



**KENDALL COUNTY
ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

November 1, 2021 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Cliff Fox, Tom LeCuyer, Dick Thompson, and Dick Whitfield

MINUTES: Approval of Minutes from the September 27, 2021 Zoning Board of Appeals Hearing/Meeting (Pages 3-37)

PETITIONS:

1. **Petition 21 – 36 – Brenda and Gary Zeiter and Devan and Brady Woolverton (Pages 38-133)**

Request: Special Use Permit for a Landscaping Business

PIN: 09-21-100-009

Location: 3549 and 3527 Bell Road in Seward Township

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

2. **Petition 21 – 37 – Kendall County Planning, Building and Zoning Committee (Pages 134-140)**

Request: Text Amendments to the Kendall County Zoning Ordinance Pertaining to the Illinois Garden Act and Roadside Stand Regulations

Purpose: Petitioner Wishes Vegetable Gardens and Roadside Stands To Be Permitted Uses on all Residentially Zoned Properties, Establishes Sight-Line Requirements to Vegetable Gardens, Updates Appendix 9, Table of Uses, and Makes Citation Corrections to the Zoning Ordinance

3. **Petition 21 – 38 – Kendall County Planning, Building and Zoning Committee (Pages 141-152)**

Request: Text Amendments to the Kendall County Zoning Ordinance Pertaining to the Illinois Agricultural Experiences Act and Seasonal Festival Regulations

Purpose: Petitioner Wishes Seasonal Festivals To Be a Permitted Use on A-1 Agriculture District and B-4 Commercial Recreation District Zoned Properties Without Restrictions, Updates to Appendix 9, Table of Uses, and Makes Citation Corrections to the Zoning Ordinance

4. **Petition 21 – 39 – Greg Dady on Behalf of DTG Investments, LLC (Page 153)**

Request: Text Amendments to the Kendall County Zoning Ordinance Adding Contractor Services with Direct Access to a State Highway to the List of Special Uses in the A-1 Agricultural District

Purpose: Petitioner Wishes to Lease Property at 3485 Route 126 (PIN: 06-09-400-005) to a Contractor Service (Excavation Company)

5. **Petition 21 – 40 – Robert J. Fisher (Pages 154-174)**

Request: Amendment to the Future Land Use Map in the Kendall County Land Resource Management Plan by Reclassifying the Subject Property from Agricultural to Rural Estate Residential (Max 0.45 DU/Acre)

PIN: 09-29-400-005

Location: West Side of O'Brien Road Across from 16924 O'Brien Road in Seward Township

Purpose: Petitioner Wishes to Rezone the Property to R-1 to Construct One House

6. **Petition 21 – 41 – Robert J. Fisher (Pages 175-211)**
Request: Map Amendment Rezoning the Subject Property from A-1 Agricultural District to R-1 One Family Residential District
PIN: 09-29-400-005
Location: West Side of O’Brien Road Across from 16924 O’Brien Road in Seward Township
Purpose: Petitioner Wishes to Rezone the Property to R-1 to Construct One House

NEW BUSINESS/ OLD BUSINESS

1. None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 21-26 Banquet Facility at 10978 Crimmin Road
2. Petition 21-29 Landscaping Business at 12830 Ashley Road
3. Petitions 21-30 and 21-31 Rezoning and Landscaping Business at 10744 Route 47
4. Petition 21-33 Craft Fair/Market at 5681 Whitewillow Road

PUBLIC COMMENT:

ADJOURN ZONING BOARD OF APPEALS- Next hearing/meeting on December 13, 2021

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

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

MINUTES:

Member LeCuyer made a motion, seconded by Member Fox, to approve the minutes of the August 30, 2021 hearing/meeting.

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

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

PETITIONS

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

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

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

PIN: 08-02-300-012

Location: 12830 Ashley Road in Lisbon Township

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

Mr. Asselmeier summarized the request.

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

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

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

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

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

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

Ashley Road was a Township maintained major collector.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural and Farmstead.

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

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

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

Pictures of the property were provided.

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

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

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

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

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

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

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

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

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

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

If approved, the Petitioners plan to start operations immediately.

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

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

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

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

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

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

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

The property drained to the southeast.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No information was provided regarding noise control.

No new odors were foreseen by the proposed use.

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

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

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

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

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

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. If Lisbon Township approves the new access point, then adequate points of ingress and egress will be provided. No customers will be allowed on the property and employees will not be able to use the well or restrooms in the existing house. The owners of the business allowed by the special use permit have applied for the applicable stormwater permit.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided a variance is granted for the location of the parking area, the special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 9-21 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents”.

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

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

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

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

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

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

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

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

Damaged or dead blue spruce trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.

13. No landscape waste generated off the property can be burned on the subject property.
14. A maximum of five (5) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
15. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
16. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
17. The noise regulations are as follows:
 - Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.
 - Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.
 - EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
18. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
19. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
22. Failure to comply with one or more of the above conditions or restrictions could result in the

amendment or revocation of the special use permit.

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

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

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

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

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

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

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

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

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

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

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

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

would be notified.

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

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

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

The votes were as follows:

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

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

The votes were as follows:

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

The motion passed.

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

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

Without objection, the hearings of Petition 21-30 and 21-31 were combined.

The Zoning Board of Appeals started their review of Petitions 21-30 and 21-31 at 7:30 p.m.

Petition 21 – 30 – Robert Velazquez on Behalf of Always Faithful Properties, LLC

Request: Map Amendment Rezoning the Subject Property from A-1 Agricultural District to B-3 Highway Business District
PIN: 05-28-400-002
Location: 10744 Route 47 in Kendall Township
Purpose: Petitioner Wishes to Rezone the Property to B-3 and Operate a Landscaping Business at the Property

Petition 21 – 31 – Robert Velazquez on Behalf of Always Faithful Properties, LLC

Request: Special Use Permit to Operate a Landscaping Business
PIN: 05-28-400-002
Location: 10744 Route 47 in Kendall Township
Purpose: Petitioner Wishes to Rezone the Property to B-3 and Operate a Landscaping Business at the Property

Mr. Asselmeier summarized the requests.

Robert Velazquez, on behalf of Always Faithful Properties, LLC, was requesting a map amendment rezoning approximately thirteen point seven (13.7) more or less acres from A-1 Agricultural District with a special use permit to B-3 Highway Business District in order to operate a landscaping business on the subject property after rezoning and after securing a special use permit to operate a landscaping business on the subject property.

The application materials, aerial of the property, plat of survey and site plan, and Ordinance 1982-10, which granted a special use permit for the storage of recreation vehicles, boats, and antique cars, were provided.

Route 47 is a State maintained Arterial Road. Yorkville has a trail planned along Route 47 in this area. IDOT has bicycle accommodations planned on the roadway.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural, Commercial and Utility.

The Future Land Use Map called for the area to be Transportation Corridor and Commercial.

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

The A-1 special use permit to the south is for agricultural implement sales and service. The parcel to the southeast is owned by the Federal Aviation Administration and is used for a communication tower.

The subject property is over two (2) miles from the United City of Yorkville and the Village of Plattville. Yorkville's Comprehensive Plan calls for this area to be Estate/Conservation Residential. Plattville's Comprehensive Plan calls for this area to be commercial.

EcoCAT Report submitted and consultation terminated.

The application for NRI was submitted on July 7, 2021. The LESA Score was 235 indicating a high level of protection. The NRI was provided.

Petition information was sent to Kendall Township on August 27, 2021. The Kendall Township Planning Commission reviewed these proposals at their meeting on September 14, 2021. Discussion centered on stormwater drainage. The Kendall Township Planning Commission recommended approval of the proposal with a request that the County Stormwater Engineer examine the stormwater outlet elevation of the pond with consideration given to the impact of drainage on the surrounding properties by vote of

five (5) in favor and zero (0) in opposition. The Kendall Township Board recommended approval of this proposal on September 21, 2021.

Petition information was sent to the Bristol-Kendall Fire Protection District on August 27, 2021.

ZPAC reviewed these proposals at their meeting on September 7, 2021. The Petitioner requested that the maximum number of employees be increased from forty (40) to fifty (50) and the deadline to install landscaping be extended from May 15th to June 1st. The Kendall County Soil and Water Conservation District requested that the Petitioner install proper soil erosion and sediment control measures during construction and secure an NPDES Permit. The Kendall County Health Department requested that the Petitioner work with them on well and septic information. The Petitioner stated that he planned to consolidate operations and move from his current location on Route 71 to the subject property. ZPAC recommended approval of the requests 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 these proposals at their meeting on September 22, 2021. Discussion occurred regarding having illuminated signage because of the high volume and speed of traffic on Route 47. Discussion also occurred regarding the stormwater drainage plan. The Kendall County Regional Planning Commission recommended approval of the proposals with the change to allow the sign to be illuminated by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of this meeting were provided.

The Petitioner desired to rezone the subject property and obtain a special use permit to operate a landscaping business on the subject property.

According to the business plan provided, the business has a maximum of forty (40) employees during the busy summer season and as few as three (3) employees during the off-season. The County received information that the business could have a maximum of fifty (50) employees. Of these, approximately four (4) employees would be onsite constantly. The normal anticipated hours of operation for employees would be on Monday through Friday from 5:00 a.m. until 7:00 p.m. and from 7:00 a.m. until 1:00 p.m. on Saturdays. The Petitioner acknowledged that, during the winter, employees may arrive at the property anytime to clear snow from customers' properties. Hours of operation for members of the public would be Monday through Friday from 7:00 a.m. until 5:00 p.m. Hours of operation for deliveries would be Monday through Friday from 7:00 a.m. until 5:00 p.m. with limited Saturday hours.

No information was provided regarding the number of company trucks or other business related equipment that would be stored at the property.

If approved, the Petitioner planned to start construction immediately and start operations as quickly as possible.

According to the site plan, the Petitioner planned to construct the following buildings:

1. One (1) approximately four thousand (4,000) square foot, two (2) story office.

2. Two (2) approximately three thousand one hundred seventy-four (3,174) square foot, three (3) bay garages.
3. One (1) approximately one thousand one hundred fifty (1,150) square foot drive thru maintenance bay.
4. One (1) approximately one thousand two hundred fifty (1,250) square foot storage bay.
5. Three (3) nursery/hoop houses. The hoop houses would be approximately one thousand two hundred (1,200) square feet, one thousand six hundred (1,600) square feet, and two thousand six hundred (2,600) square feet in size respectively.

In addition to the above new structures, the site plan also showed the retention and repurpose of the following structures already located on the property:

1. Two (2) existing barns located near the northeast corner of the site. The barns are approximately nine thousand two hundred sixty-five (9,265) square feet and nine thousand two hundred fifty (9,250) square feet in size respectively. The barns will be used for storage.
2. One (1) existing barn located south of the development area. This barn is approximately one thousand four hundred sixty-five (1,465) square feet in size and will be used for bulk salt storage.

In addition to the proposed and existing buildings, the site plan showed twenty-two (22) concrete block bulk storage bins. The storage bins would be approximately fifteen feet (15') wide, thirty (30') feet deep, and eight feet (8') tall. The materials stored in these bins shall be a maximum ten feet (10') tall.

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

Electricity was onsite. No information was provided regarding the well or septic system.

According to the site plan, an approximately five thousand (5,000) square foot septic field was planned northeast of Garage Building 2.

The site plan also showed three (3)-five hundred (500) gallon fuel tanks southeast of Garage Building 1.

One (1) trash dumpster surrounded by a six foot (6') wooden fence was also shown on the site plan southeast of Garage Building 1.

The property drained to the southeast. One (1) stormwater detention pond was planned at the southeast corner of the property.

A stormwater management permit will be required. Stormwater related information was included with the site plan. WBK submitted a comment letter dated September 8, 2021. As noted in the letter, WBK was requesting additional information on the pond.

At the Regional Planning Commission meeting, the Petitioner's Attorney noted there would not be a pond per se. A four foot (4') tall berm would be constructed at the southeast corner of the property to manage stormwater flow/evaporation to ensure the neighboring property did not receive additional runoff.

The property fronted Route 47.

According to the site plan, the existing gravel driveway will be removed and a twenty-four foot (24') wide paved drive will be installed.

The Illinois Department of Transportation had no concerns regarding this proposal; the emails regarding this proposal were provided.

According to the site plan, there were (2) two parking lots. The parking lot west of the Office Building had nineteen (19) parking spaces. The parking lot west of Existing Building 2 had sixteen (16) parking spaces. There was one (1) handicapped parking space in each parking lot. The site plan also showed outdoor parking spaces for company vehicles.

The westernmost parking lot was paved and the easternmost parking lot will be composed of limestone or asphalt screenings.

None of the parking areas were located in the required setbacks.

According to the photometric plan, there will be ten (10) RAR2-320L-165-4K7-4W(1) pole mounted lights located mostly around the perimeter of the developed area. Four (4) RAR2-320L-165-4K7-5QW(1) pole mounted lights will be located west and southwest of Existing Building 2. Three (3) RWL1-48L-25-4K7-4W lights will be located on Existing Storage Buildings 1 and 2. Two (2) RWL2-160L-80-4K7-WW lights will be located on the Garage Buildings 1 and 2. The pole mounted lights will be lowered to twenty feet (20') in height to comply with the Zoning Ordinance.

The anticipated foot-candles at the property lines will be 0.8 which was less than the 5.0 foot-candle maximum allowed by the Zoning Ordinance for adjoining properties planned to be commercial.

According to the site plan, there will be one (1) monument sign located approximately fifteen (15') east of the right-of-way line. The sign will be approximately five feet (5') in height and ten feet (10') in width, including supports.

The Kendall County Regional Planning Commission requested that sign be illuminated. The sign may be lit between the hours of 6:00 a.m. and 8:00 p.m.

According to the site plan, there will be one (1) six foot (6') wooden screen fence located along the northern property line north of the Existing Storage Buildings. The Petitioner also planned to install security cameras and an alarm system in all buildings. The Petitioner may install a gate at the main entrance if necessary.

According to the landscaping plan, the Petitioner planned to install the following landscaping around the western parking lot:

1. Three (3) Red Sunset Maples
2. Two (2) Skyline Honeylocusts
3. Fifteen (15) Annabella Hydrangeas
4. Ten (10) Alpine Currants
5. Twenty (20) Double Knock Out Roses
6. Eight (8) Blue Muffin Viburnum
7. One Hundred Forty (140) Autumn Joy Sedums
8. Three Hundred Eighty (380) Russian Stonecrops
9. Two Hundred Ten (210) Dart's Blue Perwinkle

The Petitioner also planned to install eight (8) Techny Arborvitaes around refuse area.

The shrubs shall be two feet (2') in height at the time of planting. The canopy trees will be two point five inch (2.5") caliber at the time of planting and shall grow to fifty feet (50') in height. The Techny Arborvitaes shall be a minimum six feet (6') in height at the time of planting. The Petitioner originally planned to install all landscaping by May 15, 2022, but requested the deadline for planting be extended to June 1, 2022.

