area to the north and south to be Traditional Neighborhood and the area to the east to be Light Industrial.

EcoCat submitted on August 24, 2021, and consultation was terminated.

The Petitioner did an NRI application as part of a proposed cannabis business at the subject property in April 2020. The LESA Score was 220 indicating a medium level of protection. The NRI Report was provided.

Seward Township was emailed information on August 27, 2021. Seward Township was emailed information on August 27, 2021. The Seward Township Planning Commission reviewed this proposal at their meeting on September 7, 2021. The Seward Township Planning Commission recommended approval of the request with the amendment to allow the Petitioners to increase the number of vendors to forty (40) upon notice to the Township. The minutes of this meeting were provided. The Seward Township Board concurred with the Seward Township Planning Commission at their meeting on September 14, 2021.

The Village of Minooka was emailed information on August 27, 2021.

Lisbon-Seward Fire Protection District was emailed information on August 27, 2021. They requested two (2) strategically placed fire extinguishers and first aid kits with related signage. The email from the Fire Protection District was provided.

ZPAC reviewed this proposal at their meeting on September 7, 2021. Discussion occurred regarding signage; the Petitioners' Attorney agreed to discuss having one (1) stationary sign only at the corner of Whitewillow and Brisbin Roads with his clients. The number of vendors was increased from thirty-one (31) to thirty-five (35). The Kendall County Health Department requested that the Petitioners contact them regarding the placement of the septic field in relation to the parking lot. 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.

According to information provided to the County, the Petitioner would like to operate a thirty-one (31) stall craft fair west of the existing main building as identified in the provided aerial. The vendor stalls were approximately twelve foot by fourteen foot (12' X 14'). The stalls were made of wood with an area to erect a tent. The stalls were also numbered; pictures of an example stall and vendor row were provided.

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

Vendors sold a variety of craft products.

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

1. A sit-down food area is allowed if incidental to the primary operation of retail sales.
2. The subject parcel must not be less than three (3) acres in size.
3. Must be along a hard surfaced road classified as an arterial or major collector in the Land Resource Management Plan.
4. Is located in an area not designated as Agricultural on the Land Resource Management Plan. The Petitioner was seeking a variance to this requirement.
5. Must occur in a manner that will preserve the existing farmhouse, barns, related structures, and the pastoral setting.
6. Must serve as a transitional use between agricultural areas and advancing suburban development.
7. Must serve to prevent spot zoning.
8. Retail and wholesale must occur in an existing building, unless otherwise approved by the County Board.

9. Any new structures must reflect the current architecture of the existing structures.
10. No outside display of goods.
11. Cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
12. Limited demolition of farmhouse and outbuildings is allowed.
13. Site plan is required.
14. Signage must follow the requirements in the Zoning Ordinance.
15. Off-street parking must follow the requirements in the Zoning Ordinance.

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

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

According to the business plan provided to the County, the Petitioner would like to operate the craft fair one (1) Saturday per month between April 1st and November 1st. Vendors started setting up at 6:00 a.m. The craft fair was open to the public from 8:00 a.m. until about 4:00 p.m. Vendors would leave the site by 6:00 p.m.

The Petitioner had five (5) full-time employees that monitor the craft fair, including herself and her husband.

The usual number patrons on the property at a given time for the craft fair was approximately fifty (50).

No new structures are planned for the property.

There were existing restrooms inside the building used for the landscaping business. There were two (2) porta-johns available for the vendors and patrons at the craft fair.

There was a private well onsite.

The Petitioner would make accommodations for vendors that want electricity.

The property drained to the southeast.

The Petitioners secured applicable permits in 2004 for the construction of the pond on the premises.

Based on the information provided, no stormwater permits were required because the Petitioner did not plan to add any impervious surface.

The property had access from Whitewillow Road.

According to the provided aerial, there were approximately eighty parking (80) spaces on the property. These included parking spaces east and south of the building used for the landscaping business. There was also parking available for vendors west of the vendor row. There were six (6) identified handicapped parking spaces on the property.

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

The Petitioner planned to have one (1) mobile sign placed at the southeast corner of Whitewillow and Brisbin Roads. A picture of the sign was provided. The Petitioners would like the sign to remain at the intersection between May 1st and December 1st of each year. The sign would not be illuminated.

There were other directional signs located on the property and the landscaping business/nursery has separate signage for that portion of the business.

No additional landscaping was planned. Nursery materials along Whitewillow Road served as screening.

No information regarding noise control was provided.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. True. The subject property already has an established landscaping and nursery business. The proposed use will complement the existing special use and will minimally impact the area.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True. Conditions are proposed that will regulate hours of operation, site layout, and noise. No new buildings or other significant alterations away from the current appearance of the property or general area are planned.

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

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

allowing the use on property designated as Agricultural on the Land Resource Management Plan is approved.

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. There is no topographical hardship.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Very few A-1 zoned properties have an existing commercial use as intense as the use located on the subject property. Most properties zoned A-1 and classified as Agricultural on the Land Resource Management Plan do not have the existing facilities to support this type of use.

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 or request the land designation contained in the Land Resource Management Plan.

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 subject property already has a special use permit. The proposed use would only operate for a very brief time of the year. No improvements to the property are planned as part of the proposal. Therefore, no injury to the public welfare or other properties is foreseen.

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. Because of the limited operations proposed and because no new structures are planned, the proposal will not impair the supply of light or air to adjacent properties, cause increased congestion on local streets, endanger public safety, or impair property values.

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

1. The site shall be developed substantially in accordance with the aerial. Other than parking and signage, the craft fair shall be limited to area designated as “Vendor Area” on the aerial. Any new structures related to the uses allowed by this special use permit shall require a major amendment to the special use permit and any new structures must reflect the current

architecture of the existing structures.

2. A variance to Section 7:01.D.48 shall be granted to allow the sale of pottery, art, and home décor not produce on the premises to occur on property designated as Agricultural on the Future Land Use Map.
3. The subject parcel must remain at least three (3) acres in size.
4. The uses allowed by this special use permit must occur in a manner that will preserve the existing pastoral setting. To that end, no vendor stall located in the northern row of the vending area shall be open toward the north.
5. Retail and wholesale sales may occur outside existing buildings.
6. The uses allowed by this special use permit cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
7. A maximum of thirty-five (35) vendors may be on the subject property.
8. The uses allowed by this special use permit may operate a maximum of one (1) Saturday per month. The uses may be open for sale between the hours of 8:00 a.m. and 4:00 p.m. The property owner may reduce these hours of operation. Vendors may setup no earlier than two (2) hours prior to opening and must be offsite within two (2) hours of closing. The uses allowed by this special use permit may be operational between April 1st and November 1st.
9. A maximum of five (5) people, including the property owner and their family members, shall be employees of the business allowed by this special use permit.
10. The owners of the business allowed by this special use permit may install one (1) sign on the subject property at the southeast corner of Whitewillow and Brisbin Roads in substantially the size and appearance of the sign shown in the provided picture. The sign shall not be illuminated. The sign may be in place May 1st until December 1st. The owners of the business allowed by this special use permit may install additional directional signage for patrons inside the property.
11. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall be generated by the uses allowed this special use permit.
13. Two (2) strategically placed operating fire extinguishers and first aid kits shall be placed on the subject property along with applicable signage for the fire extinguishers and first aid kits.
14. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of uses.
16. The conditions and restrictions contained in this special use permit shall be separate from the conditions and restrictions contained in Ordinance 2005-37.

17. 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.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
19. 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 requested clarification on the location of parking spaces. Mr. Asselmeier identified the location of parking spaces on the aerial.

Chairman Mohr asked why fencing was not required around the pond as was the case for the special use permit on Brisbin Road. Mr. Asselmeier responded that the pond at 14975 Brisbin Road was closer to the operations of the market than the pond at the subject property. The pond at the subject property is directly connected to craft fair.

Chairman Mohr opened the public hearing at 8:31 p.m.

Dan Kramer, Attorney for the Petitioner, explained the history of the property and the landscaping business on the property. Everyone parked on the property. No new development was planned. The Petitioner had not been aware of the need of the special use permit until they were notified by the County. The Petitioners then applied for the special use permit. Mr. Kramer noted that Seward Township favored the use.

Chairman Mohr closed the public hearing at 8:33 p.m.

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

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.

Member LeCuyer made a motion, seconded by Member Cherry, 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.

The proposal will go to the Kendall County Planning, Building and Zoning Committee on Tuesday, October 12, 2021.

Mr. Kramer noted that the Petitioner was waiting on the State regarding the status of their craft grower cannabis license and would be pursuing a special use permit for that use if awarded a license by the State.

The Zoning Board of Appeals completed their review of Petitions 21-33 at 8:37 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 21-33 Dated September 23, 2021
2. Certificate of Publication for Petition 21-33 (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 21-33

**Elizabeth Bowyer on Behalf of Doragon Properties, LLC
A-1 Special Use Permit for the Sale of Agricultural Products
and Pottery, Art, and Home Decor Not Produced on the
Premises and Variance to Allow This Type of Use on Lands
Classified as Agriculture on the LRMP Map**

INTRODUCTION

The Petitioner would like to operate a monthly craft fair (sale of agricultural products not grown on premises and the sale of pottery, art, and home décor not produced on the premises) one (1) Saturday per month between April 1st and November 1st.

The Petitioner has been operating the craft fair without a special use and would like to come into compliance.

The Zoning Ordinance requires the sale of pottery, art, and home décor products to be located on properties not designated as Agricultural on the Future Land Use Map. The Petitioners are seeking a variance to this provision.

The application materials are included as Attachment 1. The plat of survey is included as Attachment 2. The aerial of the entire property is included as Attachment 3. The aerial of the area where craft fair/market would occur is included Attachment 4.

The property was granted a special use permit for landscaping business in 2005. This special use permit is included as Attachment 5.

SITE INFORMATION

PETITIONER Elizabeth Bowyer on Behalf of Doragon Properties, LLC

ADDRESS 5681 Whitewillow Road

LOCATION Southeast Corner of the Intersection of Brisbin and Whitewillow Roads



TOWNSHIP Seward

PARCEL # 09-31-100-005

LOT SIZE 50.00 +/- Acres

EXISTING LAND USE Landscaping and Nursery Business

ZONING A-1 Agricultural District with a Special Use Permit

LRMP	Current Land Use	Agricultural
	Future Land Use	Agricultural
	Roads	Whitewillow Road is a County maintained Major Collector. Brisbin Road was a Township maintained Major Collector.
	Trails	Minooka has trails planned along Whitewillow and Brisbin Roads.
	Floodplain/Wetlands	None. The pond was permitted as part of the development of the landscaping business.

REQUESTED ACTION A-1 Special Use Permit for the Sale of Agricultural Products and Pottery, Art, and Home Décor Not Produced on the Premises

APPLICABLE REGULATIONS Section 7:01.D.47 – A-1 Special Uses – Permits Sales of Agricultural Products Not Grown on the Premises

Section 7:01.D.48 – A-1 Special Uses – Permits Sales of Pottery, Art, Home Décor Not Produced on the Premises with Restrictions

Section 13:04 – Variance Procedures

Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Agricultural (County) Traditional Neighborhood (Minooka)	A-1
South	Agricultural/Farmstead	A-1	Agricultural (County) Traditional Neighborhood (Minooka)	A-1
East	Agricultural	A-1	Agricultural (County) Light Industrial (Minooka)	A-1
West	Agricultural	A-1	Agricultural (County)	A-1

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on August 24, 2021, and consultation was terminated (see Attachment 1, Pages 7-8).

NATURAL RESOURCES INVENTORY

The Petitioner did an NRI application as part of a proposed cannabis business at the subject property in April 2020. The LESA Score was 220 indicating a medium level of protection. The NRI Report is included as Attachment 1, Pages 9-39.

ACTION SUMMARY

SEWARD TOWNSHIP

Seward Township was emailed information on August 27, 2021. The Seward Township Planning Commission reviewed this proposal at their meeting on September 7, 2021. The Seward Township Planning Commission recommended approval of the request with the amendment to allow the Petitioners to increase the number of vendors to forty (40) upon notice to the Township. The minutes of this meeting are included as Attachment 12. The Seward Township Board concurred with the Seward Township Planning Commission at their meeting on September 14, 2021.

VILLAGE OF MINOOKA

The Village of Minooka was emailed information on August 27, 2021.

LISBON-SEWARD FIRE PROTECTION DISTRICT

Lisbon-Seward Fire Protection District was emailed information on August 27, 2021. The Lisbon-Seward Fire Protection District submitted an email on August 30, 2021, requesting two (2) strategically placed fire extinguishers and first aid kits be installed with applicable signage. The email is included as Attachment 10.

ZPAC

ZPAC reviewed this proposal at their meeting on September 7, 2021. Discussion occurred regarding signage; the Petitioners' Attorney agreed to discuss having one (1) stationary sign only at the corner of Whitewillow and Brisbin Roads with his clients. The number of vendors was increased from thirty-one (31) to thirty-five (35). The Kendall County Health Department requested that the Petitioners contact them regarding the placement of the septic field in relation to the parking lot. 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 11.

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 13.

GENERAL

According to information provided to the County, the Petitioner would like to operate a thirty-five (35) stall craft fair west of the existing main building as identified in the aerial labeled Attachment 4. The vendor stalls are approximately twelve foot by fourteen foot (12' X 14'). The stalls are made of wood with an area to erect a tent. The stalls are also numbered; an example stall is included as Attachment 6. Pictures of the vendor row are included as Attachments 7 and 8.