In addition to the landscaping mentioned previously, the Petitioner planned to install two (2) hardscape courtyards and two (2) landscape garden showcase areas on the property as shown on the site plan. The site plan also showed a nursery stock area.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

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

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

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or communication purposes.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or A-1 with a special use permit for agricultural implement sales and service.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and could be used for many uses presently permitted under the A-1 zoning classification.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and commercial uses. Commercial uses in the area probably will increase as the Illinois Department of Transportation widens Route 47.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Transportation Corridor and Commercial. The B-3 Highway Business Districts is consistent with the Commercial classification. The Land Resource Management Plan calls for limited B-3 Highway Business District zoned property on lands classified as Transportation Corridor.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the site is developed in accordance with the submitted site plan, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare.

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

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities are planned for the site. The property has direct access to Route 47 and the Illinois Department of Transportation expressed no concerns regarding the proposed use. A stormwater management permit is required and that permit will address drainage.

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

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with a goal found on Page 7-26 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.” An objective under this goal further states, “Explore economic development opportunities along Route 47 Corridor to enhance the tax base and to encourage local employment and shopping opportunities.”

Staff recommended approval of the proposed map amendment because the proposal was consistent with the Land Resource Management Plan.

Staff recommended approval of the special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan, landscaping plan, and photometric plan, including allowing for illuminated signage. The gravel parking lot noted on the site plan shall be composed of either limestone or asphalt screenings. The fourteen (14) light poles shown on the site plan and mentioned in the photometric plan shall be a maximum twenty feet (20') feet in height. The owner of the business allowed by this special use permit may also install a security gate at the main driveway entrance.
2. All of the structures shown on the site plan shall be constructed and occupied by December 31, 2022. This date may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. The business allowed by this special use permit may commence operations starting upon approval of the special use permit. However, customers shall not be invited onto the property until an occupancy permit has been issued for the office building.
3. The owners of the business allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored on the subject property and shall promptly clean up the site if leaks occur.
4. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
5. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
6. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
7. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.

8. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be ten feet (10'), provided a Stormwater Management Permit is issued.
9. One (1) two (2)-sided business related sign may be installed in substantially the location shown on the site plan. The sign shall be a maximum of ten (10') wide and five feet (5') tall, including supports. The sign may be illuminated between the hours of 6:00 a.m. and 8:00 p.m.
10. The landscaping shown on the landscaping plan shall be installed no later than June 1, 2022. This date may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. The Red Sunset Maples shall be a minimum of two point five inch (2.5") caliber at the time of planting. The Skyline Honeylocusts shall be a minimum of two point five inch (2.5") caliber at the time of planting. The Techny Arborvitae shall be a minimum six feet (6') tall at the time of planting. Damaged or dead plants that are part of the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. Nursery stock shall be exempt from this provision.
11. No landscape waste generated off the property can be burned on the subject property.
12. A maximum of fifty (50) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
13. The hours of operation of the business allowed by this special use permit for the members of the public shall be Monday through Friday from 7:00 a.m. until 5:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
14. The hours of operation of the business allowed by this special use permit for employees of the business shall be Monday through Friday from 5:00 a.m. until 7:00 p.m. and Saturday from 7:00 a.m. until 1:00 p.m. The owner of the business allowed by this special use permit may expand these hours of operation for employees to address the needs of customers impacted by snowfall. Business related deliveries may occur during these hours of operation. The owners of the business allowed by this special use permit may reduce these hours of operation.
15. The noise regulations are as follows:

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

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

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

16. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
20. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Chairman Mohr asked about the house. The house has been removed.

The southeast corner of the site is not wetland, but is being reserved for future drainage.

The portion of the site that not used by the landscaping business will have a low fescue cover crop on it.

Chairman Mohr asked if the parking was sufficient giving the number of employees and the retail aspects of the operation. Mr. Asselmeier responded that the parking plan meets the Zoning Ordinance and many employees will report to work site instead of the subject property.

Chairman Mohr opened the public hearing at 7:49 p.m.

Dan Kramer, Attorney for the Petitioner, provided a history of Robert Velazquez and the business. Mr. Kramer noted that the Petitioner wished to consolidate his operation at the subject property. The business was union. The request for fifty (50) employees was to plan for future growth. The primary business would be wholesale, but some retail would occur, but the primary use will not be a retail. The Petitioner's main clients were commercial entities. About half of the employees come to the property while the other half report directly to the job sites.

Mr. Kramer provided a history of the property. The older buildings were part of an egg farm.

Mr. Kramer explained the drainage patterns of the property. The retention facility will consist of land at the existing grade with a L-shaped four foot (4') tall berm. The facility would hold a one hundred (100) year storm with no runoff for a two (2) day period. There would be a twelve inch (12") pipe with a seven inch (7") restrictor at the top of the berm. A more intensive use on the undeveloped portion of the property would require a pipe to the creek off to the southeast of the property.

Some employees could park inside the old, existing buildings.

Mr. Kramer explained the negotiations between the Petitioner and IDOT regarding land needed for widening Route 47. The site has been setback to account for the widening of Route 47. The new access will have full access.

The old trees have been removed from the property.

Member Cherry asked why the Petitioner was relocating from his current location. Mr. Kramer responded the property on Route 71 was not larger enough for current business operations. The Petitioner would sell the existing business on Route 71. The special use permit for the property on Route 71 runs with the land.

Discussion occurred regarding the need to have illuminated signage because of traffic and the widening of Route 47.

Mr. Kramer explained that Yorkville classified areas that have not been studied were as Estate Residential on Yorkville's Future Land Use Map.

Chairman Mohr closed the public hearing at 8:04 p.m.

Member LeCuyer made a motion, seconded by Member Fox, to approve the Findings of Fact for the map amendment.

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 map amendment.

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

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 Thompson made a motion, seconded by Member LeCuyer, to recommend approval of the special use permit 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.

Because Kendall Township has already submitted favorable comments on the proposals, the proposals will go to the Kendall County Planning, Building and Zoning Committee on Tuesday, October 12, 2021.

The Zoning Board of Appeals completed their review of Petitions 21-30 and 21-31 at 8:08 p.m.

The Zoning Board of Appeals started their review of Petition 21-32 at 8:08 p.m.

Petition 21 – 32 – Gilbert L. Niznik on Behalf of the Gilbert L. Niznik Revocable Trust Dated September 15, 2017 and Michael and Eryn Ruffatto

Request: Map Amendment Rezoning the Subject Property from A-1 Agricultural District to R-1 One Family Residential District

PIN: 06-13-101-011

Location: East and South of 800 Route 126 in Na-Au-Say Township

Purpose: Ruffattoes Wish to Construct a Single-Family Home on the Property

Mr. Asselmeier summarized the request.

Michael and Eryn Ruffatto would like to purchase the subject property from the Gilbert L. Niznik Trust Dated September 15, 2017 and construct one (1) house.

The western one hundred feet (100') of the subject property was part of a landing strip per Ordinance 1992-6 and was not part of the rezoning request.

The application materials, aerial of the property, plat of survey, and Ordinance 1992-6 were provided.

The property was approximately twenty-seven (27) acres.

The Future Land Use Map called for the property to be Suburban Residential (Max 1.00 DU/Acre).

Route 126 was a State maintained Arterial.

The County had a trail planned along Route 126.

There is no floodplain on the property. There is a riverine wetland along the southeast corner of the property.

The adjacent land uses were Agricultural, Single-Family Residential, and an Airstrip.

The adjacent zoning districts were A-1, R-1 SU, and R-3.

The County's Future Land Use Map called for the area to be Suburban Residential (Max 1.00 DU/Acre) and Commercial. The Village of Plainfield's Future Land Use Map called for the area to be Medium Density Residential, Village Residential, and Low Density Residential.

The nearby zoning districts in the unincorporated area were A-1, A-1 SU, R-1 SU, and R-3. The nearby zoning districts in the Village of Plainfield were Low Density Single-Family Residential PUD.

The A-1 special use permit to the west was for professional offices. The R-1 special use to the west was for an airstrip.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on August 12, 2021. The LESA Score was 185 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Na-Au-Say Township on August 27, 2021.

Petition information was sent to the Village of Plainfield on August 27, 2021.

Petition information was sent to the Plainfield Fire Protection District on August 27, 2021, and they had no concerns about the request; their email was provided.

ZPAC reviewed this proposal at their meeting on September 7, 2021. 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. Neighbors David Cline, William Sales, Robert VanderBeek, and June Alice spoke in favor of the request. The Kendall County Regional Planning Commission recommended approval of the request by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of this meeting were provided.

The Petitioners desired to rezone the subject property in order to build one (1) house on the subject property.

Any new homes or accessory structures would be required to meet applicable building codes.

No public or private utilities were onsite.

The property fronted Route 126. Staff had no concerns regarding the ability of Route 126 to support the proposed map amendment.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors are foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise was anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses. An airstrip is located on the subject property.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1, R-3, and R-1 with a special use permit. Nearby properties inside the Village of Plainfield also have residential zoning.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. Due to the property's size, a single-family home cannot be constructed on the property under A-1 zoning regulations.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and single-family residential uses found in rural settings.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Suburban Residential. The R-1 One Family Residential District is consistent with the Suburban Residential classification.

Staff recommended approval of the proposed map amendment because the proposal was consistent with the Land Resource Management Plan.

Chairman Mohr opened the public hearing at 8:15 p.m.

Dan Kramer, Attorney for the Petitioner, explained the division of the properties to the west. He also discussed the use of planes and the airstrip. The airstrip will be unchanged.

Mr. Kramer said the Ruffatto home would be south of the existing house on the neighboring property to the north and would meet all setbacks. The driveway would access Route 126 to the east of 800 Route 126. The access on Route 126 is already in existence. The remainder of the property would be farmed.

Discussion occurred regarding constructing additional homes on the property. Given the drainage patterns and access from Ridge Road, it would be difficult to access the southern portion of the property for additional houses.

Chairman Mohr closed the public hearing at 8:18 p.m.

Member LeCuyer made a motion, seconded by Member Cherry, to approve the Findings of Fact for the map amendment.

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 Fox, to recommend approval of the map amendment.

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.

Na-Au-Say Township and the Village of Plainfield will be notified of the results of the public hearing. The proposals will go to the Kendall County Planning, Building and Zoning Committee on Monday, November 8, 2021.

The Zoning Board of Appeals completed their review of Petition 21-32 at 8:19 p.m.

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.

NEW BUSINESS/OLD BUSINESS

Approval of Fiscal Year 2021-2022 Meeting Calendar

Member LeCuyer made a motion, seconded by Member Thompson, to approve the meeting calendar.

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.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petition 21-26, regarding the banquet facility on Crimmin Road has been forwarded to the Committee of the Whole for discussion by the entire County Board.

Mr. Asselmeier reported that Petitions 21-27 and 21-28 were approved at the County Board.

PUBLIC COMMENTS

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

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

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

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

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

Exhibits

1. Memo on Petition 21-29 Dated September 23, 2021
2. Certificate of Publication for Petition 21-29 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 21-30 Dated September 23, 2021
4. Certificate of Publication for Petition 21-30 (Not Included with Report but on file in Planning, Building and Zoning Office)
5. Memo on Petition 21-31 Dated September 23, 2021
6. Certificate of Publication for Petition 21-31 (Not Included with Report but on file in Planning, Building and Zoning Office)
7. Memo on Petition 21-32 Dated September 23, 2021
8. Certificate of Publication for Petition 21-32 (Not Included with Report but on file in Planning, Building and Zoning Office)
9. Memo on Petition 21-33 Dated September 23, 2021
10. 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 21-36

**Brenda and Gary Zeiter and Devan and Brady Woolverton
A-1 Special Use Permit for Landscaping Business**

INTRODUCTION

The Petitioners would like to operate a landscaping business, Zeiter Landscaping, Inc., at the subject property.

The application materials are included as Attachment 1. The NRI Report is included as Attachment 2. The site plan is included as Attachment 3. The topographic survey is included as Attachment 4. The pictures of the proposed landscaping is included as Attachment 5. The aerial of the property is included as Attachment 6.

In 2000, Brenda and Gary Zeiter were awarded a special use permit at 16765 Hanson Road for their landscaping business. While they indicated their plans include moving the business from Hanson Road to the subject property, they would like to retain a special use permit at the Hanson Road property. The special use permit for the property on Hanson Road is included as Attachment 7. Since 2000, neither the Sheriff's Department nor the Planning, Building and Zoning Department have received any complaints regarding the landscaping business on Hanson Road.

If approved, the landscaping business would be addressed as 3549 Bell Road. A house for the owner/operator of the business is planned on the southern portion of the property and would be addressed as 3527 Bell Road.

SITE INFORMATION

PETITIONERS: Brenda and Gary Zeiter and Devan and Brady Woolverton

ADDRESS: 3549 Bell Road, Minooka

LOCATION: Approximately 0.25 Miles West of Hanson Road on the North Side of Bell Road



TOWNSHIP: Seward

PARCEL #: 09-21-100-009

LOT SIZE: 10.05 +/- Acres

EXISTING LAND USE: Agricultural

ZONING: A-1

LRMP: Future Land Use	Rural Residential (Max 0.65 DU/Acre) (County) Residential (Shorewood)
Roads	Bell Road is a Township maintained Minor Collector.
Trails	There are no trails planned in the area.
Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Special Use Permit for a Landscaping Business

APPLICABLE REGULATIONS: Section 7:01.D.30 – A-1 Special Uses
Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Residential (Max 0.65 DU/Acre) (County) Residential (Shorewood)	A-1, A-1 SU, and R-1
South	Agricultural/Farmstead	A-1	Rural Residential (Max 0.65 DU/Acre) (County) Residential (Shorewood)	A-1
East	Agricultural	A-1	Rural Residential (Max 0.65 DU/Acre) (County) Residential (Shorewood)	A-1
West	Agricultural/Farmstead	A-1	Rural Residential (Max 0.65 DU/Acre) (County) Residential (Shorewood)	A-1 and A-1 SU

The A-1 special use permit to the north is horse related and the special use permit to west is for an ZBA Memo – Prepared by Matt Asselmeier – October 28, 2021

agricultural helipad.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report was submitted and consultation was terminated, see Attachment 1, Page 4.

NATURAL RESOURCES INVENTORY

The NRI application was submitted and the LESA Score was 233 indicating a high level of protection. The NRI Report is included as Attachment 2.

ACTION SUMMARY

SEWARD TOWNSHIP

The Seward Township Planning Commission reviewed this proposal on May 13, 2021, and recommended the project move forward. The minutes of this meeting are included as Attachment 8.

VILLAGE OF SHOREWOOD

Petition information was sent to the Village of Shorewood on September 24, 2021. Since the property was greater than one point five (1.5) miles from the Village, Shorewood declined to comment on the proposal. The email stating their position is included as Attachment 12.

LISBON-SEWARD FIRE PROTECTION DISTRICT

Petition information was sent to the Lisbon-Seward Fire Protection District on September 24, 2021. The Lisbon-Seward Fire Protection District submitted an email on October 6, 2021, requesting at least one (1) fire extinguisher and one (1) first aid kit on the property. The email is included as Attachment 11. The Petitioners were agreeable to this request.

ZPAC

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred regarding having landscaping businesses on minor collector roads. The Kendall County Soil and Water Conservation District requested a soil erosion and sediment control plan in place during construction and the need to secure a NPDES Permit if one (1) acre or more land was disturbed. The Petitioner has secured applicable building permits for the house from the Kendall County Planning, Building and Zoning Department and the Kendall County Health Department. The Kendall County ZPAC recommended approval of the proposal with the conditions proposed by Staff by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting are included as Attachment 10.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 27, 2021. Ron and Fran Miller were concerned about the lack of landscaping on the north side of the subject property. They noted that landscaping was planned on the west and east sides of the subject property. They were concerned about the storage of debris and equipment north of the metal building. They requested a berm and trees north of the metal building. They also provided pictures of tires laying in the field. The Petitioners were agreeable to the addition of a restriction stating that no storage of any materials or equipment related to the business allowed by this special use permit shall occur north of the northern "Proposed Limit of Landscaping Business" line as shown on the topographic survey and this same area shall be used for agricultural purposes only. This line was approximately five hundred fifty feet (550') south of the northern property line. The special use would run with the land and a future property could operate a landscaping business under the same conditions as approved by the County Board. No other business could go on the property without securing proper zoning; a trucking company could not locate on the property. Member Wilson noted that the Petitioners transformed the property on Hanson Road into a showcase. The Kendall County Regional Planning Commission recommended approval of the requested special use permit with the conditions proposed by Staff and the added condition that no storage of any materials or equipment related to the business allowed by this special use permit shall occur north of the northern "Proposed Limit of Landscaping Business" line as shown on the topographic survey and this same area shall be used for agricultural purposes only by vote of six (6) in favor and zero (0) in opposition with three (3) members absent. Member Wilson recused herself. The minutes of the meeting are included as Attachment 13.

GENERAL INFORMATION

Per Section 7:01.D.30 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zone property subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
3. No landscape waste generated off the property can be burned on this site.

If the County Board approves the outdoor storage of materials, the above conditions have been met.

BUSINESS OPERATIONS

According to the business plan found on pages 2 and 3 of Attachment 1, Zeiter Landscaping, Inc. has been in business over twenty-five (25) years. The business operates from March through November and employs ten (10) people. The business is operational Monday through Saturday. Employees arrive at the property between 6:15 a.m. and 7:00 a.m., gather supplies and equipment, and leave the property for job site by 7:30 a.m. Employees return to the property between 5:00 p.m. and 6:00 p.m., unload equipment and supplies, and leave the property.

All business related vehicles and equipment would be parked inside overnight and trailers would be parked in the rear of the property.

Employee's personal vehicles would remain on the property during business hours.

Deliveries of landscaping materials by semis would occur no more than two to three (2-3) times per week.

If approved, the Petitioners plan to start operations immediately.

BUILDINGS AND BUILDING CODES

According to the site plan (Attachment 3) and the topographic survey (Attachment 4), one (1) approximately two thousand four hundred (2,400) square foot house for the operators of the landscaping business is planned on the south side of the property. One (1) approximately twelve thousand (12,000) square foot metal building would be also be placed on the property. This building will be one (1) story with two (2) canopies.

According to the site plan (Attachment 3), four (4) storage bins for landscaping materials would be located northeast of the metal building. These bins would be approximately ten feet (10') west of the eastern property line. The bins would be a total of ninety-six feet (96') wide, eighteen feet (18') in depth, and materials as high as eight feet (8') in height.

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

ENVIRONMENTAL HEALTH

Per the site plan (Attachment 3) and the topographic survey (Attachment 4), the property is served by septic. The property also has a well. Electricity will be onsite.

Employees will be able to use the restroom inside the metal building.

There is also a propane tank on the premises located north of the metal building.

Though not shown on the site plan or topographic survey, a dumpster is planned north of the metal building.

There are three (3) natural gas pipelines going through the property.

STORMWATER

The Petitioners plan to construct the metal building on one (1) of the highest points of the property. The northern portion of the property drains to the northwest and the southern portion of the property drains to the southeast.

The topographic survey shows several temporary dirt berms around the house. These berms will be removed when construction of the house is complete.

A stormwater management permit will be required.

WBK submitted a letter requesting additional information; the letter is included as Attachment 9.

ACCESS

Per the site plan (Attachment 3) and topographic survey (Attachment 4), access from Bell Road to the business operation will be by a twenty foot (20') wide driveway located approximately twenty-five feet (25') off of the eastern property line. The driveway will be constructed of asphalt grindings. The new house will also utilize the driveway.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan (Attachment 3) the Petitioners plan to install an area around the metal building with asphalt grindings. There are five (5) parking spaces available on the east side of the area for employee parking. Trailers would be parked north of the metal building.

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

No handicapped parking spaces were planned.

If there is a motor vehicle or equipment related leak, the area impacted would be cleaned.

LIGHTING

The Petitioners indicated that they plan to install one (1) light in the middle of the metal building facing east, one (1) on the metal building facing north, and three (3) can lights under the office and garage area. Because the number of parking spaces was under thirty (30), a photometric plan was not required, but the Petitioners will be required to follow the applicable lighting regulations in the Kendall County Zoning Ordinance.

SIGNAGE

Though not shown on the site plan (Attachment 3) or the topographic survey (Attachment 4), the Petitioners would like to install one (1) two (2)-faced sign on the east side of the driveway. The sign will not be illuminated.

SECURITY

No fencing is planned.

LANDSCAPING

The topographic survey (Attachment 4) shows one (1) area south of the employee parking with mulch and evergreens. A second mulch and evergreen area is shown northwest of the metal building. Pictures of the type of vegetation that would be installed are included as Attachment 5. The plantings will consist of nine (9) eight foot (8') Colorado Blue Spruce and five (5) maple trees between two point five inches and three inches (2.5" and 3") caliber. The plantings would be installed by the end of 2021.

One (1) berm south of the metal building is shown on the topographic survey. The berm will have landscaping and evergreens. The berm shall be two point five feet (2.5') in height and five feet (5') wide.

One (1) gravel mound is shown on the topographic survey. The Petitioners plan to have it leveled by the end of November.

NOISE CONTROL

No information was provided regarding noise control.

ODORS

No new odors are foreseen by the proposed use.

RELATION TO OTHER SPECIAL USES

If approved, this would be the eighteenth (18th) special use permit for a landscaping business in unincorporated Kendall County.

FINDINGS OF FACT

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

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

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

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **If Seward Township approves the new access point, then adequate points of ingress and egress will be provided. No customers will be allowed on the property and employees will be able to use the restroom facilities inside the metal building. The owners of the business allowed by the special use permit have applied for the applicable stormwater permit.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **The special use shall conform to the applicable regulations of the district and no variances were requested.***

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

RECOMMENDATION

Staff recommends approval of the special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 3) and topographic survey (Attachment 4). A refuse area may be installed north of the metal building. One (1) two (2)-faced sign may be installed east of the driveway. The sign shall not be illuminated.
2. No storage of any materials or equipment related to the business allowed by this special use permit shall occur north of the northern “Proposed Limit of Landscaping Business” line as shown on the topographic survey (Attachment 4) and this same area shall be used for agricultural purposes only.

(Added at Regional Planning Commission)

3. The owners of the business allowed by the special use permit shall maintain the parking area and driveway shown on the site plan and in substantially the same locations as depicted on the attached site plan (Attachment 3) and topographic survey (Attachment 4). The parking area and driveway shall be asphalt grindings.
4. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored items stored on the subject property and shall promptly clean up the site if leaks occur.
5. Any new structures, signs, or lights constructed or installed on the property related to the operations of the business allowed by this special use permit shall not be considered for agricultural purposes and must secure applicable building permits.
6. Equipment and vehicles related to the business allowed by the special use permit must be stored indoors during non-operational business hours. This condition does not extend to trailers; they may be stored outdoors in the trailer parking area designated on the attached site plan (Attachment 3).
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the attached site plan (Attachment 3). The maximum height of the piles of landscaping related material shall be eight feet (8'), provided a Stormwater Management Permit is issued.
10. Nine (9) Colorado Blue Spruce, a minimum of eight feet (8') in height, and five (5) maple trees at least two point five (2.5) caliber at the time of planting shall be planted in the areas identified as landscaping and areas with mulch and evergreens and on the dirt berm as identified in the topographic survey (Attachment 4) and as visually depicted on the landscaping images included as Attachment 5. Damaged or dead trees or Colorado Blue Spruces shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. The landscaping shall be installed by December 31, 2021. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
11. No landscape waste generated off the property can be burned on the subject property.
12. A maximum of ten (10) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
13. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
14. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
15. Deliveries of materials related to the business allowed by the special use permit by semis or tractor trailers shall be restricted to a maximum of three (3) in a seven (7) day period. There shall be no cap on the number of deliveries of materials related to the business allowed by the special use permit by non-semis or non-tractor trailers.

16. The noise regulations are as follows:

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

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

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

17. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.

18. The owners or operators of the business allowed by this special use shall reside at the subject property as their primary place of residence.

19. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

20. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

21. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.

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

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

ATTACHMENTS

1. Application Materials (Including Petitioner's Findings of Fact and EcoCat)
2. NRI Report
3. Site Plan
4. Topography Survey
5. Landscaping Images
6. Aerial
7. Ordinance 2000-33
8. May 13, 2021 Seward Township Minutes
9. September 28, 2021 WBK Letter
10. October 5, 2021 ZPAC Minutes (This Petition Only)
11. October 6, 2021 Lisbon-Seward Fire Protection District Email
12. October 8, 2021 Village of Shorewood Email
13. October 27, 2021 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 <i>Brenda Zester</i>		
CURRENT LANDOWNER/NAME(s) <i>Brenda + Gary Zester Devan + Brady Woolverton</i>		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES <i>10.8</i>	<i>3549 Bell Road Minooka, IL 60447</i>	<i>09-21-100-009</i>
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
	<i>A-1 Agricultural District</i>	
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.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1 PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
<i>Brenda Zester</i>	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
2 ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER #(Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE
[REDACTED]		<i>5-17-21</i>

FEE PAID: \$12.50
CHECK # [REDACTED]

Sept 17, 21

¹Primary Contact will receive all correspondence from County

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



Zeiter Landscaping Inc.

16765 Hanson Road

Minooka, IL 60447

(815) 467-2982

The purpose for the application of the Special Use Permit is for the re-location of an already established landscaping business of 25+ years, Zeiter Landscaping Inc. Zeiter Landscaping Inc currently holds a Special Use Permit, ordinance 2000-0033, since 2001 and is located at 16765 Hanson Rd Minooka, IL. The proposed use is to operate Zeiter Landscaping Inc, as it is currently operated using the new location, 3549 Bell Rd, Minooka as a storage facility for landscaping supplies, machinery, trucks, and trailers. The business is seasonal and will operate generally from March through November and employ 10 people. Hours of operation will generally range from 6:30 am -6 pm, Monday through Saturday. Daily operation of Zeiter Landscaping Inc. would involve employees arriving on site between 6:15 am -7am and loading up supplies and equipment onto trucks and trailers and exiting the property by 7:30am. Employees would arrive in no more than 6 personal vehicles and those personal vehicles would remain on site parking on asphalt grindings. Employees would return to the property between 5-6 pm, unload equipment and supplies and promptly exit the property. All trucks and equipment will be parked inside overnight in the secured pole barn and trailers will be parked in the rear. Landscape deliveries are necessary by semi-tractor-trailers, no more frequently than two – three times weekly. No retail landscaping sales will be performed on site. Limited amounts of landscape waste are returned at the end of the day, which are promptly disposed of. There will be no fencing anywhere on the property and there is no lighted signage. The property will be screened with a mixed variety of deciduous and coniferous shrubs and trees on the perimeter adjacent to Bell Road and on both East and West property boundary lines. Asphalt grindings will be used to construct the driveway, reducing dust and

mud. The Property will be serviced by well and septic and there will be a restroom inside the pole barn accessible to the employees. There will be a single-family residence constructed to the South of the pole barn for the owner/operator of Zeiter Landscaping Inc.

In conclusion, Zeiter Landscaping Inc, holders of a Special Use Permit since 2001, is seeking to relocate to 3549 Bell Rd, Minooka. This relocation is 2 miles North of the current location of Zeiter Landscaping Inc. Zeiter Landscaping Inc has an honorable and respectable history with residential and commercial customers within Kendall County and beyond. The new property at 3549 Bell Road will be managed exceptionally well, clean, orderly and maintain a low profile.



Illinois Department of Natural Resources

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

JB Pritzker, Governor
Colleen Callahan, Director

May 17, 2021

Brenda Zeiter
Brenda Zeiter



RE: 3549 Bell Rd
Project Number(s): 2113746
County: Kendall

Dear Applicant:

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

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

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

Please contact me if you have questions regarding this review.

Adam Rawe

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

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.

no it will not be detrimental to anyone

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.

~~No~~ No it will not diminish & impair property values within the neighborhood.

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

Yes they are

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

Yes

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.

Yes

Legal Description

The East 330 Feet of the South Half of the Northwest Quarter of Section 21, Township 35 North, Range 8 East of the Third Principal Meridian, Kendall County, Illinois

QUIT CLAIM DEED

GRANTORS, **GARY ZEITER AND BRENDA ZEITER, Husband and Wife**, of the Village of Minooka, in the County of Kendall, and the State of Illinois, for and in consideration of Ten and no/100ths Dollars (\$10.00), CONVEY AND QUIT CLAIM to GRANTEES, **GARY ZEITER AND BRENDA ZEITER, Husband and Wife**, whose address is [REDACTED] and **BRADY WOOLVERTON AND DEVAN WOOLVERTON, Husband and Wife**, whose address is [REDACTED] all as joint tenants with rights of survivorship, the following described Real Estate situated in the County of Kendall and State of Illinois, to-wit:

THE EAST 330 FEET OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS.

PERMANENT TAX INDEX NO.: 09-21-100-008

COMMONLY KNOWN AS: 10.8 acres, Bell Road and O'Brien Road, Minooka, IL 60447

Subject to general real estate taxes not due and payable at time of closing; special taxes and assessments confirmed after contract date; building, building line and use or occupancy restrictions, conditions and covenants of record; zoning laws and ordinances which conform to the present usage of the premises; public and utility easements which serve the premises; public roads and highways, if any; drainage ditches, feeders, laterals and drain tile, pipe, or other conduit; if any.

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

Exempt under the provisions of Section 4, Paragraph "e", Illinois Real Estate Transfer Act

[REDACTED], October 19, 2020
Attorney

Dated: October 19, 2020

[Redacted Signature]

GARY ZEITER

[Redacted Signature]

BRENDA ZEITER

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

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

Given under my hand and official seal, this 19th day of October, 2020.