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

Vendors sell a variety of craft products.

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

1. A sit-down food area is allowed if incidental to the primary operation of retail sales.
2. The subject parcel must not be less than three (3) acres in size.
3. Must be along a hard surfaced road classified as an arterial or major collector in the Land Resource Management Plan.
4. Is located in an area not designated as Agricultural on the Land Resource Management Plan. The Petitioner is seeking a variance to this requirement.
5. Must occur in a manner that will preserve the existing farmhouse, barns, related structures, and the pastoral setting.
6. Must serve as a transitional use between agricultural areas and advancing suburban development.
7. Must serve to prevent spot zoning.
8. Retail and wholesale must occur in an existing building, unless otherwise approved by the County Board.
9. Any new structures must reflect the current architecture of the existing structures.
10. No outside display of goods.
11. Cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
12. Limited demolition of farmhouse and outbuildings is allowed.
13. Site plan is required.
14. Signage must follow the requirements in the Zoning Ordinance.
15. Off-street parking must follow the requirements in the Zoning Ordinance.

Zoning Ordinance are addressed.

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

BUSINESS OPERATION

According to the business plan provided to the County, the Petitioner would like to operate the craft fair one (1) Saturday per month between April 1st and November 1st. Vendors start setting up at 6:00 a.m. The craft fair is open to the public from 8:00 a.m. until about 4:00 p.m. Vendors leave the site by 6:00 p.m.

The Petitioner has five (5) full-time employees that monitor the craft fair, including herself and her husband.

The usual number patrons on the property at a given time for the craft fair is approximately fifty (50).

BUILDING CODES

No new structures are planned for the property.

ENVIRONMENTAL HEALTH

There are existing restrooms inside the building used for the landscaping business. There are two (2) porta-johns available for the vendors and patrons at the craft fair.

There is a private well onsite.

The Petitioner would make accommodations for vendors that want electricity.

STORMWATER AND DRAINAGE

The property drains to the southeast.

The Petitioners secured applicable permits in 2004 for the construction of the pond on the premises.

Based on the information provided, no stormwater permits are required because the Petitioner does not plan to add any impervious surface.

ROAD ACCESS

The property has access from Whitewillow Road.

PARKING

According to the aerial labeled as Attachment 4, there are approximately eighty (80) parking spaces on the property. These include parking spaces east and south of the building used for the landscaping business. There is also parking available for vendors west of the vendor row. There were six (6) identified handicapped parking spaces on the property.

LIGHTING

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

SIGNAGE

The Petitioner plans to have one (1) mobile sign placed at the southeast corner of Whitewillow and Brisbin Roads. A picture of the sign is included as Attachment 9. The Petitioners would like the sign to remain at the intersection between May 1st and December 1st of each year. The sign would not be illuminated.

There are other directional signs located on the property and the landscaping business/nursery has separate signage for that portion of the business.

LANDSCAPING

No additional landscaping is planned. Nursery materials along Whitewillow Road presently serve as screening.

NOISE CONTROL

No information regarding noise control was provided.

FINDINGS OF FACT-SPECIAL USE PERMIT

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **True. The subject property already has an established landscaping and nursery business. The proposed use will complement the existing special use and will minimally impact the area.**

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **True. Conditions are proposed that will regulate hours of operation, site layout, and noise. No new buildings or other significant alterations away from the current appearance of the property or general area are planned.**

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **This is true provided the variance to allowing the use on property designated as Agricultural on the Land Resource Management Plan is approved.**

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. **There is no topographical hardship.**

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **Very few A-1 zoned properties have an existing commercial use as intense as the use located on the subject property. Most properties zoned A-1 and classified as Agricultural on the Land Resource Management Plan do not have the existing facilities to support this type of use.**

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 or request the land designation contained in the Land Resource Management Plan.**

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 subject property already has a special use permit. The proposed use would only operate for a very brief time of the year. No improvements to the property are planned as part of the proposal. Therefore, no injury to the public welfare or other properties is foreseen.**

*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. **Because of the limited operations proposed and because no new structures are planned, the proposal will not impair the supply of light or air to adjacent properties, cause increased congestion on local streets, endanger public safety, or impair property values.***

RECOMMENDATION

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

1. The site shall be developed substantially in accordance with the attached aerial (Attachment 4). Other than parking and signage, the craft fair shall be limited to area designated as "Vendor Area" on the aerial. Any new structures related to the uses allowed by this special use permit shall require a major amendment to the special use permit and any new structures must reflect the current architecture of the existing structures.
2. A variance to Section 7:01.D.48 shall be granted to allow the sale of pottery, art, and home décor not produce on the premises to occur on property designated as Agricultural on the Future Land Use Map.
3. The subject parcel must remain at least (3) acres in size.
4. The uses allowed by this special use permit must occur in a manner that will preserve the existing pastoral setting. To that end, no vendor stall located in the northern row of the vending area shall be open toward the north.
5. Retail and wholesale sales may occur outside existing buildings.
6. The uses allowed by this special use permit cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
7. A maximum of thirty-five (35) vendors may be on the subject property.
8. The uses allowed by this special use permit may operate a maximum of one (1) Saturday per month. The uses may be open for sale between the hours of 8:00 a.m. and 4:00 p.m. The property owner may reduce these hours of operation. Vendors may setup no earlier than two (2) hours prior to opening and must be offsite within two (2) hours of closing. The uses allowed by this special use permit may be operational between April 1st and November 1st.
9. A maximum of five (5) people, including the property owner and their family members, shall be employees of the business allowed by this special use permit.
10. The owners of the business allowed by this special use permit may install one (1) sign on the subject property at the southeast corner of Whitewillow and Brisbin Roads in substantially the size and appearance of the sign shown in Attachment 9. The sign shall not be illuminated. The sign may be in place May 1st until December 1st. The owners of the business allowed by this special use permit may install additional directional signage for patrons inside the property.
11. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall be generated by the uses allowed this special use permit.
13. Two (2) strategically placed operating fire extinguishers and first aid kits shall be placed on the subject property along with applicable signage for the fire extinguishers and first aid kits.
14. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State,

and Local laws related to the operation of these types of uses.

16. The conditions and restrictions contained in this special use permit shall be separate from the conditions and restrictions contained in Ordinance 2005-37.
17. 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.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
19. 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
2. Plat of Survey
3. Aerial of the Entire Property
4. Aerial of Craft Fair Area
5. Ordinance 2005-37
6. Vendor Stall Example Picture
7. Looking West Down Vendor Row (Eastern Picture)
8. Looking West Down Vendor Row (Western Picture)
9. Sign
10. August 30, 2021 Lisbon-Seward Fire Protection District Email
11. September 7, 2021 ZPAC Minutes (This Petition Only)
12. September 7, 2021 Seward Township Planning Commission Minutes
13. 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 _____ FILE #: _____

NAME OF APPLICANT		
DORAGON PROPERTIES INC		
CURRENT LANDOWNER/NAME(s)		
DORAGON PROPERTIES, INC		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
47.42	5681 Whitewillow Rd., Minooka, Illinois 60447	09-31-100-005
EXISTING LAND USE		
Agricultural	A-1	A-1
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)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Dnaiel J. Kramer	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	[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		DATE
X [REDACTED]		July 7, 2021

FEE PAID: \$ _____
 CHECK #: _____

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 White Willow Landscape & Nursery **FILE #:** _____

NAME OF APPLICANT White Willow Landscape and Nursery Supply		
CURRENT LANDOWNER/NAME(s) DragonProperties Inc.		
SITE INFORMATION ACRES 50.85 acres	SITE ADDRESS OR LOCATION 5661 White Willow Road, Minooka, Illinois 60447	ASSESSOR'S ID NUMBER (PIN) 09-31-100-005
EXISTING LAND USE Nursery & Landscaping Business	CURRENT ZONING A-1 Special Use	LAND CLASSIFICATION ON LRMP A-1
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" type="checkbox"/> VARIANCE <i>Top of hill - 1st section</i>
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW <i>2nd section</i>
<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 <i>Bottom</i>
<input type="checkbox"/> PRELIMINARY PLAT etc.)	<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)		
1 PRIMARY CONTACT Daniel J. Kramer	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER #(Cell, etc.)
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 [REDACTED]		DATE 8/25/2021

FEE PAID:\$ _____
 CHECK #: _____

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



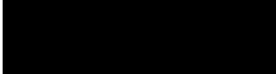
Document prepared by:
John P. Antonopoulos



201800009765

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL

Mail document to:
Ann Grow



RECORDED: 7/12/2018 01:55 PM
TRSD: 39.00 RHSPS FEE: 10.00
STATE TAX: 977.00
COUNTY TAX: 488.58
PAGES: 3

Mail tax bills to:
Doragon Properties, Inc.



TRUSTEE'S DEED

THIS INDENTURE is made this 2nd day of July, 2018, between Grantor, TIMOTHY J. WALLACE, TRUSTEE OF THE TIMOTHY J. WALLACE SELF-DECLARATION OF TRUST DATED APRIL 26, 2013, of the Village of Bolingbrook, State of Illinois, and Grantee, DORAGON PROPERTIES, INC. of 1420 Davey Road, Suite 100, Woodridge, Illinois 60517.

WITNESSETH, that Grantor, in consideration of the sum of Ten Dollars, receipt whereof is hereby acknowledged, and in pursuance of the power and authority vested in the Grantor as said Trustee and of every other power and authority the Grantor hereunto enabling, does hereby convey and warrant unto the Grantee, in fee simple, the following described real estate, situated in the County of Cook and State of Illinois, to wit:

See legal description on reverse side hereof

Address: 5681 White Willow Road, Minooka, IL 60447 PIN# 09-31-100-005

Subject to: general real estate taxes not due and payable at the time of closing, covenants, conditions and restrictions of record, building lines and easements, if any, so long as they do not interfere with the current use and enjoyment of the real estate;



FIRST AMERICAN TITLE
FILE # [REDACTED]

TIMOTHY J. WALLACE, TRUSTEE OF THE
TIMOTHY J. WALLACE SELF-DECLARATION OF
TRUST DATED APRIL 26, 2013

State of Illinois, County of Cook, ss. I, the undersigned, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY, that TIMOTHY J. WALLACE, TRUSTEE OF THE TIMOTHY J. WALLACE SELF-DECLARATION OF TRUST DATED APRIL 26, 2013, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead. Given under my hand and official seal this 2nd day of July, 2018.

"OFFICIAL SEAL"
John P. Antonopoulos
Notary Public, State of Illinois
My Commission Expires November 28, 2021 Notary Public



LEGAL DESCRIPTION

That part of the North half of the Northwest quarter of Section 31, Township 35 North, Range 8 East of the Third Principal Meridian, described as follows:

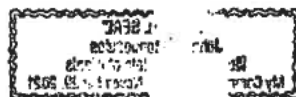
Commencing at the Northwest corner of said Northwest quarter, said point being the point of beginning; thence along the North line of said Northwest quarter North 89 degrees 28 minutes 50 seconds East for a distance of 1789.78 feet to a point on the East line of said Northwest quarter; thence along said East line South 00 degrees 35 minutes 51 seconds East for a distance of 1294.24 feet; thence South 88 degrees 58 minutes 23 seconds West for a distance of 1803.50 feet to a point on the West line of said Northwest quarter; thence along said West line North 00 degrees 00 minutes 00 seconds East for a distance of 415.62 feet; thence North 90 degrees 00 minutes 00 seconds East for a distance of 590.52 feet; thence North 00 degrees 00 minutes 00 seconds East for a distance of 295.06 feet; thence South 90 degrees 00 minutes 00 seconds West for a distance of 590.52 feet to a point on said West line; thence along said West line North 00 degrees 00 minutes 00 seconds East for a distance of 599.60 feet to the point of beginning, in the County of Kendall, State of Illinois.