[Redacted Signature]

NOTARY PUBLIC



MAIL DEED AND TAX BILL TO
Gary and Brenda Zeiter

[Redacted Address]

THIS INSTRUMENT PREPARED BY:
John E. Rambo
KAVANAGH GRUMLEY & GORBOLD LLC
111 North Ottawa Street
Joliet, Illinois 60432
Phone (815) 727-4511



Debbie Gillette
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
)SS
COUNTY OF KENDALL)

Brenda Zeiter _____, being duly sworn on oath, states that affiant resides at _____ . And further states that: (please check the appropriate box)

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

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

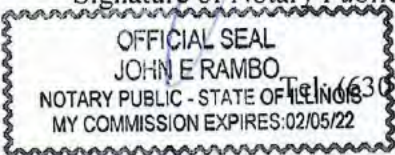
AFFIANT further states that s he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

This 19th day of October, 2020

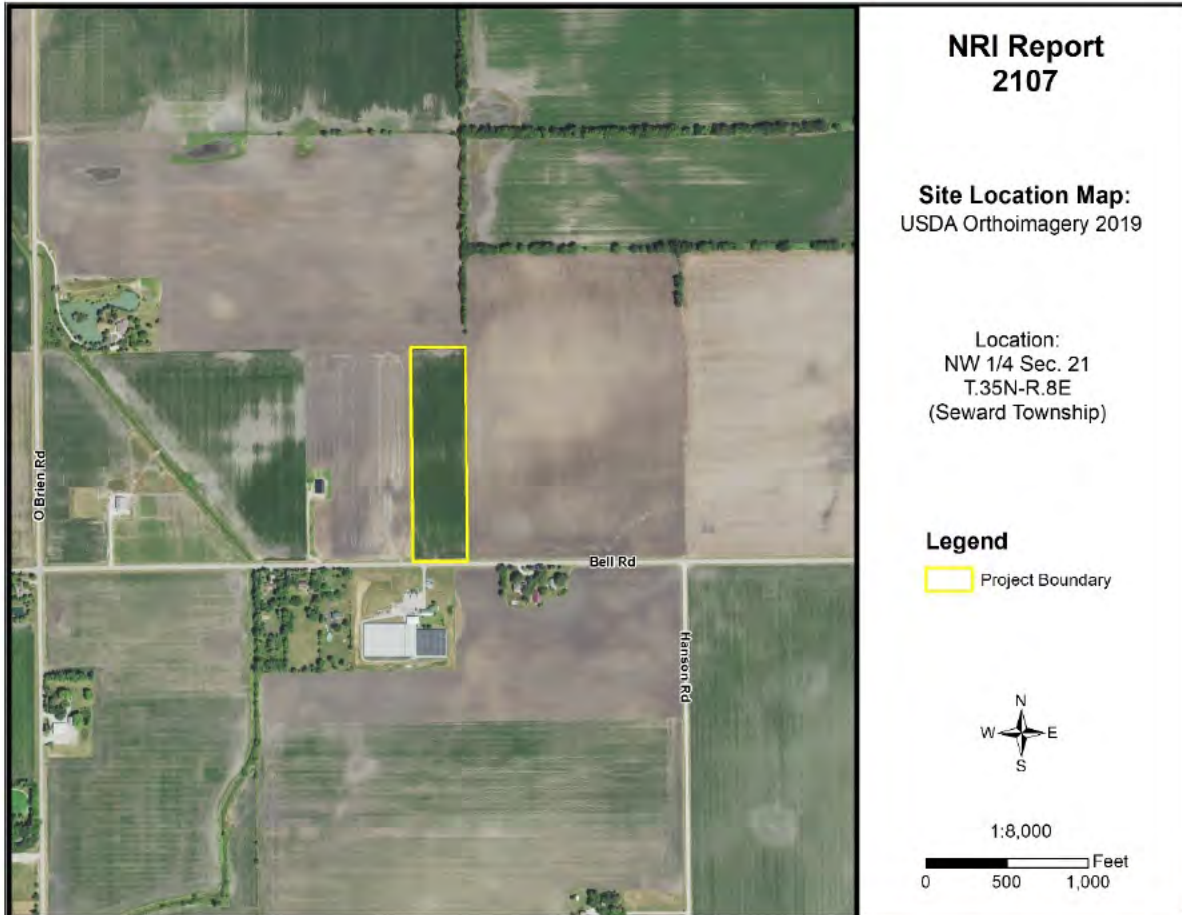
Signature of Notary Public

Signature of Affiant



111 West Fox Street, Yorkville IL 60560-1498
553-4104 • Fax: (630) 553-4119 • Email: Dgillette@co.kendall.il.us

NATURAL RESOURCE INFORMATION (NRI) REPORT: #2107



June
2021

Petitioner: Zeiter Landscaping, Inc.
Contact: Brenda Zeiter

Prepared By:



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

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

Natural Resource Information Report Number	2107
Date District Board Reviews Application	June 2021
Applicant's Name	Zeiter Landscaping, Inc.
Size of Parcel	(+/-) 10.08 acres
Current Zoning & Use	A-1 Agricultural; Cropland
Proposed Zoning & Use	A-1 Special Use; Landscaping business
Parcel Index Number(s)	09-21-100-009
Contact Person	Brenda Zeiter

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

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

PURPOSE AND INTENT

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

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

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

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

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

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

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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2107
Petitioner	Zeiter Landscaping, Inc.
Contact Person	Brenda Zeiter
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	NW ¼ of Section 21, Township 35 North, Range 8 East (Seward Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Zeiter Landscaping, Inc.
Existing Zoning & Land Use	A-1 Agricultural; Cropland
Proposed Zoning & Land Use	A-1 Special Use; Landscaping business
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	N/A
Size of Site	(+/-) 10.08 acres
Land Evaluation Site Assessment Score	Land Evaluation: 81; Site Assessment: 152

NATURAL RESOURCE CONSIDERATIONS

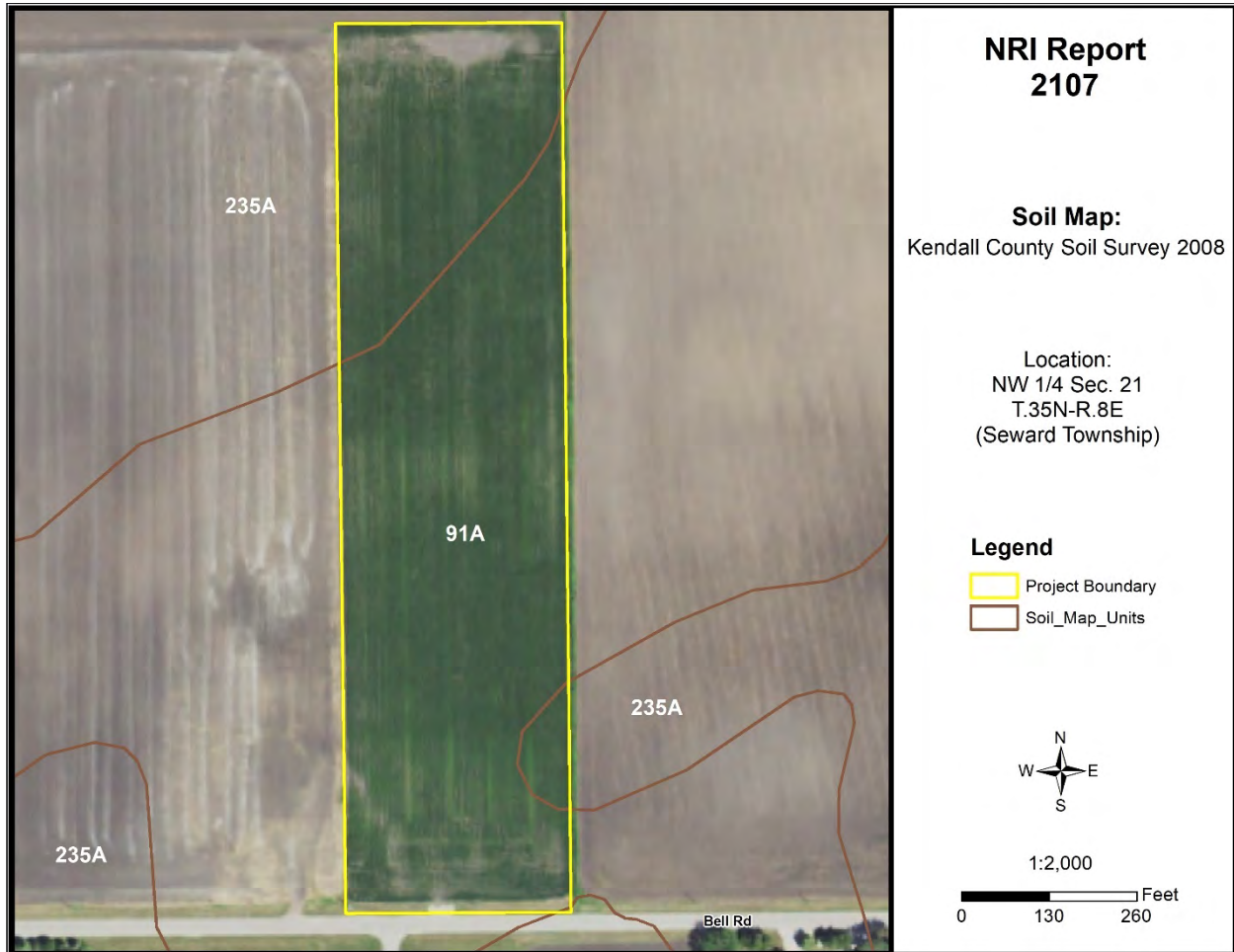


Figure 1: Soil Map

SOIL INFORMATION

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

Table 1: Soils Information

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
91A	Swygert silty clay loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric	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 hydric (235A Bryce silty clay) and one is a non-hydric soil that likely contains hydric inclusions (91A Swygert silty clay loam).

Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, one is designated as prime farmland (91A Swygert silty clay loam) and one is considered prime farmland if drained (235A Bryce silty clay).

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

Table 2: Soil Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Shallow Excavations	Lawns/Landscaping	Local Roads & Streets	Conventional Septic Systems
91A	Very Limited	Somewhat Limited	Somewhat Limited	Very Limited	Somewhat Limited	Very Limited	Suitable/Not Limited
235A	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited	Unsuitable/Very Limited: 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).

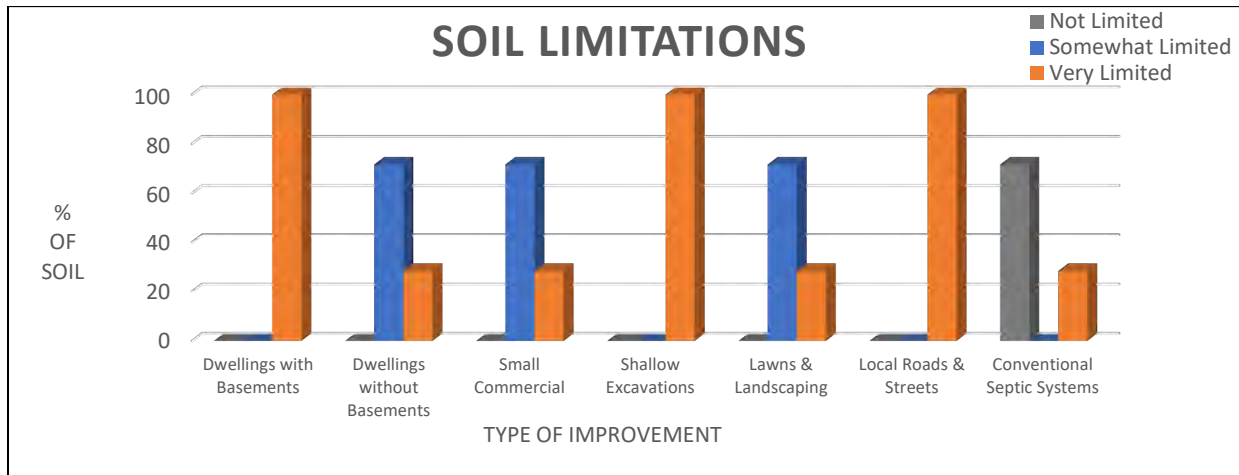


Figure 2: Soil Limitations

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - The Land Evaluation score for this site is **81**, indicating that this site is **well suited** for agricultural uses.

- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - The Site Assessment score for this site is **152**.

The **LESA Score for this site is 233 out of a possible 300, which indicates a high level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

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

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0140H (effective date January 8, 2014) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel **is not located within** the floodplain or floodway.

SEDIMENT AND EROSION CONTROL

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

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Zeiter Landscaping, Inc. for the proposed relocation of their landscaping business (A-1 Special Use permit request) within Seward Township of Kendall County located in the NW ¼ of Section 21, Township 35N, and Range 8E of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 100% are classified as prime farmland. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored an 81 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 233 out of a possible 300, which indicates a high level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for dwellings with basements, shallow excavations and local roads & streets and 28.4% are very limited for dwellings without basements, small commercial buildings and lawns/landscaping. The remaining soils are classified as either somewhat limited or not limited for these types of developments. Additionally, 28.4% of the soils are unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

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

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

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

[Redacted Signature]

SWCD Board Representative

06/14/2021
Date

PARCEL LOCATION

Location Map for Natural Resources Information Report #2107

NW ¼ of Section 21, Township 35 North, Range 8 East (Seward Township) on 10.08 acres. This parcel is located on Bell Road, east of O Brien Road, south of Route 52, and west of the Aux Sable Creek in Minooka, IL. The parcel is part of unincorporated Kendall County.