0000015772



COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
488.50 JM



KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Doragon Properties Inc.
Address _____
City _____ State _____ Zip _____

2. Nature of Benefit Sought _____

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

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

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

NAME	ADDRESS	INTEREST
X Eric Dawson	[REDACTED]	100%
Elizabeth Galt	[REDACTED]	

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

X David J. Korman

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

Subscribed and sworn to before me this 9th day of July, A.D. 21

(seal) _____
Notary Public





Applicant: White Willow Nursery and Landscaping
Contact: Attorney Daniel J. Kramer
Address: [Redacted]

IDNR Project Number: 2203261
Date: 08/24/2021

Project: White Willow Landscape and Nursery Supply
Address: 5681 White Will Road, Minooka

Description: Special use to operate a Farmer's Market with no new improvements

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, 8E, 30

35N, 8E, 31



IL Department of Natural Resources

Contact

Adam Rawe

217-785-5500

Division of Ecosystems & Environment

Government Jurisdiction

Kendall County Planning, Building, & Zoning

Matt Asselmeier

111 W Fox Street

Yorkville, Illinois 60560

Disclaimer

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

IDNR Project Number: 2203261

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

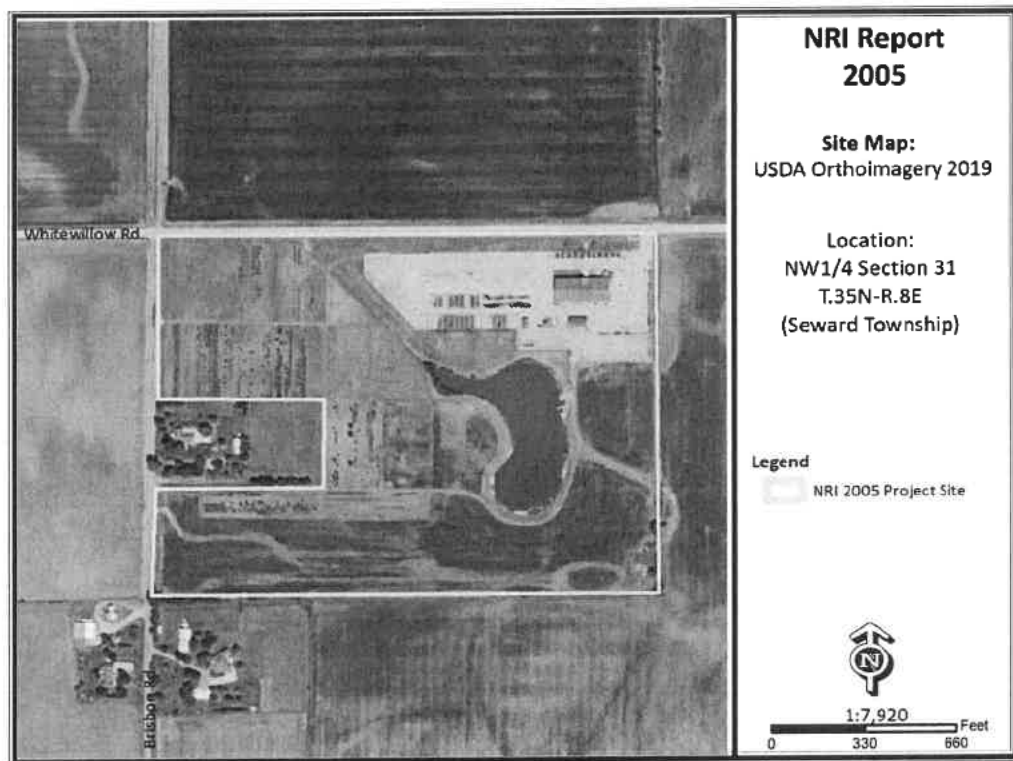
EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server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

NATURAL RESOURCE INFORMATION (NRI) REPORT: 2005



April
2020

Petitioner: Bird's Nest Farms LLC
Contact: Jon Molfese

Prepared by:



**Kendall County Soil & Water
Conservation District**

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

2005

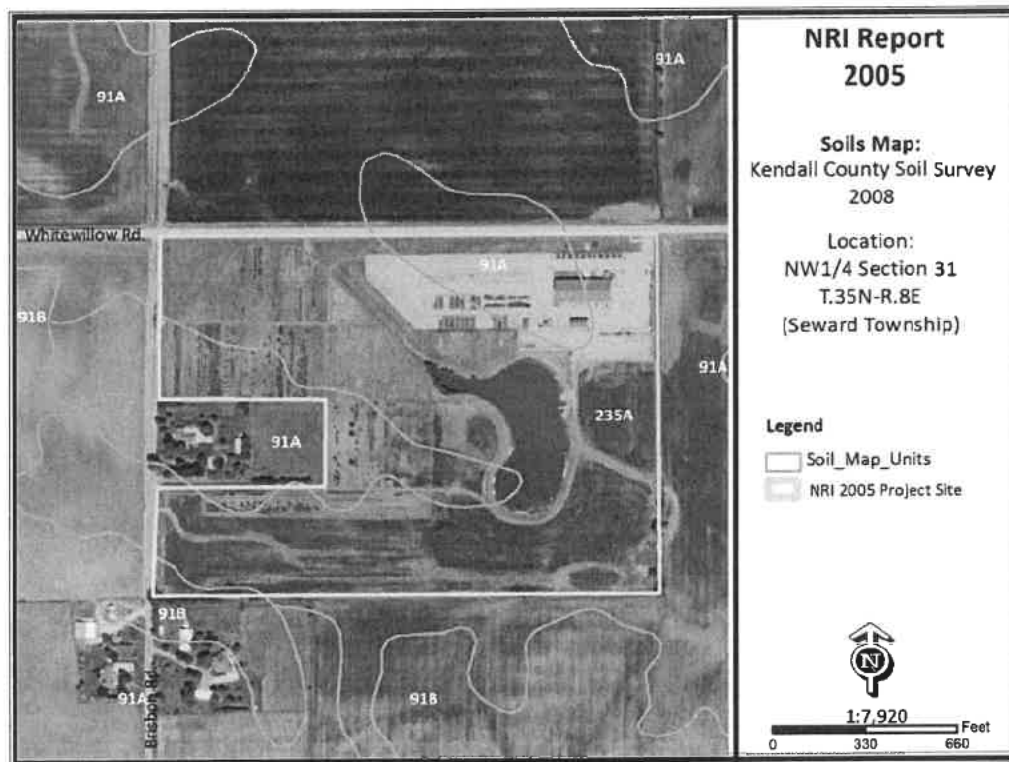
Executive Summary

April 2020

Petitioner: Bird's Nest Farms LLC**Contact Person:** Jon Molfese**County or Municipality the petition is filed with:** Kendall County**Location of Parcel:** NW¼ Section 31, T.35N.-R.8E. (Seward Township) of the 3rd Principal Meridian**Project or Subdivision Name:** Not Provided**Existing Zoning & Land Use:** A-1 Special Use; Cropland, Pond, Nursery Wholesale Business**Proposed Zoning & Land Use:** Special Use Permit; Adult-Use Indoor Cannabis Cultivation**Proposed Water Source:** Well**Proposed Type of Sewage Disposal System:** Septic**Proposed Type of Storm Water Management:** Retention Pond**Size of Site:** 4.5 acres**Land Evaluation Site Assessment Score:** 220 (Land Evaluation: 93; Site Assessment: 127)

Natural Resource Findings

Soil Map:



SOIL INFORMATION:

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

Table 1:

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
91A	Swygert silty clay loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-hydric Hydric Inclusions Likely	Prime Farmland
91B	Swygert silty clay loam, 2-4% slopes	Somewhat Poorly Drained	C/D	Non-hydric Hydric Inclusions Likely	Prime Farmland
235A	Bryce silty clay, 0-2% slopes	Poorly Drained	C/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 being a hydric soil, 235A Bryce silty clay. The remaining soil types, 91A Swygert silty clay loam and 91B Swygert silty loam, is designated as likely to have hydric inclusions.

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

Soil Limitations: Limitations for dwellings without basements, dwellings with basements, small commercial building, shallow excavations, lawns/landscaping and conventional septic systems.

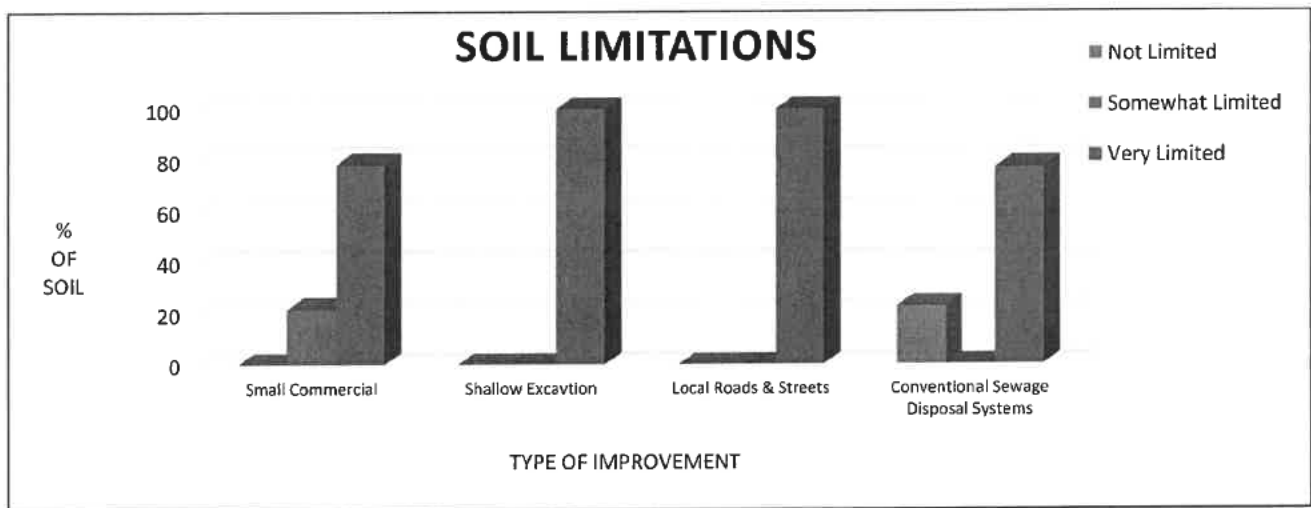
Table 2a:

Soil Type	Dwellings Without Basements	Dwellings With Basements	Small Commercial Building
91A	Somewhat Limited	Very Limited	Somewhat Limited
91B	Very Limited	Very Limited	Very Limited
235A	Very Limited	Very Limited	Very Limited

Table 2b:

Soil Type	Shallow Excavations	Lawns/Landscaping	Conventional Septic Systems
91A	Very Limited	Somewhat Limited	Suitable
91B	Very Limited	Somewhat Limited	Suitable
235A	Very Limited	Very Limited	Unsuitable: wet

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).



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 93, indicating that this site is **currently well suited** for agricultural uses.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - ✓ The Site Assessment score for this site is 127.

The **LESA Score for this site is 220 which indicates a medium level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. 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 parcel is not located within the floodplain.

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

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Bird's Nest Farms LLC for the proposed Adult-use Indoor Cannabis Cultivation project (A-1 Special Use Permit request) within Kendall County located in Section 31 of Seward Township (T.35N-R.8E) of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored an 93 out of a possible 100 points indicating the soils are well suited for agricultural uses. The total LESA Score for this site is 220 which indicates a medium 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. Additionally, of the soils found onsite, 100% are classified as prime farmland.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for shallow excavations and local roads/streets, 78.3% are very limited for small commercial building and 77.2% are unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within both the Illinois River Watershed and Walley Run Creek subwatershed.

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

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

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


SWCD Board Representative

4/13/2020
Date

KENDALL CO SOIL AND WATER CONSERVATION DISTRICT NATURAL RESOURCE INFORMATION REPORT (NRI)
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NRI Report Number	2005
Date District Board Reviews Application	April 2020
Applicant's Name	Bird's Next Farms LLC
Size of Parcel	4.5 acres
Current Zoning & Use	A-1; Agricultural / Nursery
Proposed Zoning & Use	Special Use Permit; Adult-use Indoor Cannabis Cultivation
Parcel Index Number(s)	09-31-100-005
Contact Person	Attorney Daniel J. Kramer

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

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

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PURPOSE AND INTENT

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

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

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

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

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

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

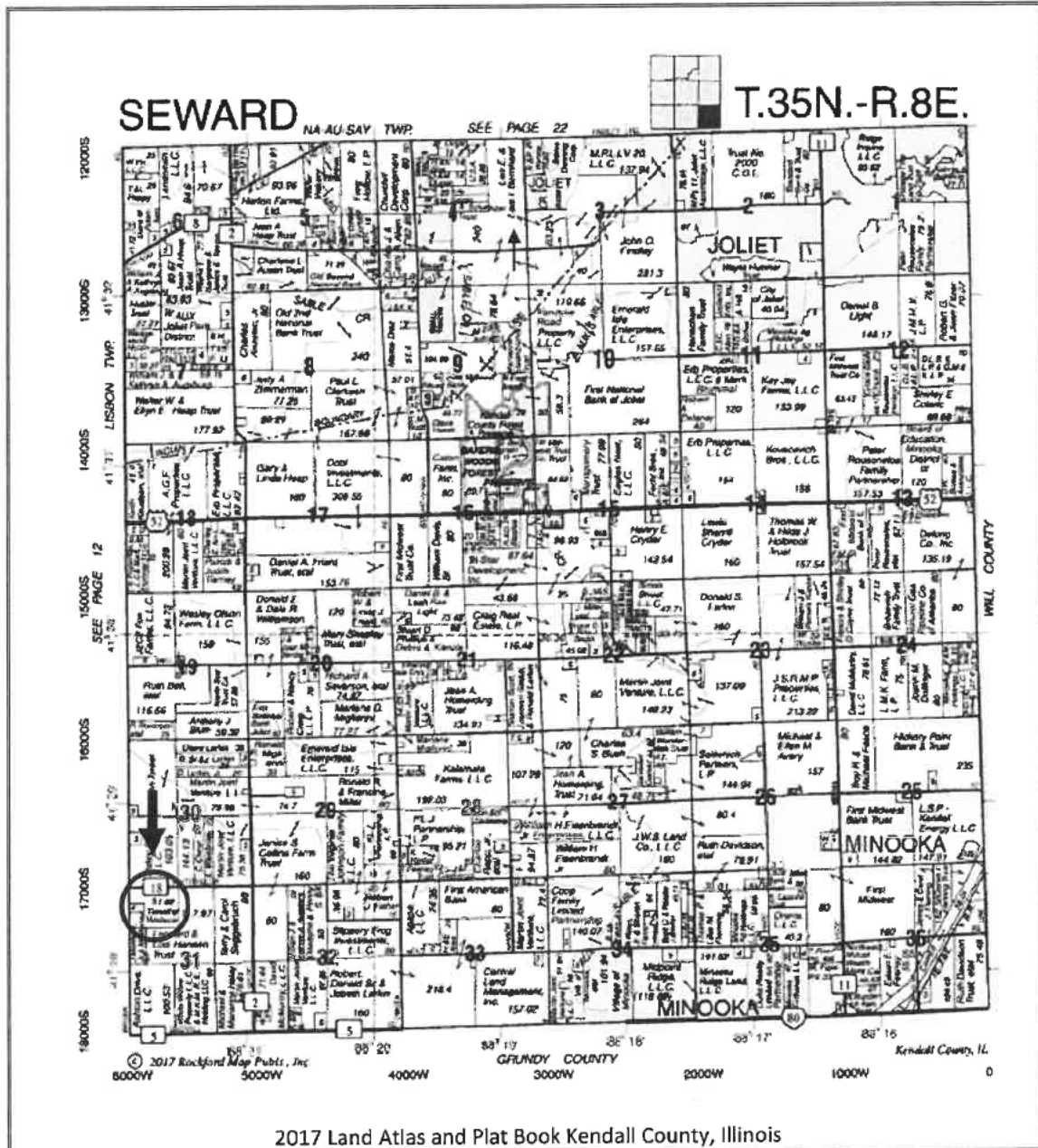
**Kendall County Soil and Water Conservation
District
7775A Route 47, Yorkville, IL 60560
Phone: (630) 553-5821 ext. 3
FAX: (630) 553-7442
E-mail: Megan.Andrews@il.nacdnet.net**

PARCEL LOCATION

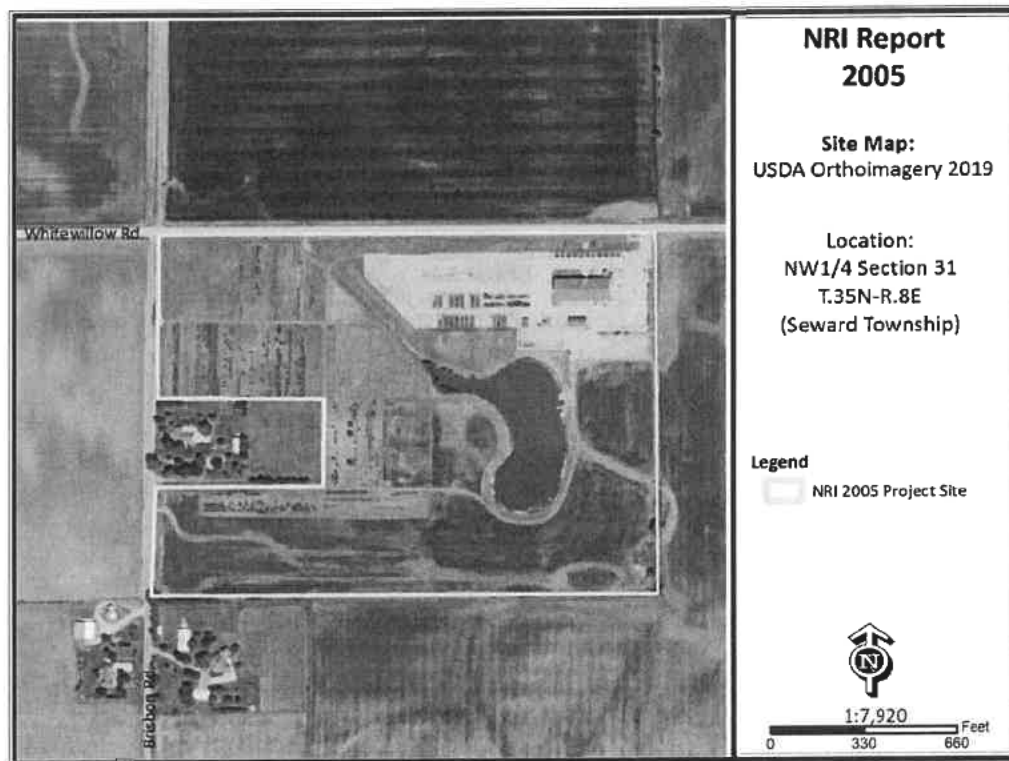
Location Map for Natural Resources Information Report # 2005

NW ¼ Section 31 of Township 35 North, Range 8 East (Seward Township) on 4.5 acres. This parcel is located on the east side of Brisbon Road and southeast of the intersection of Route 52 and Brisbon Road. The parcel is located in unincorporated Kendall County.

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



2017 Land Atlas and Plat Book Kendall County, Illinois



ARCHAEOLOGIC/CUTURAL RESOURCES

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

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

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

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

ECOLOGICALLY SENSITIVE AREAS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Biological Resources Concerning the Subject Parcel

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

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

SOILS INFORMATION

Importance of Soils Information

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

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

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

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

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

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

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

Figure 2: Soil Map

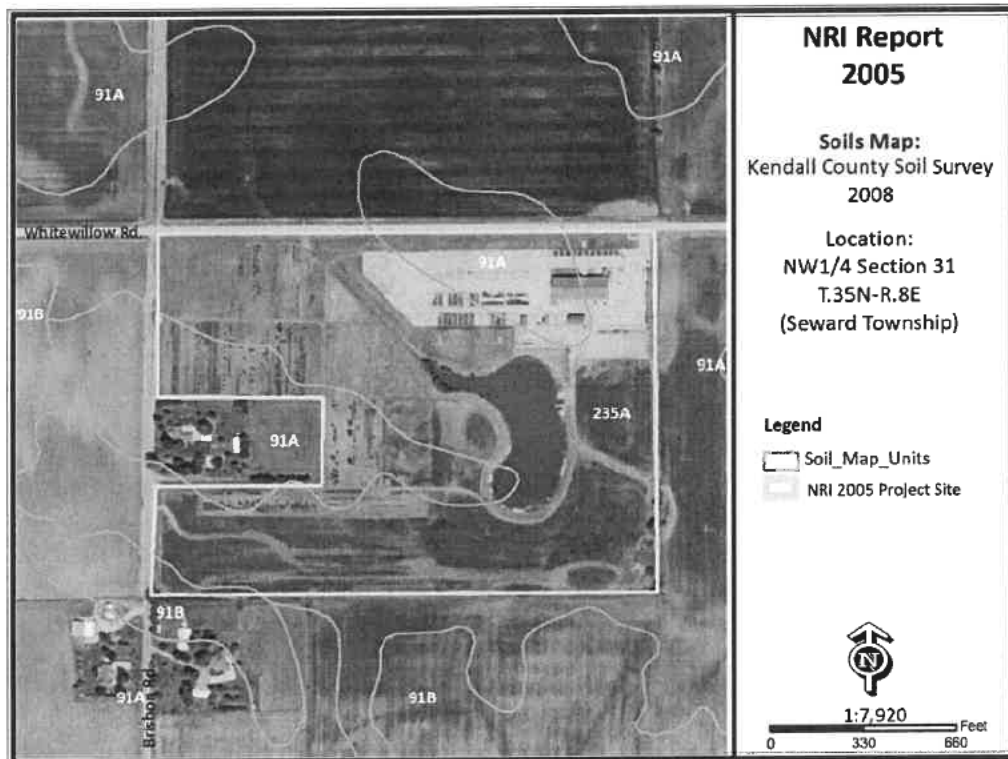


Table 1: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
91A	Swygert silt loam, 0-2% slopes	10.3	21.7%
91B	Swygert silt loam, 2-4% slopes	0.5	1.1%
235A	Bryce silty clay, 0-2% slopes	36.6	77.2%

*SOURCE: National Cooperative Soil Survey – USDA-NRCS

SOIL INTERPRETATIONS EXPLANATION

Nonagricultural

General

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

Other features may need treatment to overcome soil limitations for a specific purpose.

Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site,

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

Limitations Ratings

1. **Not Limited** - This soil has favorable properties for the use. The degree of

limitation is minor. The people involved can expect good performance and low maintenance.

2. **Somewhat Limited** - This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
3. **Very Limited** - This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

BUILDING LIMITATIONS

Building on Poorly Suited or Unsuitable Soils:

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

Dwellings without Basements - Ratings are for undisturbed soil for a houses of three stories or less of less than 3 stories without a basement. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper. The ratings for dwellings 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.

Dwellings with Basements - Ratings are for undisturbed soil for a building structure of less

than 3 stories with a basement. The foundation is assumed to be spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings 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.

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

Shallow Excavations - Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches or other purposes. Ratings are

based on soil properties that influence the ease of digging and the resistance to sloughing.

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

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

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

Table 2a: Building Limitations

Soil Type	Dwellings Without Basements	Dwellings With Basements	Small Commercial Building	Acres	%
91A	Somewhat Limited: Depth to saturated zone; Shrink-swell	Very Limited: Depth to saturated zone; Shrink-swell	Somewhat Limited: Depth to saturated zone; Shrink-swell	10.3	21.7%
91B	Very Limited: Shrink-swell; Depth to saturated zone	Very Limited: Depth to saturated zone; Shrink-swell	Very Limited: Shrink-swell; Depth to saturated zone	0.5	1.1%
235A	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	36.6	77.2%
% Very Limited	78.3%	100%	78.3%		

Table 2b: Building Limitations

Soil Type	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Systems	Acres	%
91A	Very Limited: Depth to saturated zone; Too clayey; Dusty; Unstable Excavation Walls	Somewhat Limited: Depth to saturated zone; Dusty	Suitable	10.3	21.7%
91B	Very Limited: Depth to saturated zone; Too clayey; Dusty; Unstable excavation walls	Somewhat Limited: Depth to saturated zone; Dusty	Suitable	0.5	1.1%
235A	Very Limited: Ponding; Depth to saturated zone; Too clayey; Unstable excavation walls; Dusty	Very Limited: Ponding; Depth to saturated zone; Too clayey; Dusty	Unsuitable: wet	36.6	77.2%
% Very Limited	100%	77.2%	77.2%		