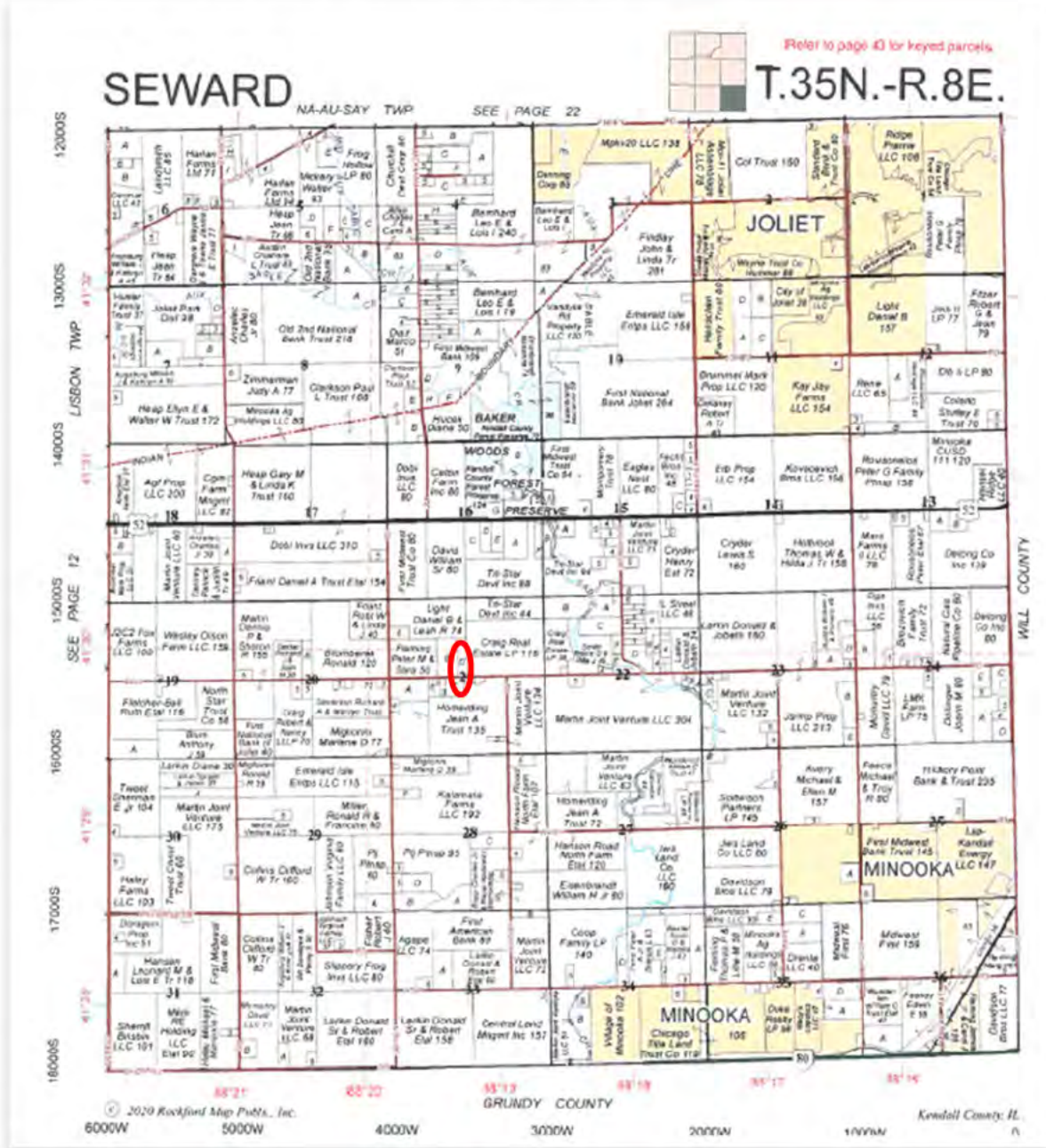


Figure 3: 2021 Plat Map

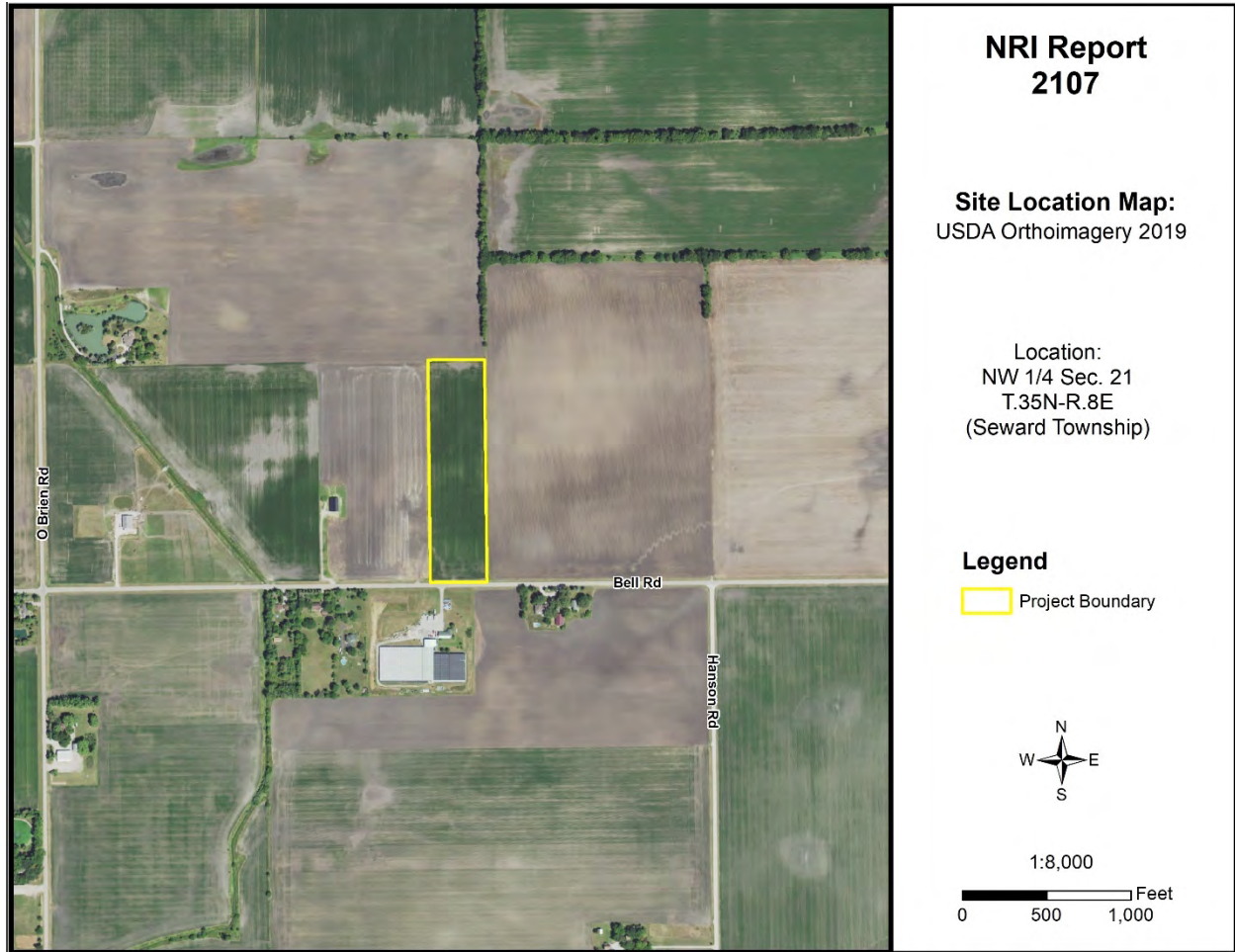


Figure 4: 2019 Aerial Map with NRI Site Boundary

ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION

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

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

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

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

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

ECOLOGICALLY SENSITIVE AREAS

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

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

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

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

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

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

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

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

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

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

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

BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL

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

Office maps indicate that ecologically sensitive area(s) are located near the parcel in question (PIQ). An unnamed tributary that connects to the Aux Sable Creek is located within approximately 1,000 feet of the parcel’s southwest corner. The tributary is located to the west of the PIQ and flows south.

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

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

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

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

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

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

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

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

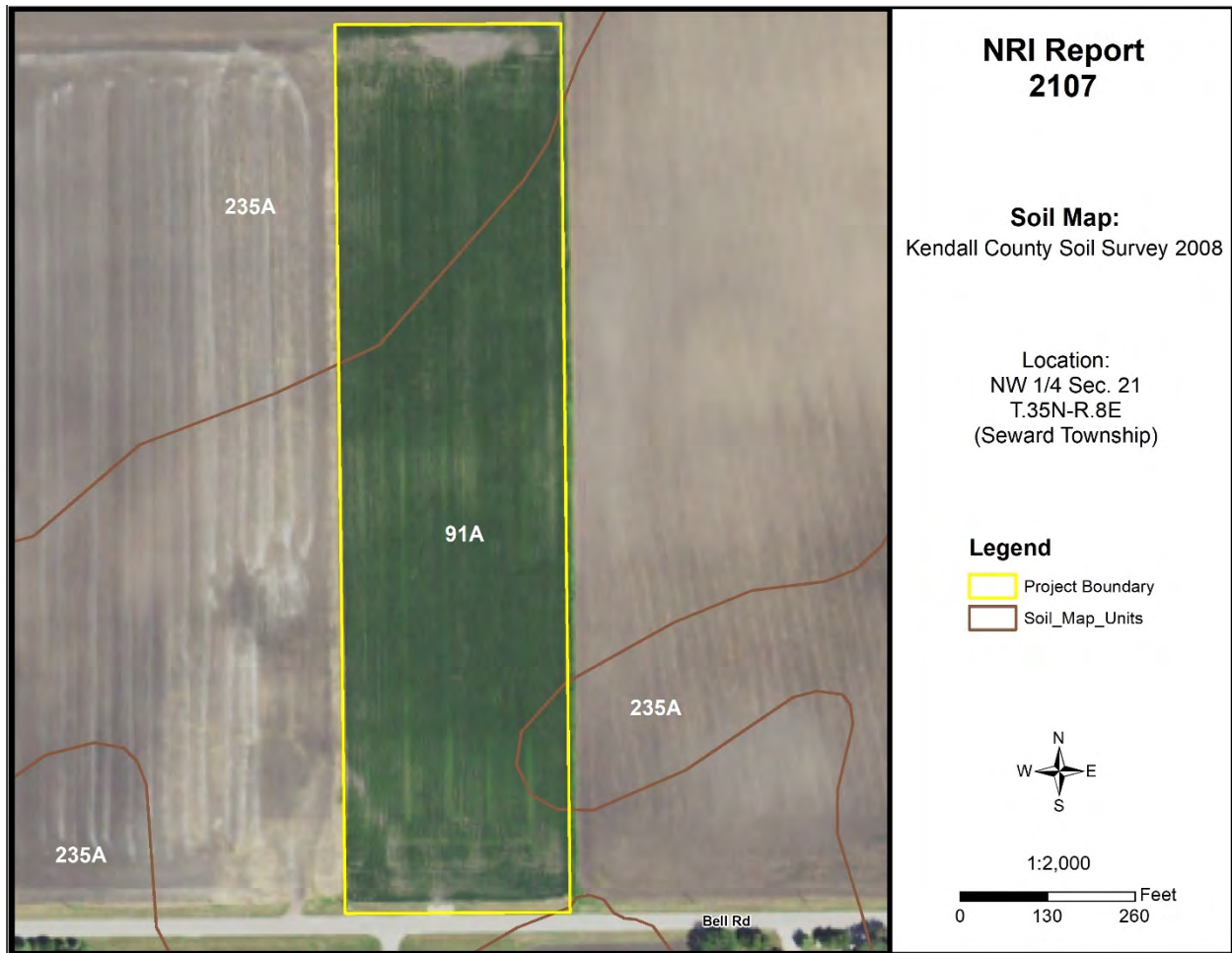


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
91A	Swygert silty clay loam, 0-2% slopes	7.2	71.6%
235A	Bryce silty clay, 0-2% slopes	2.9	28.4%

Source: National Cooperative Soil Survey – USDA-NRCS

SOILS INTERPRETATIONS EXPLANATION

GENERAL – NONAGRICULTURAL

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

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

LIMITATIONS RATINGS

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

BUILDING LIMITATIONS

BUILDING ON POORLY SUITED OR UNSUITABLE SOILS

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

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.

Dwellings without Basements – Ratings are for undisturbed soil for a house of three stories or 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.

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

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

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

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

Onsite Sewage Disposal – The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features

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

Table 4: Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Roads & Streets	Onsite Conventional Sewage Systems	Acres	%
91A	Very Limited: Depth to saturated zone; Shrink-swell	Somewhat Limited: Depth to saturated zone; Shrink-swell	Somewhat Limited: Depth to saturated zone; Shrink-swell	Very Limited: Depth to saturated zone; Dusty; Unstable excavation walls; Too clayey	Somewhat Limited: Depth to saturated zone; Dusty	Very Limited: Low strength; Frost action; Depth to saturated zone; Shrink-swell	Suitable:	7.2	71.6%
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	Very Limited: Ponding; Depth to saturated zone; Too clayey; Dusty; Unstable excavation walls	Very Limited: Ponding; Depth to saturated zone; Too clayey; Dusty	Very Limited: Ponding; Depth to saturated zone; Frost action; Low strength; Shrink-swell	Unsuitable: Wet	2.9	28.4%
% Very Limited	100%	28.4%	28.4%	100%	28.4%	100%	28.4%		



Figure 6A: Map of Building Limitations – Dwellings without Basements, Small Commercial Buildings, and Lawns/Landscaping



Figure 6B: Map of Building Limitations – Dwellings with Basements, Shallow Excavations, and Local Roads & Streets (Paved & Unpaved)

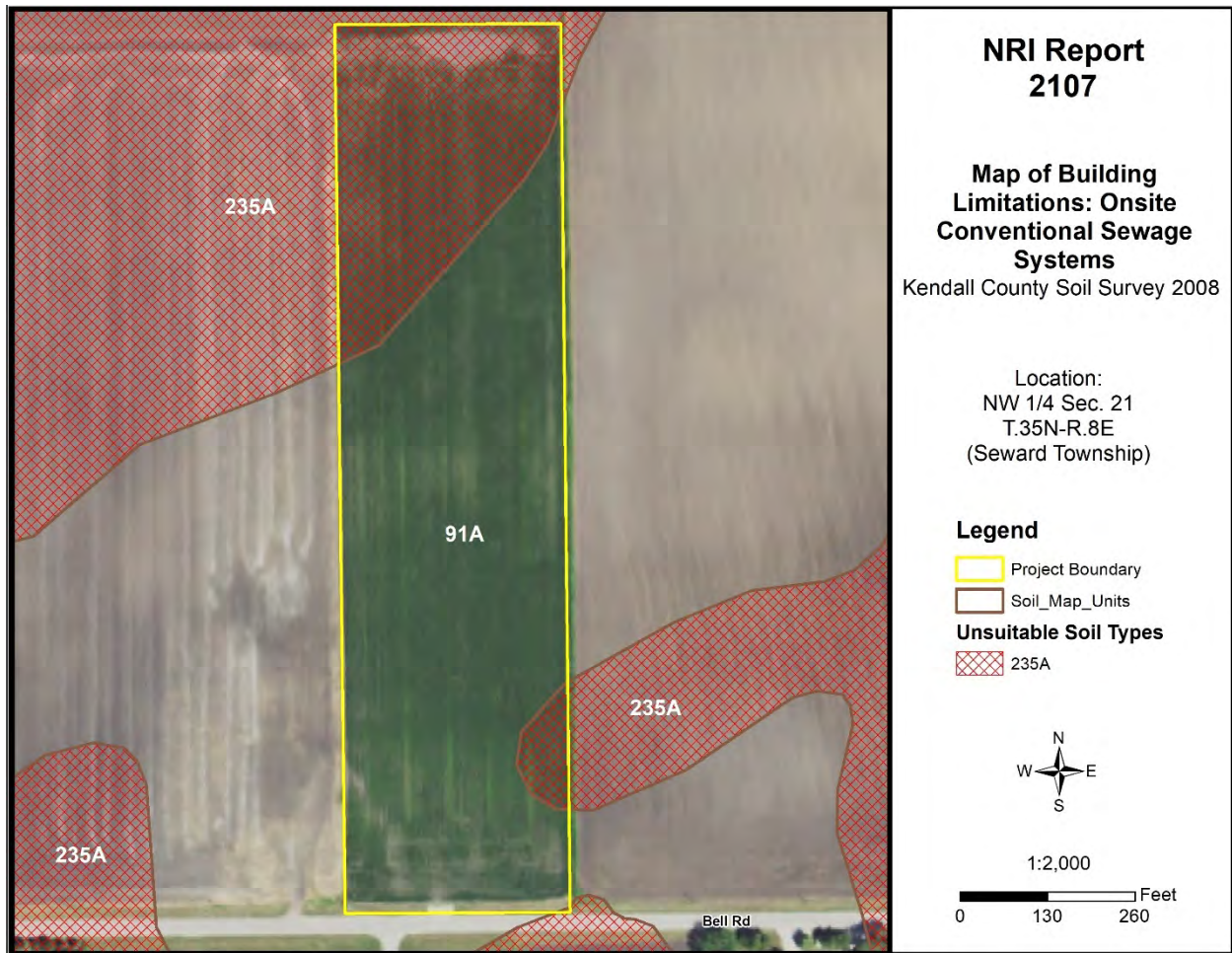


Figure 6C: Map of Building Limitations – Onsite Conventional Sewage System

SOIL WATER FEATURES

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

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

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

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

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

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

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

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

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

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

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

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

Table 5: Water Features

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

SOIL EROSION AND SEDIMENT CONTROL

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

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

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

The general principles of erosion and sedimentation control measures include:

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

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

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

Table 6: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
91A	0-2%	Slight	7.2	71.6%
235A	0-2%	Slight	2.9	28.4%

PRIME FARMLAND SOILS

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

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

Table 7: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
91A	Prime Farmland	7.2	71.6%
235A	Prime Farmland (if drained)	2.9	28.4%
% Prime Farmland	100%		

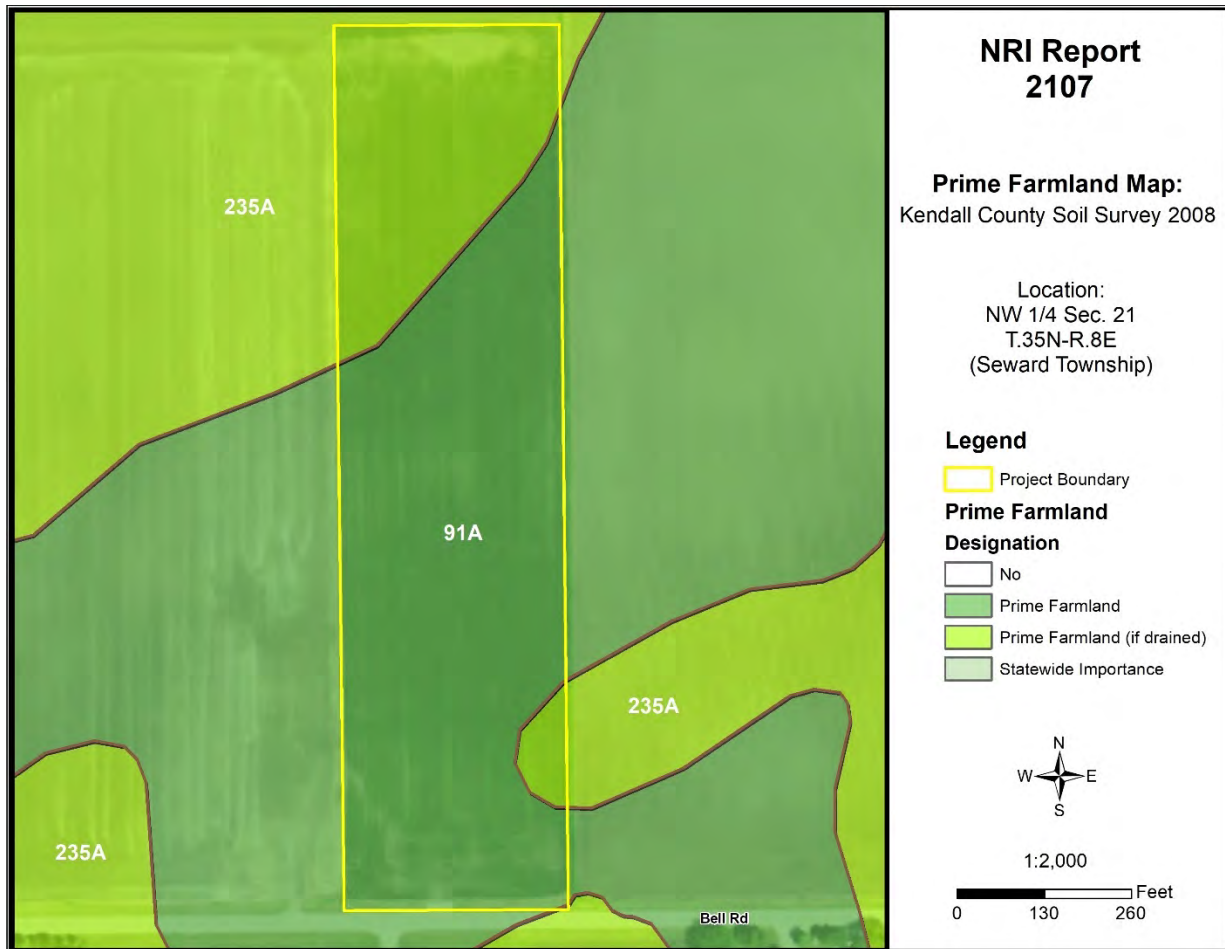


Figure 7: Map of Prime Farmland Soils

LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

LAND EVALUATION (LE)

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

SITE ASSESSMENT (SA)

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

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

Table 8A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
91A	4	79	7.2	568.8
235A	3	87	2.9	252.3
Totals			10.1	821.1
LE Calculation			(Product of relative value / Total Acres)	
			821.1 / 10.1 = 81.3	
LE Score			LE = 81	

The Land Evaluation score for this site is 81, indicating that this site is designated as prime farmland that is well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 8B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	20
	4. Size of site. (30-15-10-0)	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)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	15
	4. Distance from fire protection service. (10-8-6-2-0)	10
	Site Assessment Score:	152

The Site Assessment score for this site is 152. The Land Evaluation value (81) is added to the Site Assessment value (152) to obtain a LESA Score of 233. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 9: LESA Score Summary

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

Land Evaluation Value: 81 + Site Assessment Value: 152 = LESA Score: 233

The LESA Score for this site is 233 which indicates a high level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

LAND USE PLANS

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

DRAINAGE, RUNOFF, AND FLOOD INFORMATION

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

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

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

WHAT IS A WATERSHED?

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

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

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

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

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

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

IMPORTANCE OF FLOOD INFORMATION

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

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

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

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

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

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

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

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

This parcel is located on gradual topography (slopes 0 to 2%) with an elevation of approximately 580' above sea level. According to the FIRM map, the parcel in question does not contain floodway or floodplain. The parcel drains southwest towards an unnamed tributary, which eventually flows into Aux Sable Creek.