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

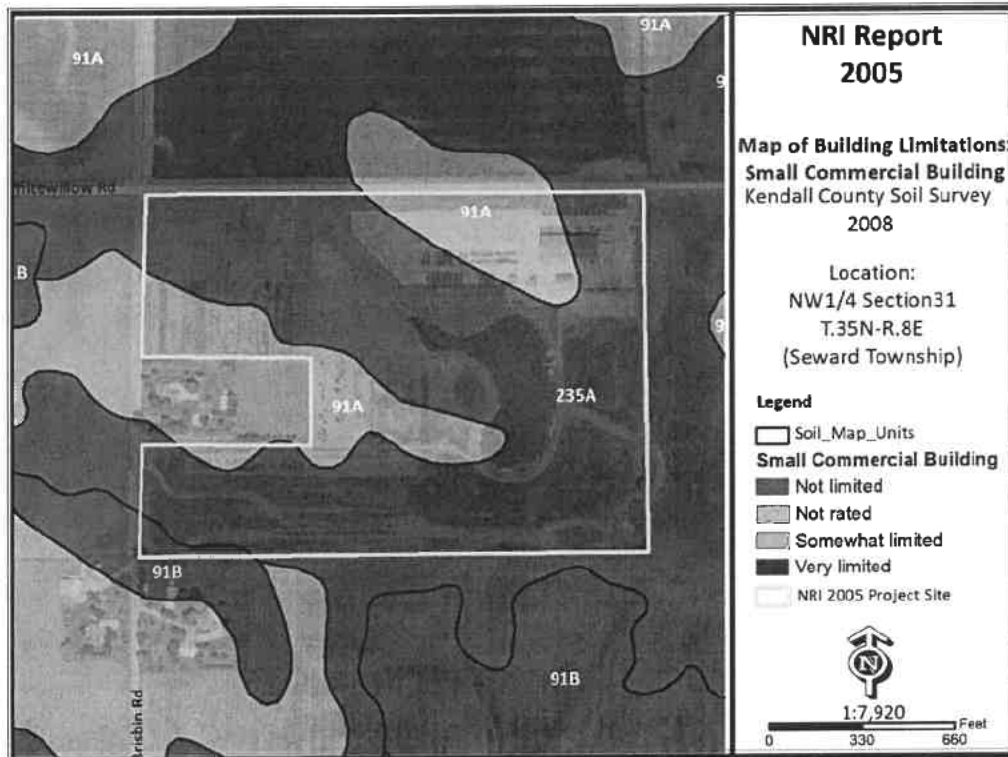


Figure 3b: Map of Building Limitations – Shallow Excavations

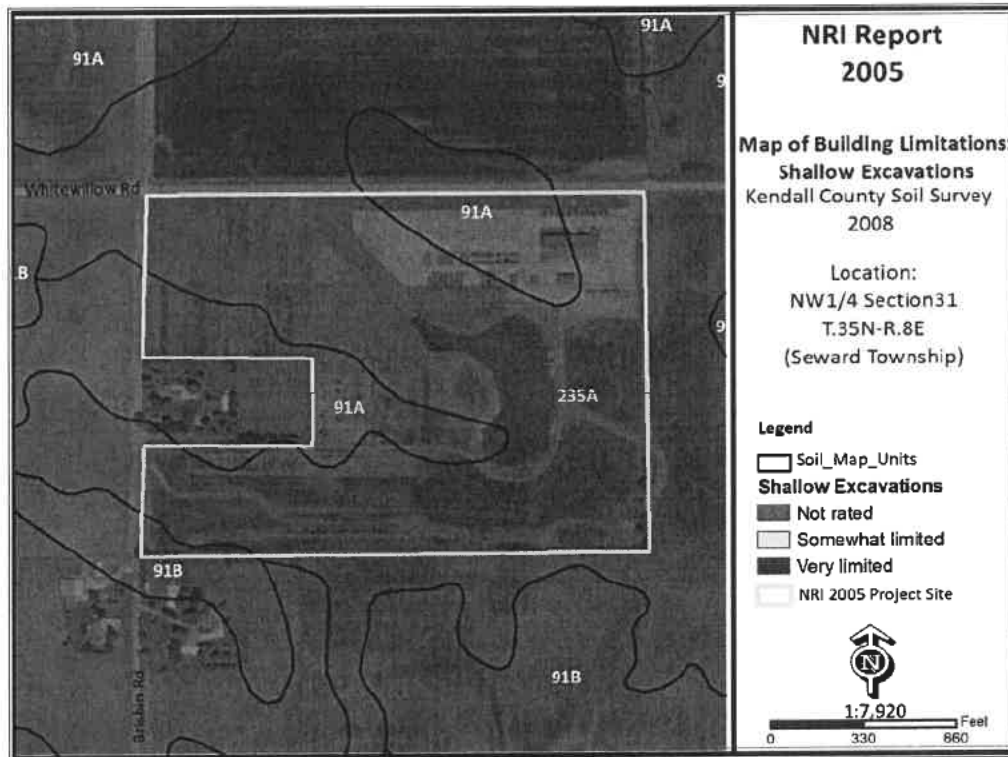


Figure 3c: Map of Building Limitations – Local Roads & Streets

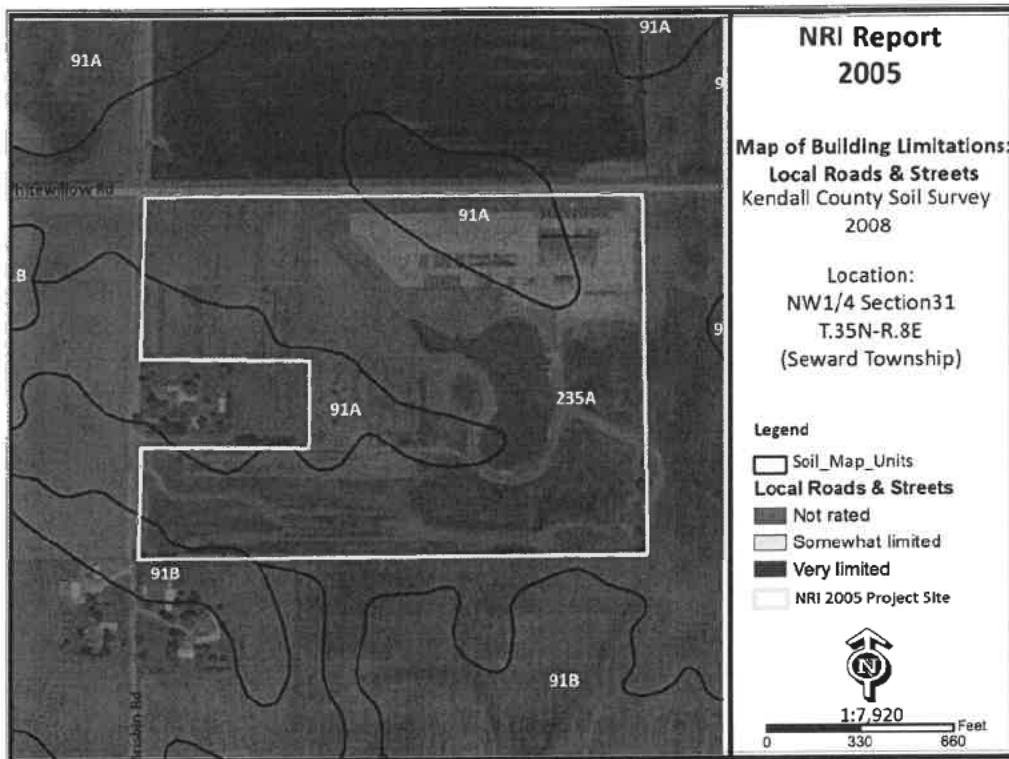
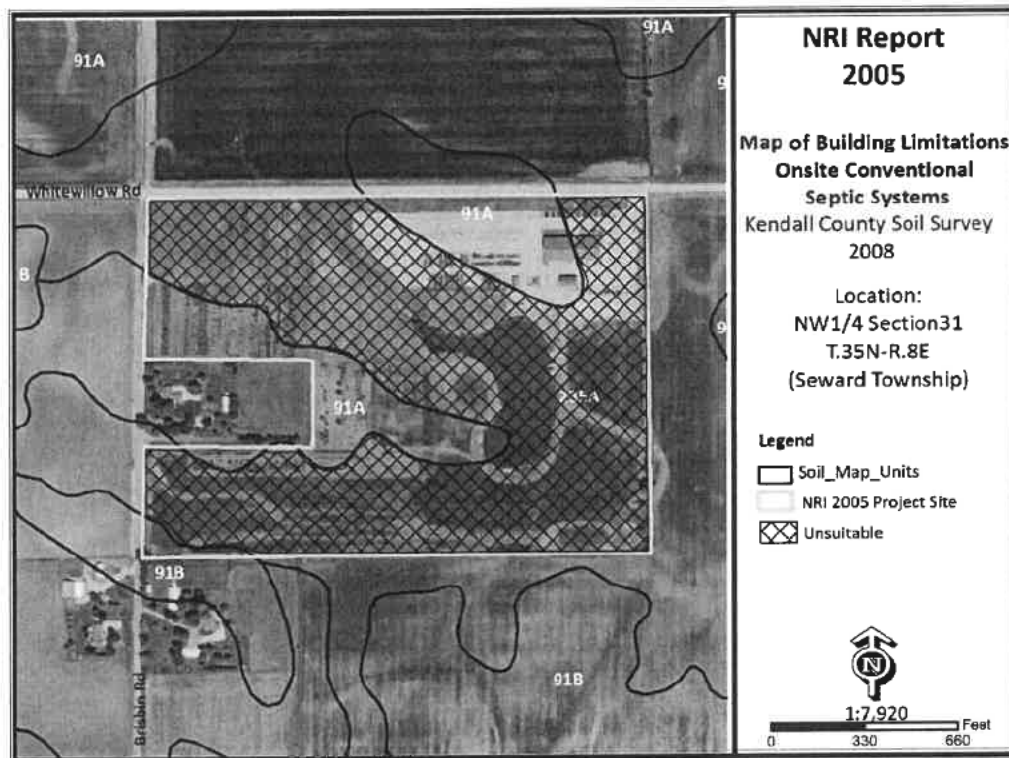


Figure 3d: Map of Building Limitations – Onsite Conventional Sewage System



SOIL WATER FEATURES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 3: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
91A	C/D	Medium	January – May Upper Limit: 1.0'-2.0' Lower Limit: 2.9'-4.8'	January - May Surface Water Depth & Duration: -- Frequency: None	January - May Duration: -- Frequency: None
91B	C/D	Medium	January – May Upper Limit: 1.0'-2.0' Lower Limit: 2.9'-4.8'	January - May Surface Water Depth & Duration: - Frequency: None	January - May Duration: -- Frequency: None
235A	C/D	Negligible	January – May Upper Limit: 0.0'-1.0' Lower Limit: >6.0'	January - May Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent	January - May Duration: -- Frequency: None

SOIL EROSION & SEDIMENT CONTROL

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

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

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

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

The general principles of erosion and sedimentation control measures include:

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

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

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

Table 4: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
91A	0-2%	Slight	10.3	21.7%
91B	2-4%	Slight	0.5	1.1%
235A	0-2%	Slight	36.6	77.2%

PRIME FARMLAND SOILS

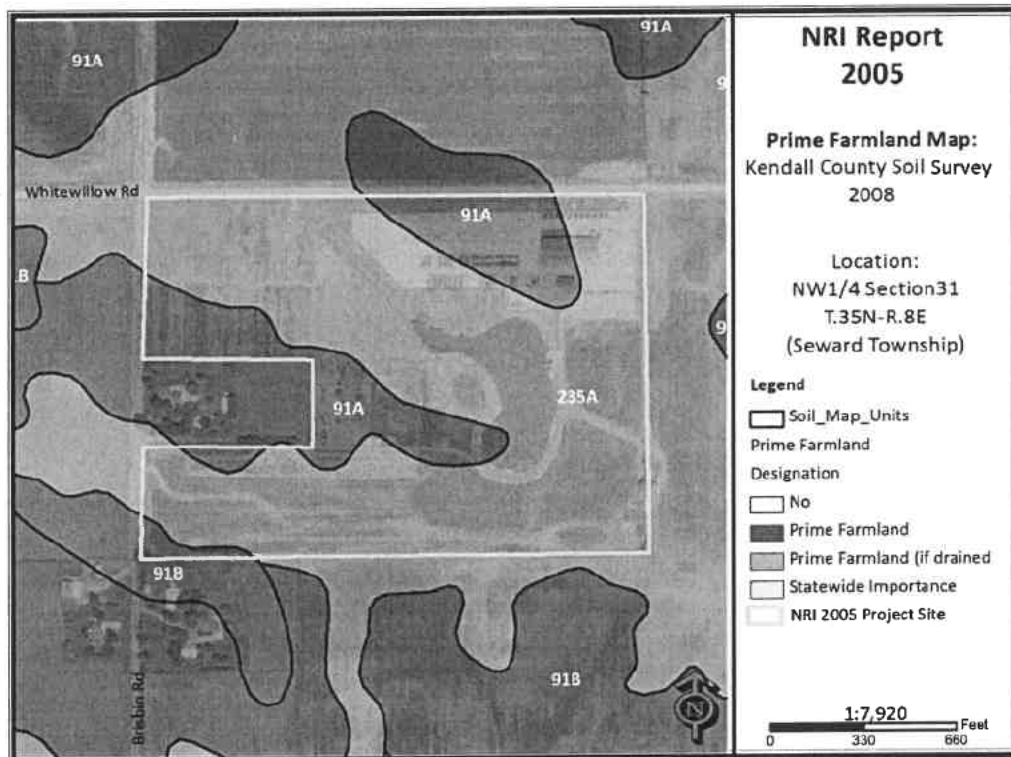
Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

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

Table 5: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
91A	Prime Farmland	10.3	21.7%
91B	Prime Farmland	0.5	1.1%
235A	Prime Farmland (if drained)	36.6	77.2%
% Prime Farmland	100%		

Figure 4: Map of Prime Farmland Soils



LAND EVALUATION & SITE ASSESSMENT (LESA)

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

LAND EVALUATION (LE) – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

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

The value group is a predetermined value based upon prime farmland designation. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site.

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

Table 6a: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
91A	4	79	10.3	813.7
91B	4	79	0.5	39.5
235A	3	97	36.6	3550.2
Totals			47.4	4403.4
LE Score		LE= 4403.4/47.4		LE=93

The Land Evaluation score for this site is 93, indicating that this site is currently designated as prime farmland that is well suited for agricultural uses.

Table 6b: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	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)	10
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	20
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	10
	Site Assessment Score:	127

Land Evaluation Value: 93 + Site Assessment Value: 127 = LESA Score: 220

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

The LESA Score for this site is 220 which indicates a medium level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. 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 down

stream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

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

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

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

It should be noted that greater floods than those shown on the two maps are possible. The

flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

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

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

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

This parcel is located on topography (slopes 0 to 4%) involving high and low areas (elevation is approximately 670' above sea level). The parcel lies within both the Illinois River Watershed and Aux Sable Creek subwatershed. The topographic map indicates that the parcel drains predominately southeast.

Figure 5: FEMA Floodplain Map

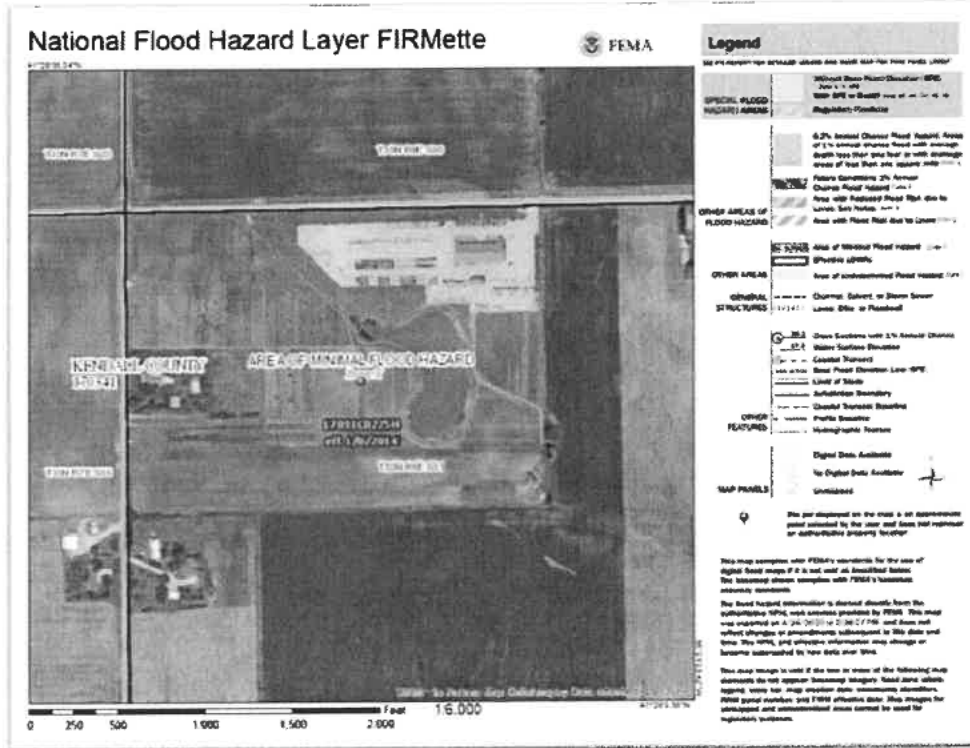
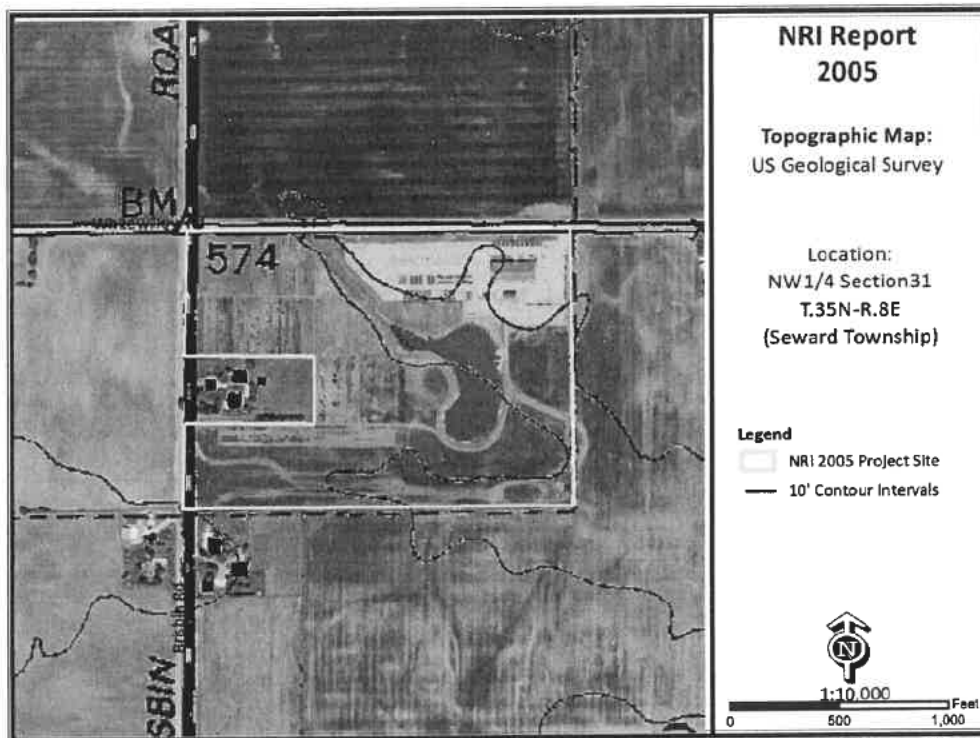


Figure 6: USGS Topographic Map



WATERSHED PLANS

Watershed and Subwatershed Information

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

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

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

WETLAND INFORMATION

Figure 7: Wetland Map – USFWS National Wetland Inventory



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

Importance of Wetland Information

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

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

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

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

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

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

Hydric Soils

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

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

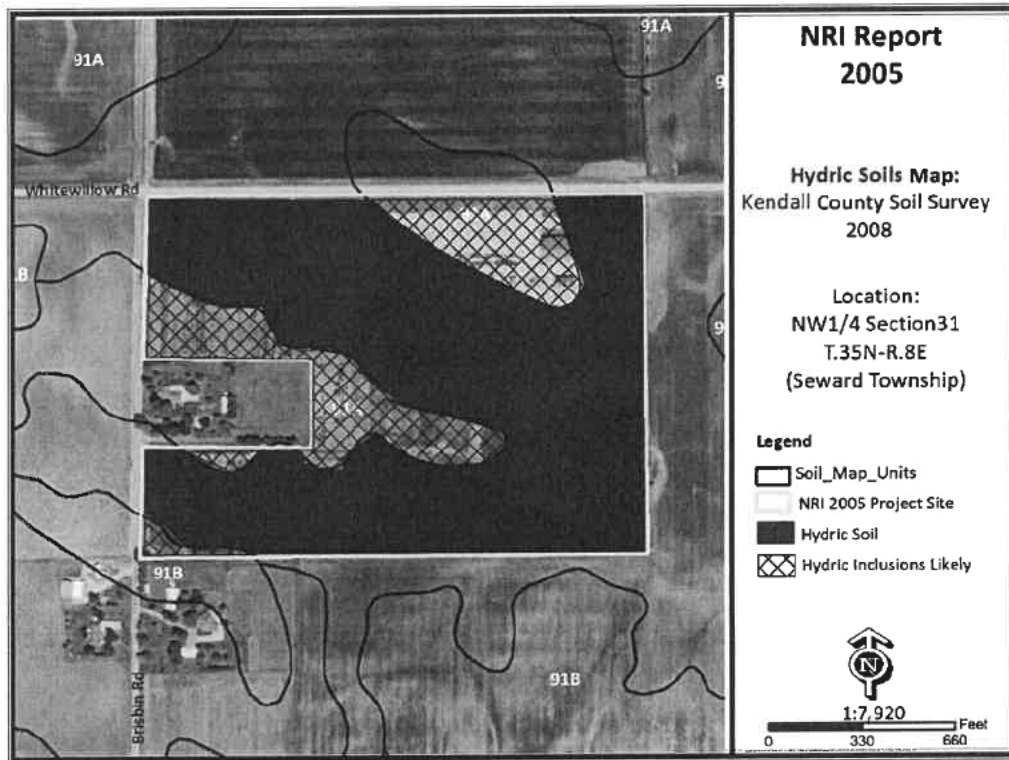
While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain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

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

Table 7: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
91A	Somewhat Poorly Drained	Hydric	No	10.3	21.7%
91B	Somewhat Poorly Drained	Non-hydric	Yes	0.5	1.1%
235A	Poorly Drained	Non-hydric	Yes	36.6	77.2%

Figure 8: Hydric Soils Map



WETLAND AND FLOODPLAIN REGULATIONS

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

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

WHO MUST APPLY

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

REGULATORY AGENCIES:

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

COORDINATION

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

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

GLOSSARY

AGRICULTURAL PROTECTION AREAS (AG AREAS) -

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

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

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

BEDROCK - Indicates depth at which bedrock occurs. Also lists hardness as 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 WATER TABLE - A seasonal high water table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

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

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

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

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

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

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

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

LAND EVALUATION AND SITE ASSESSMENT

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

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

PALUSTRINE - Name given to inland fresh water wetlands.

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

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

PIQ - Parcel in question

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

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

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

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

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

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

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

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

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

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

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

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

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

REFERENCES

- Hydric Soils of the United States. USDA Natural Resources Conservation Service, 2007.
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- Hydrologic Unit Map for Kendall County. Natural Resources Conservation Service, United States Department of Agriculture.
- Land Evaluation and Site Assessment System. The Kendall County Department of Planning Building and Zoning, and The Kendall County Soil and Water Conservation District. In cooperation with: USDA, Natural Resources Conservation Service.
- Soil Survey of Kendall County. United States Department of Agriculture 2008, Natural Resources Conservation Service.
- Illinois Urban Manuel. Association of Illinois Soil & Water Conservation Districts, 2016
- Kendall County Land Atlas and Plat Book. 19th Edition, 2014.
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- 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.

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 craft shows as special events one time per month on Saturdays at the subject's site does not endanger the public health, safety, morals, comfort or general welfare. It provides a useful service to the citizenry of Kendall County and is generally country or agricultural related type crafts involved with the events. The petitioner has a large parking lot that accommodates the vendors and customers and is located on a main thorough fare.

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

The proposed use is not injurious or detrimental to the enjoyment of properties in the immediate vicinity in that petitioner currently operates a nursery business on site; and owns the surrounding farmland which does not interfere with this proposed use.

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

The property is served by a main state highway so adequate roadways exist, and there is absolutely no change in drainage or other necessary facilities to accommodate the use.

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

The special use requested is a permissible special use under the Kendall County A1 Zoning Ordinance and petitioner can accommodate all of the conditions of the Kendall County Special Use and Agricultural Ordinance.


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 proposed used to accommodate small local businesses which encourage the tax base, increase, increase employment, and provides an outlet for local vendors to display and sell their wares as well as the proposed food truck.

Attachment 3

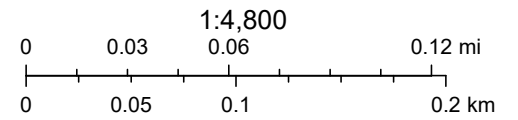


July 15, 2021

 Kendall County Address Points

Parcels

Ownership Parcel



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Kendall County Web GIS

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

Attachment 4

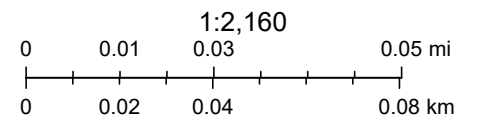


July 15, 2021

 Kendall County Address Points

Parcels

Ownership Parcel



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Kendall County Web GIS

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State of Illinois
County of Kendall

Zoning Petition
#05-15

ORDINANCE NUMBER 2005 - 37

**GRANTING A SPECIAL USE
TIMOTHY WALLACE**

WHEREAS, Timothy Wallace filed a Special Use Permit application within the A-1 district for 50 +/- acres located at the intersection of Brisbin and Whitewillow Roads in Seward Township as depicted in Exhibit "A" and legally described as follows:

That part of the North Half (N 1/2) of the Northwest Quarter (NW ¼) of Section Thirty-One (31), Township Thirty-Five (35) North, Range Eight (8), East of the Third Principal Meridian, described as follows: Commencing at the Northwest (NW) Corner of said Northwest Quarter (NW ¼), said point being the Point of Beginning; thence along the North Line of said Northwest Quarter (NW ¼) North 89 Degrees 28 Minutes 50 Seconds East for a distance of 1789.78 feet to a point on the East Line of said Northwest Quarter (NW ¼); thence along said East Line South 00 Degrees 35 Minutes 51 Seconds East for a distance of 1294.24 feet; thence South 88 Degrees 58 Minutes 23 Seconds West for a distance of 1803.50 feet to a point on the West Line of said Northwest Quarter (NW ¼); thence along said West Line North 00 Degrees 00 Minutes 00 Seconds East for a distance of 415.62 feet; thence North 90 Degrees 00 Minutes 00 Seconds East for a distance of 590.52 feet; thence North 00 Degrees 00 Minutes 00 Seconds East for a distance of 295.06 feet; thence South 90 Degrees 00 Minutes 00 Seconds West for a distance of 590.52 feet to a point on said West Line; thence along said West Line North 00 Degrees 00 Minutes 00 Seconds East for a distance of 599.60 feet to the point of beginning, containing 49.707 acres, more or less, all located in the County of Kendall, State of Illinois.

WHEREAS, said petition is to allow retail and wholesale of nursery and landscape supplies; and

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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of the special use zoning permit to allow retail and wholesale of nursery and landscape supplies subject to the following conditions:

1. Any truck traffic will not exceed the limits posted by the Kendall County Highway Department.
2. Development of the site in substantial conformance with the site plan attached here to as Group Exhibit "A".
3. The provision of permanent bathroom facilities within 90 days of zoning approval for customers and employees.
4. Review and approval of the proposed well and septic design by the Department of Environmental Health.
5. For aesthetic purposes, landscape materials for sale, such as mulch and decorative stone, will not be stored in the required front yard.

State of Illinois
County of Kendall

Zoning Petition
#05-15

6. Formal dedication of the right-of-way agreed upon by the petitioner and the County for Whitewillow (50 feet from the centerline of the road) and Brisbin Roads (45 feet from the centerline of the road) within 90 days of receipt of the Special Use permit.

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

IN WITNESS OF, this ordinance has been enacted on June 21st, 2005.