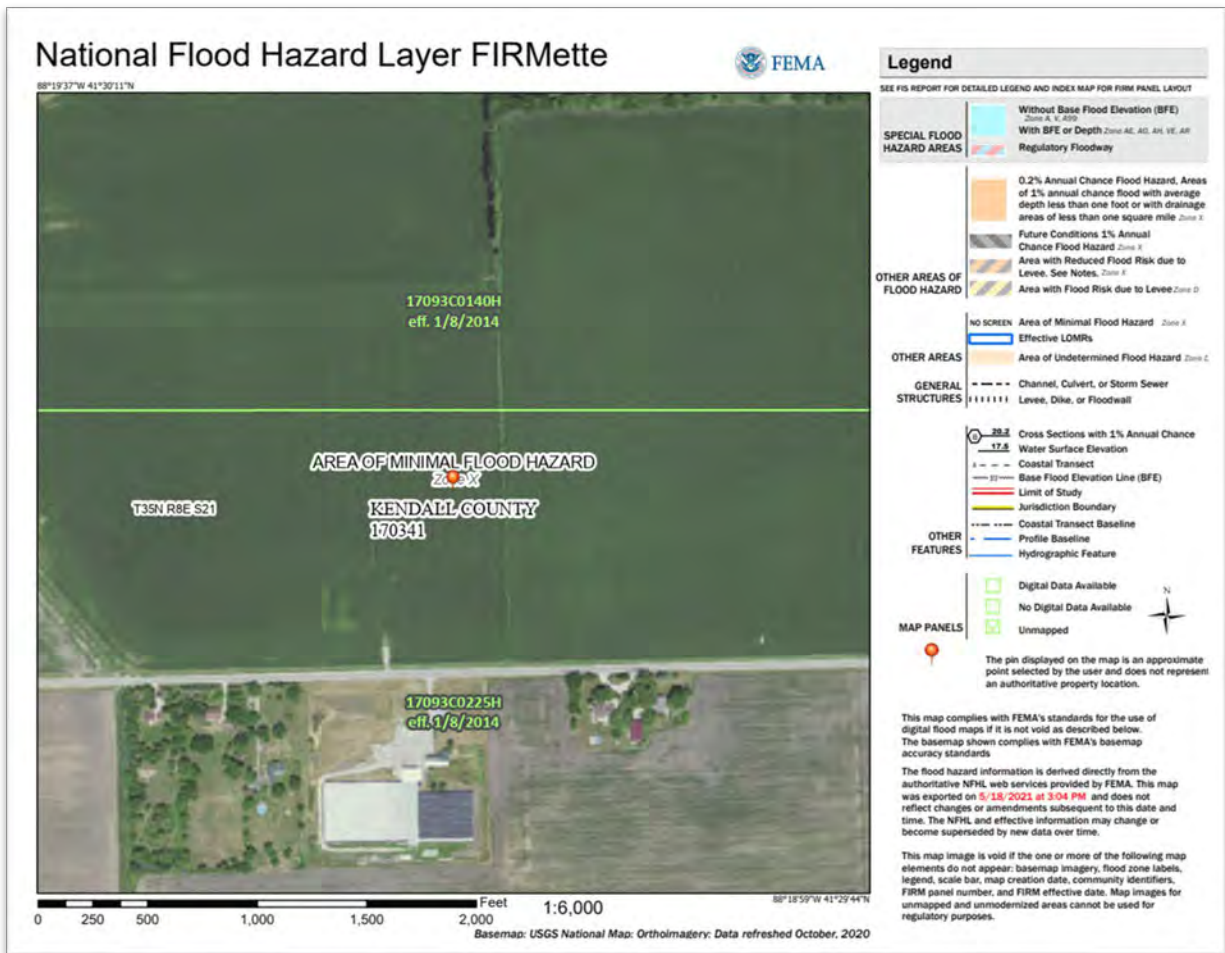


Figure 8: FEMA Floodplain Map

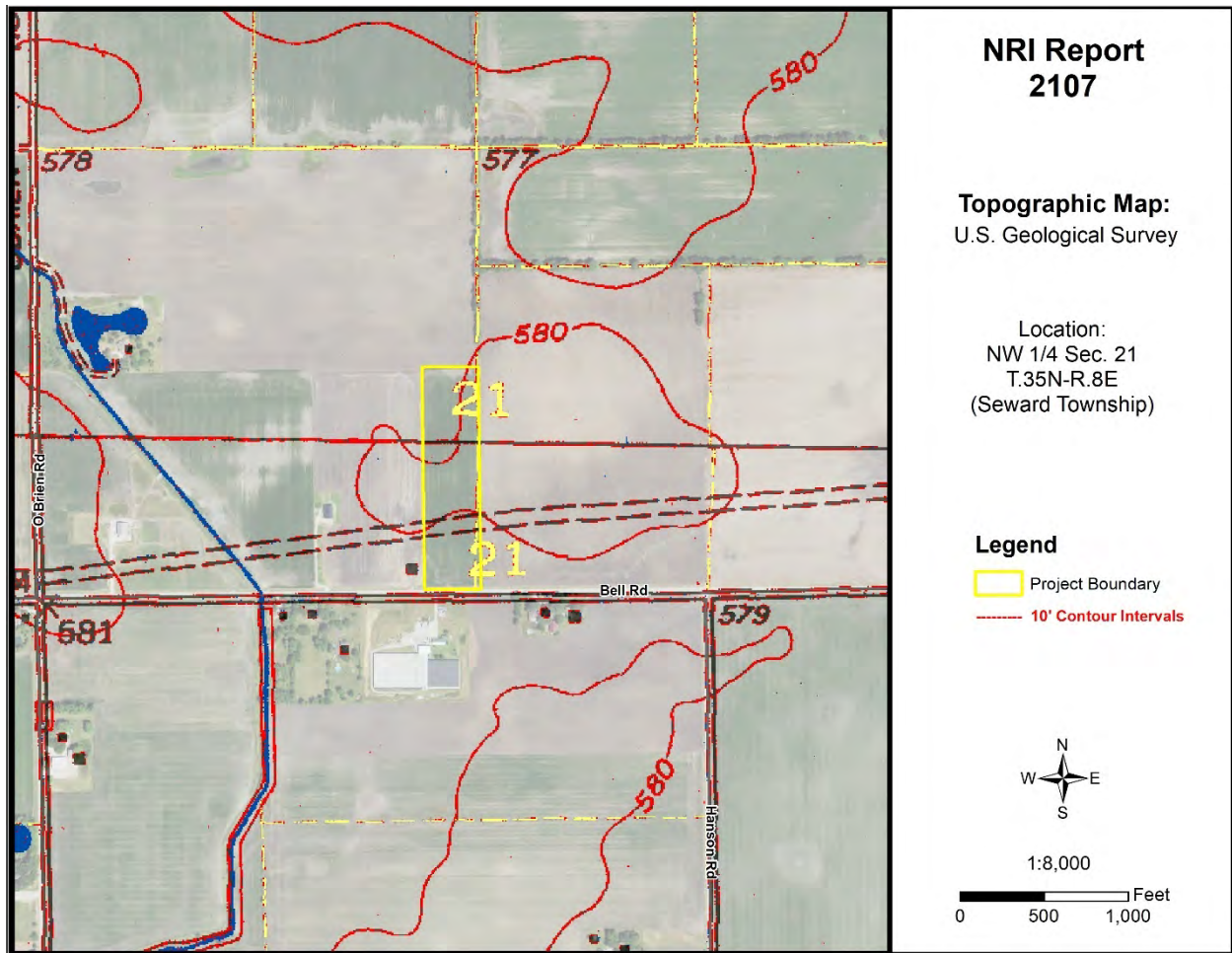


Figure 9: USGS Topographic Map

WATERSHED PLANS

WATERSHED AND SUB WATERSHED INFORMATION

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

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

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

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

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

WETLAND INFORMATION

IMPORTANCE OF WETLAND INFORMATION

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

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

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

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

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

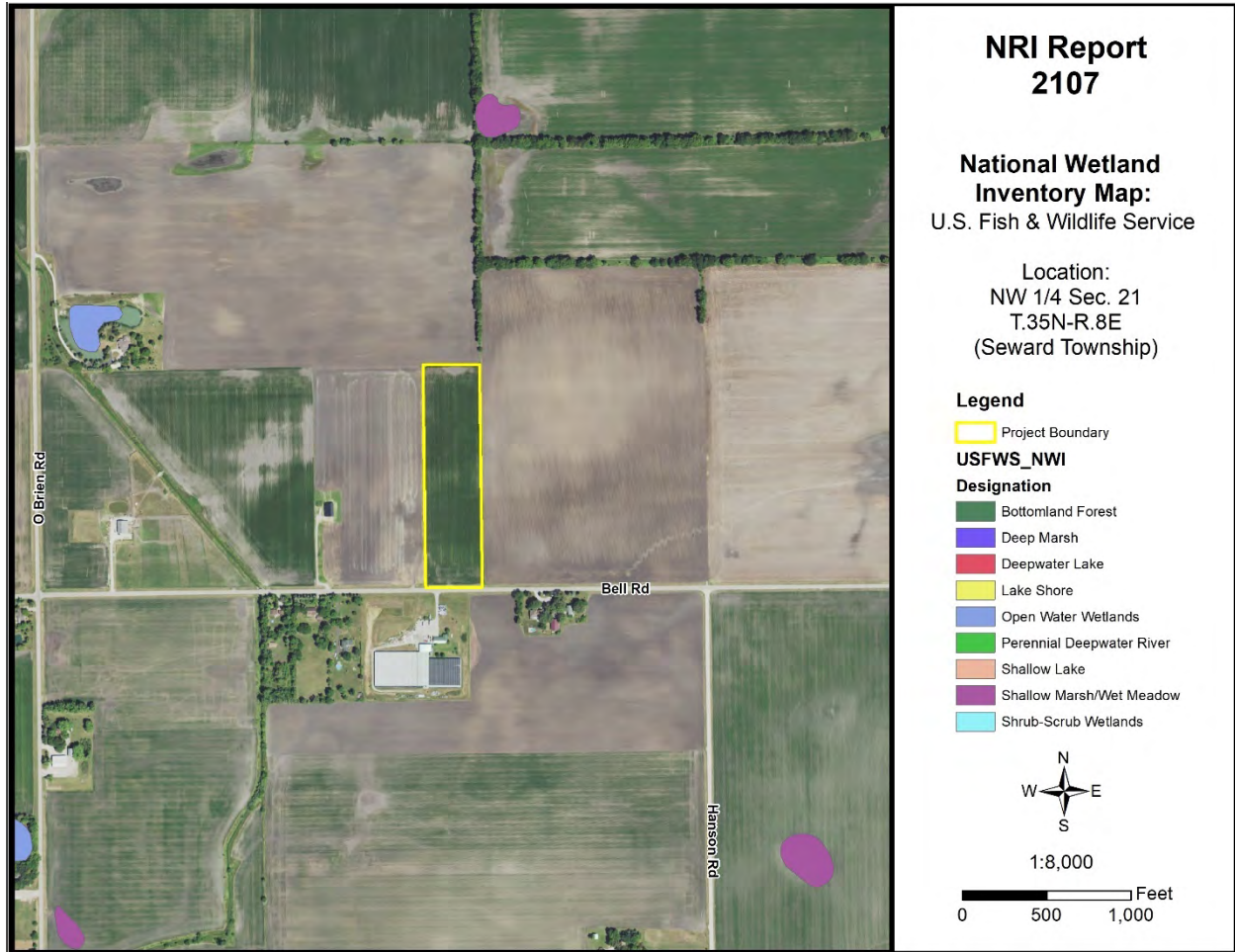


Figure 10: Wetland Map – USFWS National Wetland Inventory

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

HYDRIC SOILS

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

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

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

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

Table 10: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
91A	Somewhat Poorly Drained	Non-Hydric	Yes	7.2	71.6%
235A	Poorly Drained	Hydric	No	2.9	28.4%

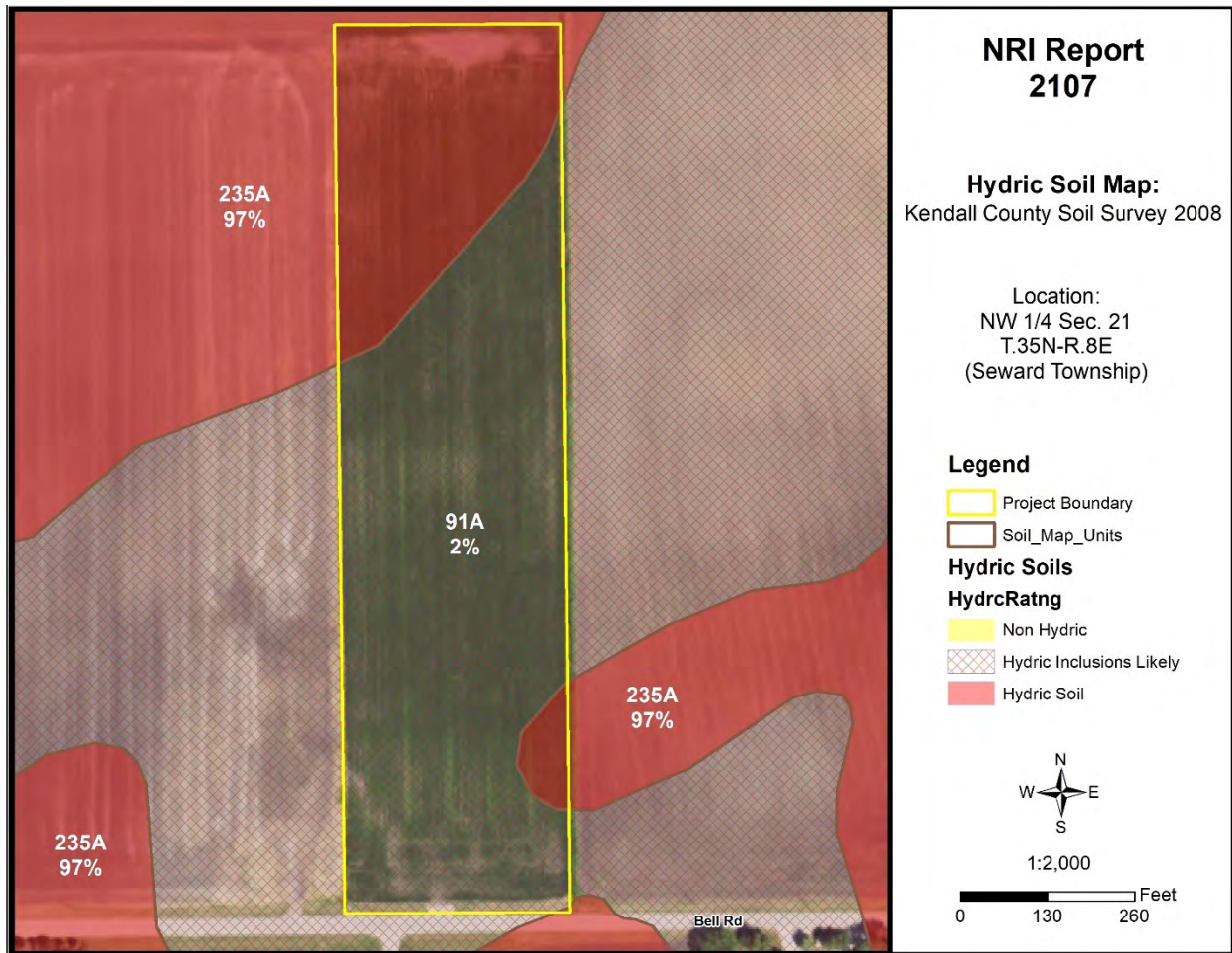


Figure 11: Hydric Soil Map

WETLAND AND FLOODPLAIN REGULATIONS

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

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

WHO MUST APPLY?

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

REGULATORY AGENCIES

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

COORDINATION

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

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

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PALUSTRINE - Name given to inland freshwater wetlands.

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

PIQ - Parcel in question

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

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

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

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

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

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

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

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

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

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

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

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

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

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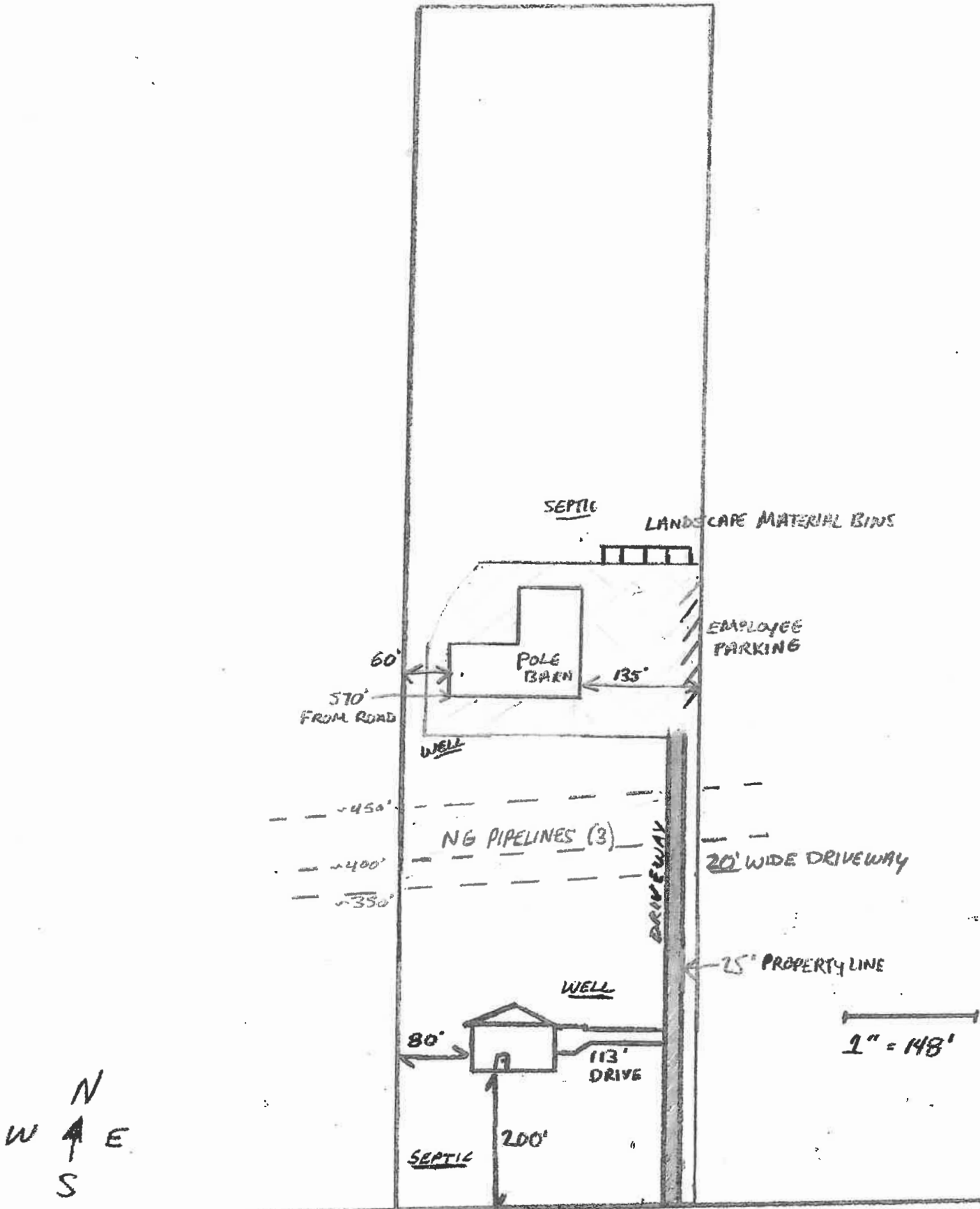
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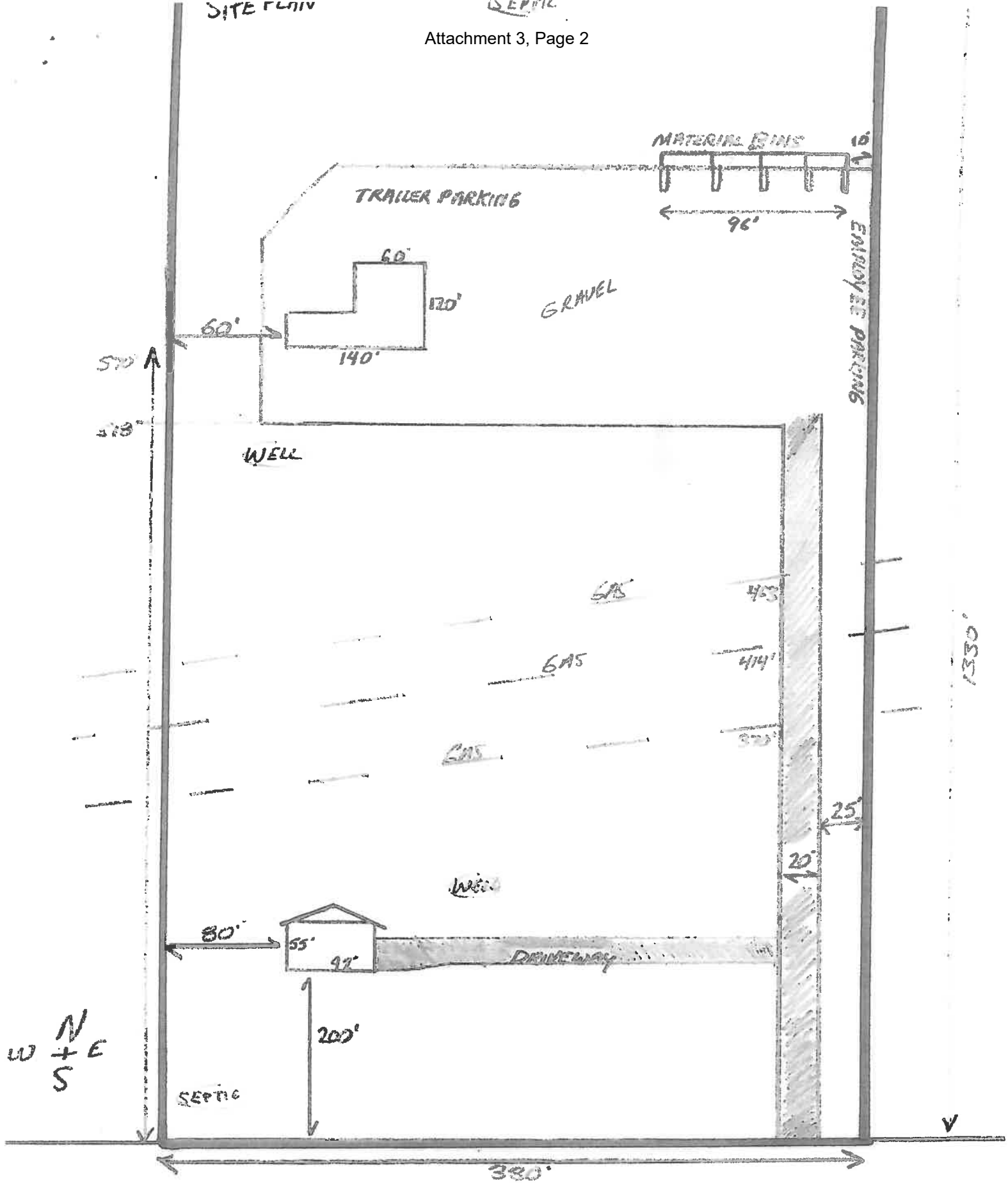
The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