Attest:

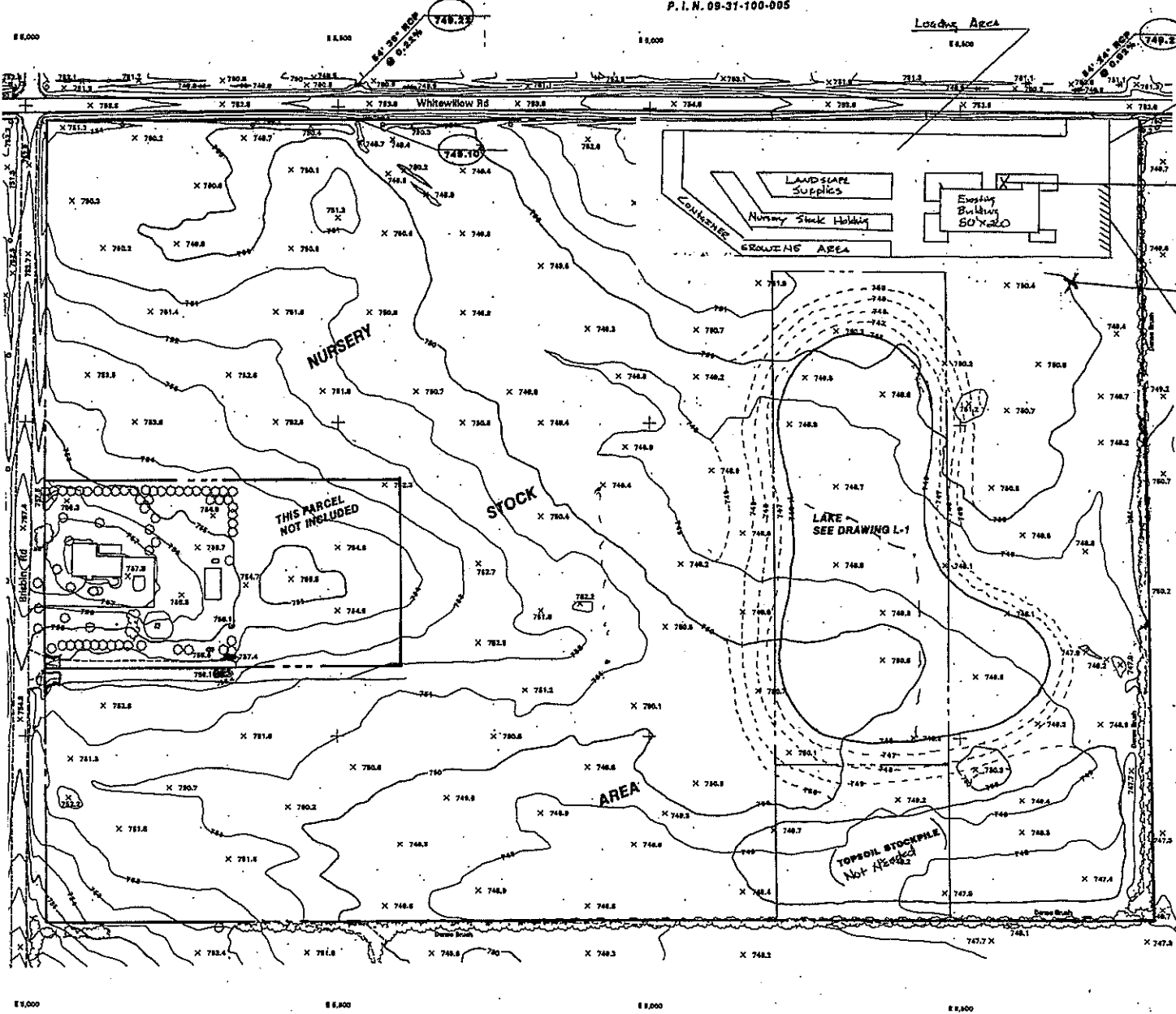


Paul Anderson
Kendall County Clerk


John A. Church
Kendall County Board Chairman

THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 31; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER N 89° 57' 00" E FOR A DISTANCE OF 1789.78 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE ALONG SAID EAST LINE S 00° 35' 51" E FOR A DISTANCE OF 1294.24 FEET; THENCE S 88° 58' 23" W FOR A DISTANCE OF 1803.50 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE ALONG SAID WEST LINE N 00° 00' 00" E FOR A DISTANCE OF 415.82 FEET; THENCE N 80° 00' 00" E FOR A DISTANCE OF 890.52 FEET; THENCE N 00° 00' 00" E FOR A DISTANCE OF 235.05 FEET; THENCE S 80° 00' 00" W FOR A DISTANCE OF 690.52 FEET TO A POINT ON SAID WEST LINE; THENCE ALONG SAID WEST LINE N 00° 00' 00" E FOR A DISTANCE OF 869.80 FEET TO THE POINT OF BEGINNING, CONTAINING 48.707 ACRES, MORE OR LESS, ALL LOCATED IN THE COUNTY OF KENDALL, STATE OF ILLINOIS.

P. I. N. 09-31-100-005



Existing 16" Concrete curb around outside of yard

Well - to be located in front of building approximately 200' from road

Septic - to be located w back of building approximately 250' away from well

Parking - 62 to 15 stalls 45° w accordance with the following dimensions ↓

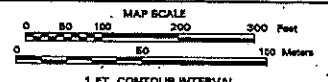
TYPICAL PARKING DIMENSIONS

Parking Angle (degrees)	Stall Width Parallel to Aisle (ft)	Stall Depth to Well (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules ² Well to Interlock (ft)	Modules ² Interlock (ft)
45	12.7	17.5	15.3	12.0	47.0	43.0
9.0 ft stall	13.4	17.6	15.3	11.0	48.0	42.0
9.5 ft stall						

Revisions:



THE SIDWELL COMPANY
 GIS & Mapping Solutions
 675 Sidwell Court
 St. Charles, Illinois 60174-3492
 Phone: 618.278.1000





JUST DOGS
PROUDLY MADE IN ILLINOIS
GOURMET DOG TREATS



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BBQ**
Healthy Never
Tasted So GOOD!
No Corn Syrup
No Gluten
No MSG
No Smoke Flavoring
No Dairy
No Nitrates
**All Natural
Products!**

07/17/2021 08:04

Attachment 7 Looking West Down Vendor Row (Eastern Picture)



07/17/2021 08:03

Attachment 8 Looking West Down Vendor Row (Western Picture)



07/17/2021 08:04



07/17/2021 08:00

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 21-33 Elizabeth Bowyer on Behalf of Doragon Properties, LLC

Mr. Asselmeier summarized the request.

The Petitioner would like to operate a monthly craft fair (sale of agricultural products not grown on premises and the sale of pottery, art, and home décor not produced on the premises) one (1) Saturday per month between April 1st and November 1st.

The Petitioner has been operating the craft fair without a special use and would like to come into compliance.

The Zoning Ordinance required the sale of pottery, art, and home décor products to be located on properties not designated as Agricultural on the Future Land Use Map. The Petitioners were seeking a variance to this provision.

The application materials, plat of survey, aerial of the entire property, and aerial of the area where craft fair/market would occur were provided.

The property was granted a special use permit for landscaping business in 2005. This special use permit was also provided.

The property was approximately fifty acres in size.

The Current and Future Land Uses were Agricultural.

Whitewillow Road was a County maintained Major Collector. Brisbin Road was a Township maintained Major Collector.

Minooka has trails planned along Whitewillow and Brisbin Roads.

There were no floodplains or wetlands on the property. The pond was permitted as part of the development of the landscaping business.

The adjacent land uses were Agricultural and Farmstead.

The adjacent zoning districts and nearby zoning districts were A-1.

The County's Future Land Use Map called for the area to be Agricultural. The Village of Minooka's Future Land Use Map called for the area to the north and south to be Traditional Neighborhood and the area to the east to be Light Industrial.

EcoCat submitted on August 24, 2021, and consultation was terminated.

The Petitioner did an NRI application as part of a proposed cannabis business at the subject property in April 2020. The LESA Score was 220 indicating a medium level of protection. The NRI Report was provided.

Seward Township was emailed information on August 27, 2021.

The Village of Minooka was emailed information on August 27, 2021.

Lisbon-Seward Fire Protection District was emailed information on August 27, 2021. They requested two (2) strategically placed fire extinguishers and first aid kits with related signage. The email from the Fire Protection District was provided.

According to information provided to the County, the Petitioner would like to operate a thirty-one (31) stall craft fair west of the existing main building as identified in the provided aerial. The vendor stalls were approximately twelve foot by fourteen foot (12' X 14'). The stalls were made of wood with an area to erect a tent. The stalls were also numbered; pictures of an example stall and vendor row were provided.

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

Vendors sold a variety of craft products.

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

1. A sit-down food area is allowed if incidental to the primary operation of retail sales.
2. The subject parcel must not be less than three (3) acres in size.
3. Must be along a hard surfaced road classified as an arterial or major collector in the Land Resource Management Plan.
4. Is located in an area not designated as Agricultural on the Land Resource Management Plan. The Petitioner was seeking a variance to this requirement.
5. Must occur in a manner that will preserve the existing farmhouse, barns, related structures, and the pastoral setting.
6. Must serve as a transitional use between agricultural areas and advancing suburban development.
7. Must serve to prevent spot zoning.
8. Retail and wholesale must occur in an existing building, unless otherwise approved by the County Board.
9. Any new structures must reflect the current architecture of the existing structures.
10. No outside display of goods.
11. Cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
12. Limited demolition of farmhouse and outbuildings is allowed.
13. Site plan is required.
14. Signage must follow the requirements in the Zoning Ordinance.
15. Off-street parking must follow the requirements in the Zoning Ordinance.

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

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

According to the business plan provided to the County, the Petitioner would like to operate the craft fair one (1) Saturday per month between April 1st and November 1st. Vendors started setting up at 6:00 a.m. The craft fair was open to the public from 8:00 a.m. until about 4:00 p.m. Vendors would leave the site by 6:00 p.m.

The Petitioner had five (5) full-time employees that monitor the craft fair, including herself and her husband.

The usual number patrons on the property at a given time for the craft fair was approximately fifty (50).

No new structures are planned for the property.

There were existing restrooms inside the building used for the landscaping business. There were two (2) porta-johns available for the vendors and patrons at the craft fair.

There was a private well onsite.

The Petitioner would make accommodations for vendors that want electricity.

The property drained to the southeast.

The Petitioners secured applicable permits in 2004 for the construction of the pond on the premises.

Based on the information provided, no stormwater permits were required because the Petitioner did not plan to add any impervious surface.

The property had access from Whitewillow Road.

According to the provided aerial, there were approximately eighty parking (80) spaces on the property. These included parking spaces east and south of the building used for the landscaping business. There was also parking available for vendors west of the vendor row. There were six (6) identified handicapped parking spaces on the property.

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

The Petitioner planned to have one (1) mobile sign placed at the southeast corner of Whitewillow and Brisbin Roads. A picture of the sign was provided. The Petitioners would like the sign to remain at the intersection between May 1st and December 1st of each year. The sign would not be illuminated.

There were other directional signs located on the property and the landscaping business/nursery has separate signage for that portion of the business.

No additional landscaping was planned. Nursery materials along Whitewillow Road served as screening.

No information regarding noise control was provided.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. True. The subject property already has an established landscaping and nursery business. The proposed use will complement the existing special use and will minimally impact the area.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True. Conditions are proposed that will regulate hours of operation, site layout, and noise. No new buildings or other significant alterations away from the current appearance of the property or general area are planned.

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true provided the variance to allowing the use on property designated as Agricultural on the Land Resource Management Plan is approved.

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. There is no topographical hardship.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Very few A-1 zoned properties have an existing commercial use as intense as the use located on the subject property. Most properties zoned A-1 and classified as Agricultural on the Land Resource Management Plan do not have the existing facilities to support this type of use.

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 or request the land designation contained in the Land Resource Management Plan.

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 subject property already has a special use permit. The proposed use would only operate for a very brief time of the year. No improvements to the property are planned as part of the proposal. Therefore, no injury to the public welfare or other properties is foreseen.

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. Because of the limited operations proposed and because no new structures are planned, the proposal will not impair the supply of light or air to adjacent properties, cause increased congestion on local streets, endanger public safety, or impair property values.

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

1. The site shall be developed substantially in accordance with the aerial. Other than parking and signage, the craft fair shall be limited to area designated as "Vendor Area" on the aerial. Any new structures related to the uses allowed by this special use permit shall require a major amendment to the special use permit and any new structures must reflect the current architecture of the existing structures.
2. A variance to Section 7:01.D.48 shall be granted to allow the sale of pottery, art, and home décor not produce on the premises to occur on property designated as Agricultural on the Future Land Use Map.
3. The subject parcel must remain at least (3) acres in size.
4. The uses allowed by this special use permit must occur in a manner that will preserve the existing pastoral setting. To that end, no vendor stall located in the northern row of the vending area shall be open toward the north.
5. Retail and wholesale sales may occur outside existing buildings.
6. The uses allowed by this special use permit cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.

7. A maximum of thirty-one (31) vendors may be on the subject property.
8. The uses allowed by this special use permit may operate a maximum of one (1) Saturday per month. The uses may be open for sale between the hours of 8:00 a.m. and 4:00 p.m. The property owner may reduce these hours of operation. Vendors may setup no earlier than two (2) hours prior to opening and must be offsite within two (2) hours of closing. The uses allowed by this special use permit may be operational between April 1st and November 1st.
9. A maximum of five (5) people, including the property owner and their family members, shall be employees of the business allowed by this special use permit.
10. The owners of the business allowed by this special use permit may install one (1) sign on the subject property at the southeast corner of Whitewillow and Brisbin Roads in substantially the size and appearance of the sign shown in the provided picture. The sign shall not be illuminated. The sign may be in place May 1st until December 1st. The owners of the business allowed by this special use permit may install additional directional signage for patrons inside the property.
11. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall be generated by the uses allowed this special use permit.
13. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
14. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of uses.
15. The conditions and restrictions contained in this special use permit shall be separate from the conditions and restrictions contained in Ordinance 2005-37.
16. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
17. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
18. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Mr. Gengler expressed concerns regarding having two (2) signs at the corner of Whitewillow and Brisbin Roads. He requested only one (1) sign; preferably the stationary sign. Dan Kramer, Attorney for the Petitioner, explained that the sign was in storage during the off-season. Mr. Kramer agreed to ask the Petitioners to see if they could incorporate the craft fair into the existing stationary sign.

Mr. Asselmeier asked if thirty-one (31) was the maximum number of vendors that they could get. Mr. Kramer requested that the number of vendors be increased to thirty-five (35).

Mr. Gengler asked about the location of restrooms. Mr. Kramer noted the porta-johns and restrooms in the existing building.

Mr. Kramer discussed the Petitioners' application for craft growers. They will apply for another special use permit, if the State issues a craft growers' license.

Mr. Rybski requested information on the septic field. He requested the Petitioners contact the Health Department regarding the location of the septic field shown on the original special use permit. The food trucks had been licensed with the County and they also make sure that large amounts of bottled water were available.

The market has been operating since at least 2020.

Mr. Kramer noted the amount of patrons for the landscaping business during their special sales.

Mr. Holdiman made a motion, seconded by Mr. Asselmeier, to recommend approval of the special use permit with the conditions proposed by Staff and raising the number of stalls to thirty-five (35).

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		

SEWARD TOWNSHIP PLAN COMMISSION MINUTES

September 7, 2021

The Seward Township Plan Commission met on September 7, 2021 at 6:00 p.m. at the Seward Town Hall. Members present included Jessica Nelsen, Anne Vickery, Jill Prodehl, Joan Soltwisch and Suzanne Casey. Matt Asselmeier, Senior Planner for the Kendall County Building and Zoning, and Tim O'Brien, Seward Township Board also attended, as well as Tom Casey, Regional Plan Commission. Following the pledge to the flag, the minutes of the August 12, 2021 meeting were approved

Dan Kramer, Attorney for Doragon Properties LLC provided an overview of Petition 21-33, in which the parties are requesting a special use permit for the sale of agricultural products and other miscellaneous Home Décor, said items not produced on the premises. The Zoning Ordinance requires the sale of pottery, art and home décor products to be located on properties not designated as Agricultural on the Future Land Use Map. The Petitioners are seeking a variance to this provision. This property was granted a special use permit for a landscaping business in 2005, and would like to expand, using this special use permit to operate a monthly craft fair. (one Saturday per month between April 1 and November 1.) This site has ample off street parking.

Discussion regarding this petition revealed the request was for a craft fair, with 35 stalls rented from Whitewillow by individual vendors who all hold a tax number. They are in their third year of operation, and were unaware that a variance was required. Operation is the 1st Saturday of each month, closing by 6:00 p.m. Anne Vickery moved approval for 35 stalls, as requested, with a variance to expand up to 40 by providing notice to the township. Joan Soltwisch seconded. Motion approved, and will be moved forward to the Seward Township Board for their meeting on September 14, 2021.

The committee reviewed the progress on the Sports Dome at the corner of Rt. 52, on County Line Road. Storage units are currently being built, with the Dome to begin construction very soon. This Sports Dome being fabricated for this location is over-sized, and Dan Kramer explained it will provide a highly desirable year round, indoor sports capability.

Following discussion, it was determined that the Plan commission will meet on the first Tuesday of the month at 6:00, when proposals were in need of review. In that way, proposals can be forwarded to the Seward Township Board for their second Tuesday of the month meeting, moving requests forward to the Regional Plan Commission in a timely manner.

Under other discussion items, Suzanne Casey disseminated information on Lyons Farm for the committee's information, sharing brochures on their operation that represents all townships in the county, honoring the history of the farming community. Suzanne also provided a recent legal opinion/case law on limiting public comment in a governmental meeting, and provided copies of vision and mission materials previously reviewed by members of the committee.

Finally, the committee raised concerns regarding property in the township which appears abandoned and falling into disrepair-specifically properties located on VanDyke Road, between Grove and McKanna Road. Matt Asselmeier was asked if any recourse existed in county ordinances, when previously maintained property appear to be abandoned. Mr. Asselmeier was asked to drive by said property at Van Dyke and Grove.

Anne Vickery moved adjournment at 6:45, with second by Suzanne Casey.

Minutes submitted by Suzanne Casey

September 8, 2021

Attachment 13, 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 21-33 Elizabeth Bowyer on Behalf of Doragon Properties, LLC

Mr. Asselmeier summarized the request.

The Petitioner would like to operate a monthly craft fair (sale of agricultural products not grown on premises and the sale of pottery, art, and home décor not produced on the premises) one (1) Saturday per month between April 1st and November 1st.

The Petitioner has been operating the craft fair without a special use and would like to come into compliance.

The Zoning Ordinance required the sale of pottery, art, and home décor products to be located on properties not designated as Agricultural on the Future Land Use Map. The Petitioners were seeking a variance to this provision.

The application materials, plat of survey, aerial of the entire property, and aerial of the area where craft fair/market would occur were provided.

The property was granted a special use permit for landscaping business in 2005. This special use permit was also provided.

The property was approximately fifty (50) acres in size.

The Current and Future Land Uses were Agricultural.

Whitewillow Road was a County maintained Major Collector. Brisbin Road was a Township maintained Major Collector.

Minooka has trails planned along Whitewillow and Brisbin Roads.

There were no floodplains or wetlands on the property. The pond was permitted as part of the development of the landscaping business.

The adjacent land uses were Agricultural and Farmstead.

The adjacent zoning districts and nearby zoning districts were A-1.

The County's Future Land Use Map called for the area to be Agricultural. The Village of Minooka's Future Land Use Map called for the area to the north and south to be Traditional Neighborhood and the area to the east to be Light Industrial.

EcoCat submitted on August 24, 2021, and consultation was terminated.

The Petitioner did an NRI application as part of a proposed cannabis business at the subject property in April 2020. The LESA Score was 220 indicating a medium level of protection. The NRI Report was provided.

Seward Township was emailed information on August 27, 2021. Seward Township was emailed information on August 27, 2021. The Seward Township Planning Commission reviewed this proposal at their meeting on September 7, 2021. The Seward Township Planning Commission recommended approval of the request with the amendment to allow the Petitioners to increase the number of vendors to forty (40) upon notice to the Township. The minutes of this meeting were provided. The Seward Township Board concurred with the Seward Township Planning Commission at their meeting on September 14, 2021.

The Village of Minooka was emailed information on August 27, 2021.

Lisbon-Seward Fire Protection District was emailed information on August 27, 2021. They requested two (2) strategically placed fire extinguishers and first aid kits with related signage. The email from the Fire Protection District was provided.

ZPAC reviewed this proposal at their meeting on September 7, 2021. Discussion occurred regarding signage; the Petitioners' Attorney agreed to discuss having one (1) stationary sign only at the corner of Whitewillow and Brisbin Roads with his clients. The number of vendors was increased from thirty-one (31) to thirty-five (35). The Kendall County Health Department requested that the Petitioners contact them regarding the placement of the septic field in relation to the parking lot. 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.

According to information provided to the County, the Petitioner would like to operate a thirty-one (31) stall craft fair west of the existing main building as identified in the provided aerial. The vendor stalls were approximately twelve foot by fourteen foot (12' X 14'). The stalls were made of wood with an area to erect a tent. The stalls were also numbered; pictures of an example stall and vendor row were provided.

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

Vendors sold a variety of craft products.

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

1. A sit-down food area is allowed if incidental to the primary operation of retail sales.
2. The subject parcel must not be less than three (3) acres in size.
3. Must be along a hard surfaced road classified as an arterial or major collector in the Land Resource Management Plan.

4. Is located in an area not designated as Agricultural on the Land Resource Management Plan. The Petitioner was seeking a variance to this requirement.
5. Must occur in a manner that will preserve the existing farmhouse, barns, related structures, and the pastoral setting.
6. Must serve as a transitional use between agricultural areas and advancing suburban development.
7. Must serve to prevent spot zoning.
8. Retail and wholesale must occur in an existing building, unless otherwise approved by the County Board.
9. Any new structures must reflect the current architecture of the existing structures.
10. No outside display of goods.
11. Cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
12. Limited demolition of farmhouse and outbuildings is allowed.
13. Site plan is required.
14. Signage must follow the requirements in the Zoning Ordinance.
15. Off-street parking must follow the requirements in the Zoning Ordinance.

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

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

According to the business plan provided to the County, the Petitioner would like to operate the craft fair one (1) Saturday per month between April 1st and November 1st. Vendors started setting up at 6:00 a.m. The craft fair was open to the public from 8:00 a.m. until about 4:00 p.m. Vendors would leave the site by 6:00 p.m.

The Petitioner had five (5) full-time employees that monitor the craft fair, including herself and her husband.

The usual number patrons on the property at a given time for the craft fair was approximately fifty (50).

No new structures are planned for the property.

There were existing restrooms inside the building used for the landscaping business. There were two (2) porta-johns available for the vendors and patrons at the craft fair.

There was a private well onsite.

The Petitioner would make accommodations for vendors that want electricity.

The property drained to the southeast.

The Petitioners secured applicable permits in 2004 for the construction of the pond on the premises.

Based on the information provided, no stormwater permits were required because the Petitioner did not plan to add any impervious surface.

The property had access from Whitewillow Road.

According to the provided aerial, there were approximately eighty parking (80) spaces on the property. These included parking spaces east and south of the building used for the landscaping business. There was also parking available for vendors west of the vendor row. There were six (6) identified handicapped parking spaces on the property.

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

The Petitioner planned to have one (1) mobile sign placed at the southeast corner of Whitewillow and Brisbin Roads. A picture of the sign was provided. The Petitioners would like the sign to remain at the intersection between May 1st and December 1st of each year. The sign would not be illuminated.

There were other directional signs located on the property and the landscaping business/nursery has separate signage for that portion of the business.

No additional landscaping was planned. Nursery materials along Whitewillow Road served as screening.

No information regarding noise control was provided.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. True. The subject property already has an established landscaping and nursery business. The proposed use will complement the existing special use and will minimally impact the area.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True. Conditions are proposed that will regulate hours of operation, site layout, and noise. No new buildings or other significant alterations away from the current appearance of the property or general area are planned.

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true provided the variance to allowing the use on property designated as Agricultural on the Land Resource Management Plan is approved.

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. There is no topographical hardship.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Very few A-1 zoned properties have an existing commercial use as intense as the use located on the subject property. Most properties zoned A-1 and classified as Agricultural on the Land Resource Management Plan do not have the existing facilities to support this type of use.

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 or request the land designation contained in the Land Resource Management Plan.

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 subject property already has a special use permit. The proposed use would only operate for a very brief time of the year. No improvements to the property are planned as part of the proposal. Therefore, no injury to the public welfare or other properties is foreseen.

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. Because of the limited operations proposed and because no new structures are planned, the proposal will not impair the supply of light or air to adjacent properties, cause increased congestion on local streets, endanger public safety, or impair property values.

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

1. The site shall be developed substantially in accordance with the aerial. Other than parking and signage, the craft fair shall be limited to area designated as “Vendor Area” on the aerial. Any new structures related to the uses allowed by this special use permit shall require a major amendment to the special use permit and any new structures must reflect the current architecture of the existing structures.
2. A variance to Section 7:01.D.48 shall be granted to allow the sale of pottery, art, and home décor not

produce on the premises to occur on property designated as Agricultural on the Future Land Use Map.

3. The subject parcel must remain at least (3) acres in size.
4. The uses allowed by this special use permit must occur in a manner that will preserve the existing pastoral setting. To that end, no vendor stall located in the northern row of the vending area shall be open toward the north.
5. Retail and wholesale sales may occur outside existing buildings.
6. The uses allowed by this special use permit cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
7. A maximum of thirty-five (35) vendors may be on the subject property.
8. The uses allowed by this special use permit may operate a maximum of one (1) Saturday per month. The uses may be open for sale between the hours of 8:00 a.m. and 4:00 p.m. The property owner may reduce these hours of operation. Vendors may setup no earlier than two (2) hours prior to opening and must be offsite within two (2) hours of closing. The uses allowed by this special use permit may be operational between April 1st and November 1st.
9. A maximum of five (5) people, including the property owner and their family members, shall be employees of the business allowed by this special use permit.
10. The owners of the business allowed by this special use permit may install one (1) sign on the subject property at the southeast corner of Whitewillow and Brisbin Roads in substantially the size and appearance of the sign shown in the provided picture. The sign shall not be illuminated. The sign may be in place May 1st until December 1st. The owners of the business allowed by this special use permit may install additional directional signage for patrons inside the property.
11. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall be generated by the uses allowed this special use permit.
13. Two (2) strategically placed operating fire extinguishers and first aid kits shall be placed on the subject property along with applicable signage for the fire extinguishers and first aid kits.
14. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of uses.
16. The conditions and restrictions contained in this special use permit shall be separate from the conditions and restrictions contained in Ordinance 2005-37.
17. 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.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
19. 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 expressed concerns regarding a sign for this business at Whitewillow and Grove Roads. The Planning, Building and Zoning Department will investigate the matter.

Dan Kramer, Attorney for the Petitioner explained the use and the history of the use.

Mr. Kramer explained that the Petitioner was exploring a special use permit for cannabis craft growers.

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

There will be two (2) special use permits at the property, if this special use permit is approved.

Mr. Kramer noted that the County previously removed the special use permit for uses similar to agricultural uses. Member Nelson stated that the Comprehensive Land Plan and Ordinance Committee would review this ordinance.

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.

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		