SITE PLAN

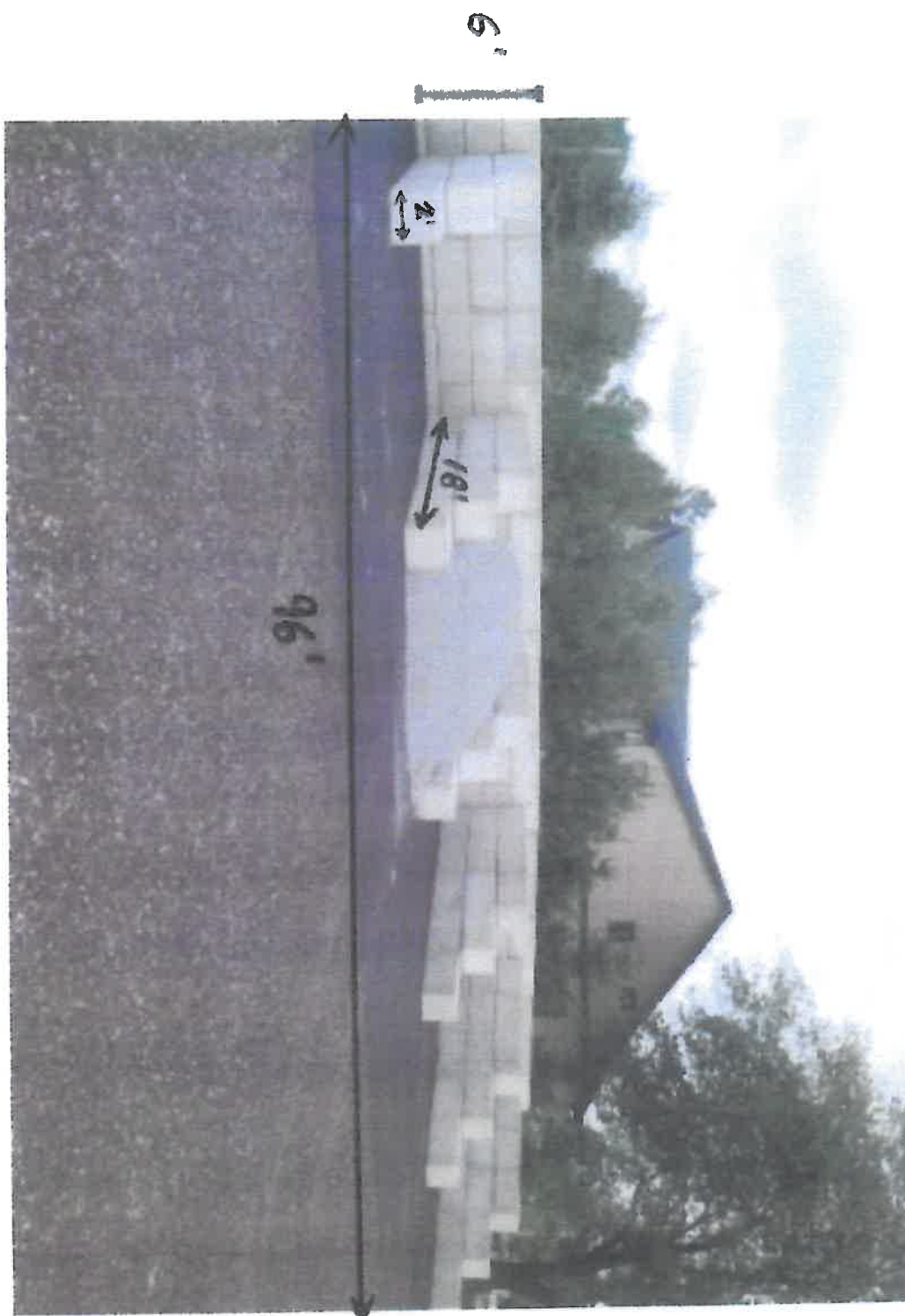
Attachment 3, Page 1



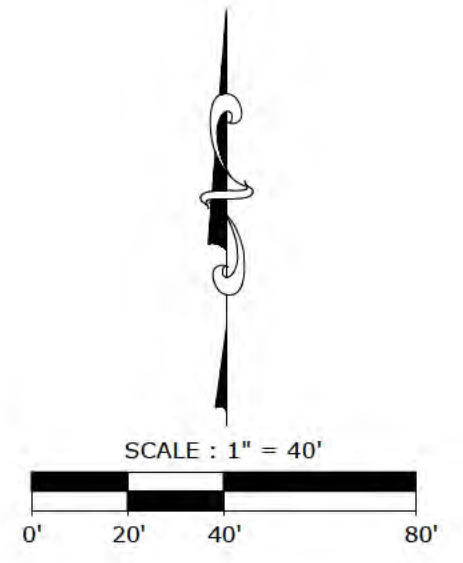
3549 BELL Rd.
100



3549 Bell Rd

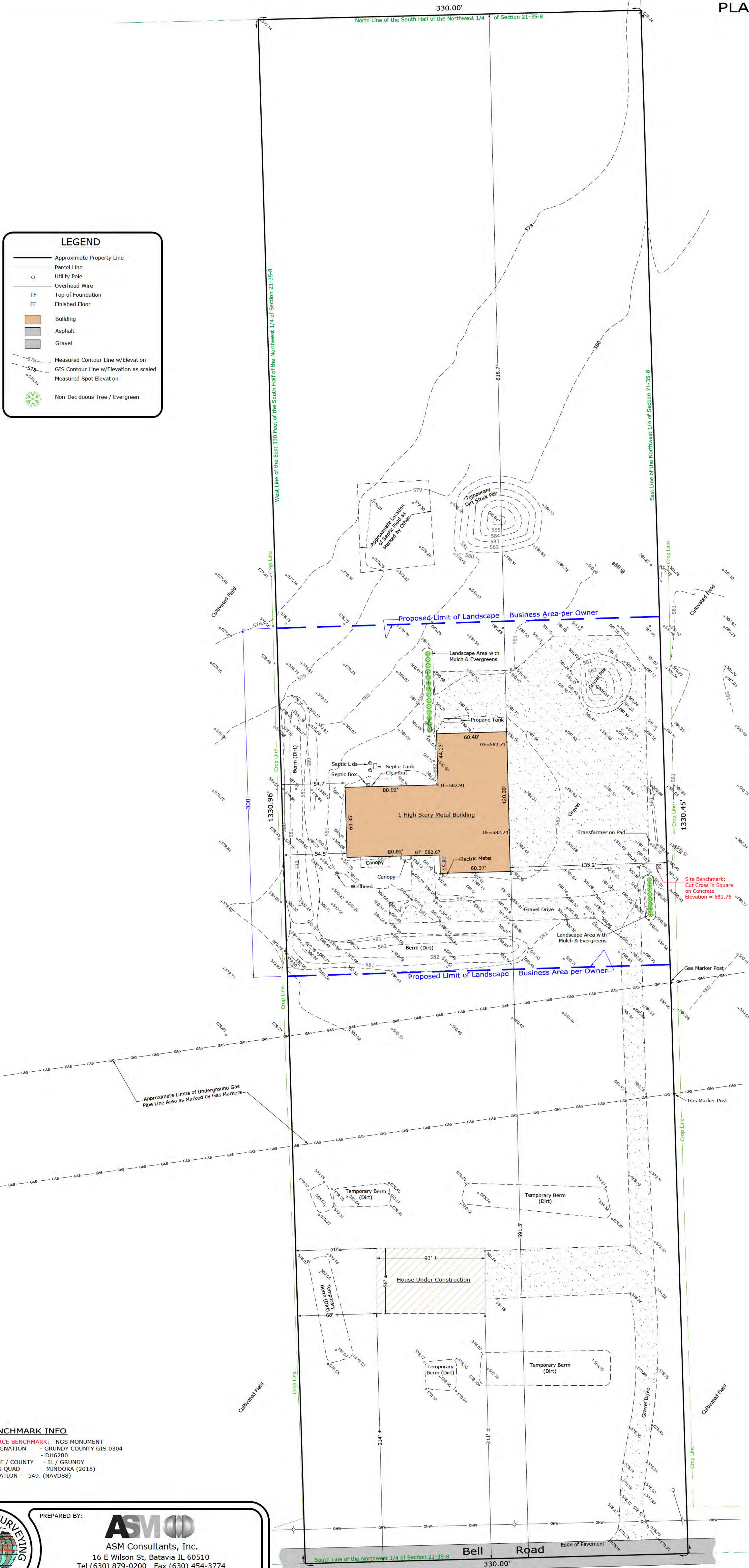


PLAT OF TOPOGRAPHIC SURVEY



LEGEND

- Approximate Property Line
- Parcel Line
- Utility Pole
- Overhead Wire
- TF Top of Foundation
- FF Finished Floor
- Building
- Asphalt
- Gravel
- 578- Measured Contour Line w/Elevation on
- 578- GIS Contour Line w/Elevation as scaled
- 578- Measured Spot Elevation on
- 🌳 Non-Deciduous Tree / Evergreen



LEGAL DESCRIPTION

THE EAST 330 FEET OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS.

(WARRANTY DEED DOCUMENT 201800008859, RECORDED 6/26/2018)

SURVEYOR NOTES

THE PERMANENT PARCEL INDEX NUMBER FOR THE PROPERTY DESCRIBED HEREON IS 09-21-100-008.

PROPERTY LINES DEPICTED HEREON ARE BASED ON PREVIOUS PLAT OF SURVEY BY OTHERS.

THE PROPERTY DESCRIBED HEREON CONTAINS 439,127 SQUARE FEET OR 10.081 ACRES, MORE OR LESS.

PROPERTY COMMONLY KNOWN AS:
3549 BELL ROAD
MINOOKA, IL 60447

THE SURVEYOR EXPRESSES NO OPINION AS TO THE ACCURACY OF ANY UNDERGROUND UTILITIES WHEN NOT READILY VISIBLE FROM THE SURFACE. IT IS RECOMMENDED THAT THE APPROPRIATE GOVERNMENTAL AGENCY, MUNICIPALITY AND/OR UTILITY COMPANY BE CONTACTED FOR VERIFICATION.

THE FLOOD INSURANCE RATE MAP SHOWS THAT THE PROPERTY DESCRIBED HEREON IS FALLING WITHIN ZONE "X", ACCORDING TO THE COMMUNITY PANEL NUMBER 170341, KENDALL COUNTY, FOUND ON MAP NUMBER 17093C025SH, KENDALL COUNTY, ILLINOIS AND INCORPORATED AREAS, EFFECTIVE DATE OF JANUARY 8, 2014.

ZONE "X" IS AREAS OF MINIMAL FLOOD HAZARD.

A CURRENT TITLE REPORT WAS NOT FURNISHED TO US FOR OUR USE IN PREPARING THIS SURVEY. THEREFORE THERE MAY BE ADDITIONAL EASEMENTS AND/OR SERVITUDES AFFECTING THIS PROPERTY WHICH ARE NOT SHOWN ON THIS SURVEY.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF KANE } SS

I, CAROL A. SWEET-JOHNSON, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON, BEING COMPLETED IN THE FIELD ON 9/9/2021, IS A CORRECT REPRESENTATION OF A SURVEY PERFORMED AT AND UNDER MY DIRECTION.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A TOPOGRAPHIC SURVEY.

ALL DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL
THIS 16TH DAY OF SEPTEMBER, A.D. 2021.

CAROL A. SWEET-JOHNSON
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. [REDACTED]
LICENSE EXPIRES 11/30/2022

PREPARED FOR:

ZEITER LANDSCAPING, INC.
16765 Hanson Road
Minooka, IL 60447

NO.	DATE	REVISION
1.	9/9/2021	FIELD SURVEY COMPLETED
2.	9/16/2021	FINAL SURVEY COMPLETED

SITE DESIGNATION INFORMATION:
3549 BELL ROAD
MINOOKA, IL 60447

PROJECT NO. 641002

TOPO

DRAWN BY: PS CHECKED BY: CSJ

BENCHMARK INFO

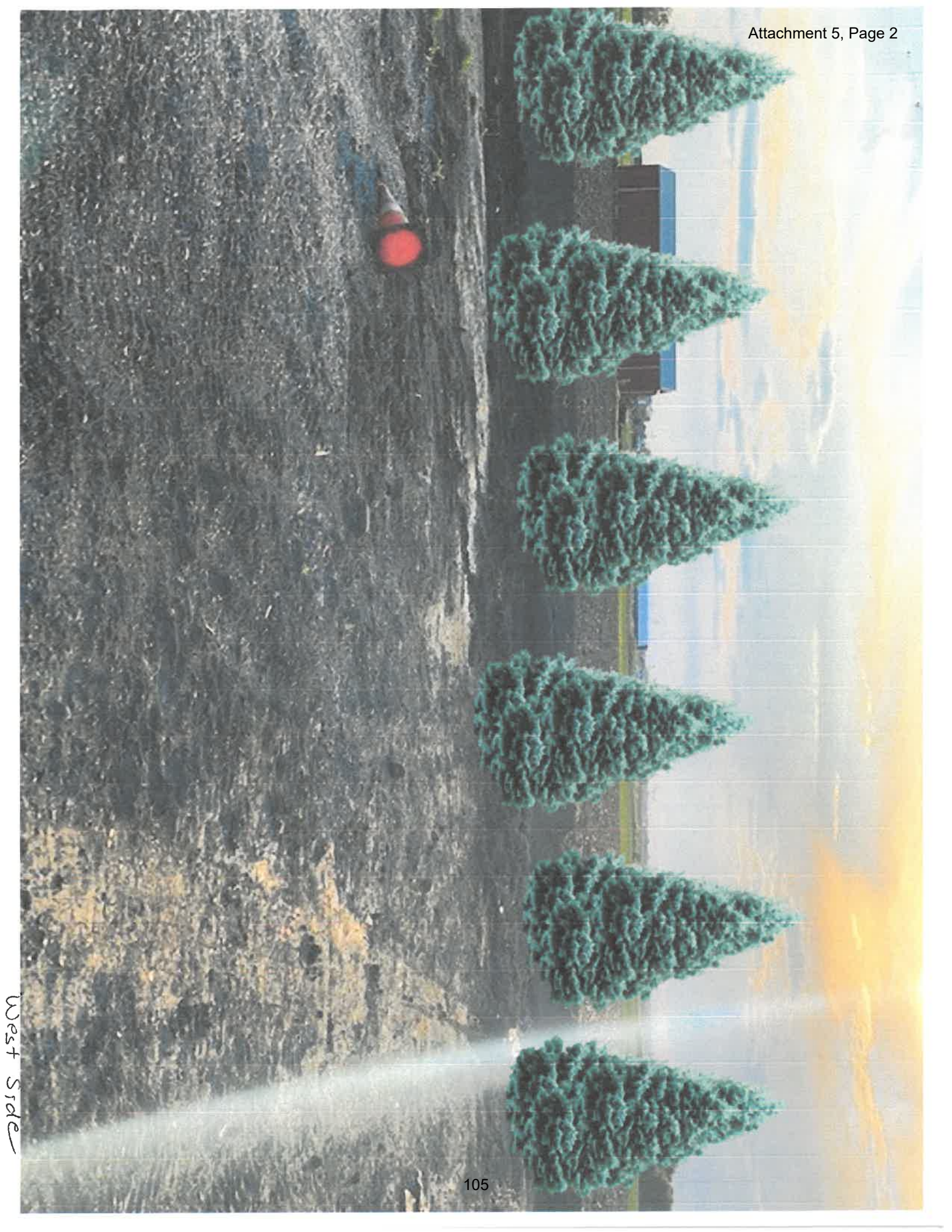
SOURCE BENCHMARK: NGS MONUMENT
DESIGNATION: GRUNDY COUNTY GIS 0304
PID: DH6200
STATE / COUNTY: IL / GRUNDY
USGS QUAD: MINOOKA (2018)
ELEVATION: 549. (NAVD83)

PREPARED BY:

ASMC
ASM Consultants, Inc.
16 E Wilson St, Batavia IL 60510
Tel (630) 879-0200 Fax (630) 454-3774
advct@advct.com
Professional Design Firm #184-006014 expires 4/30/2023





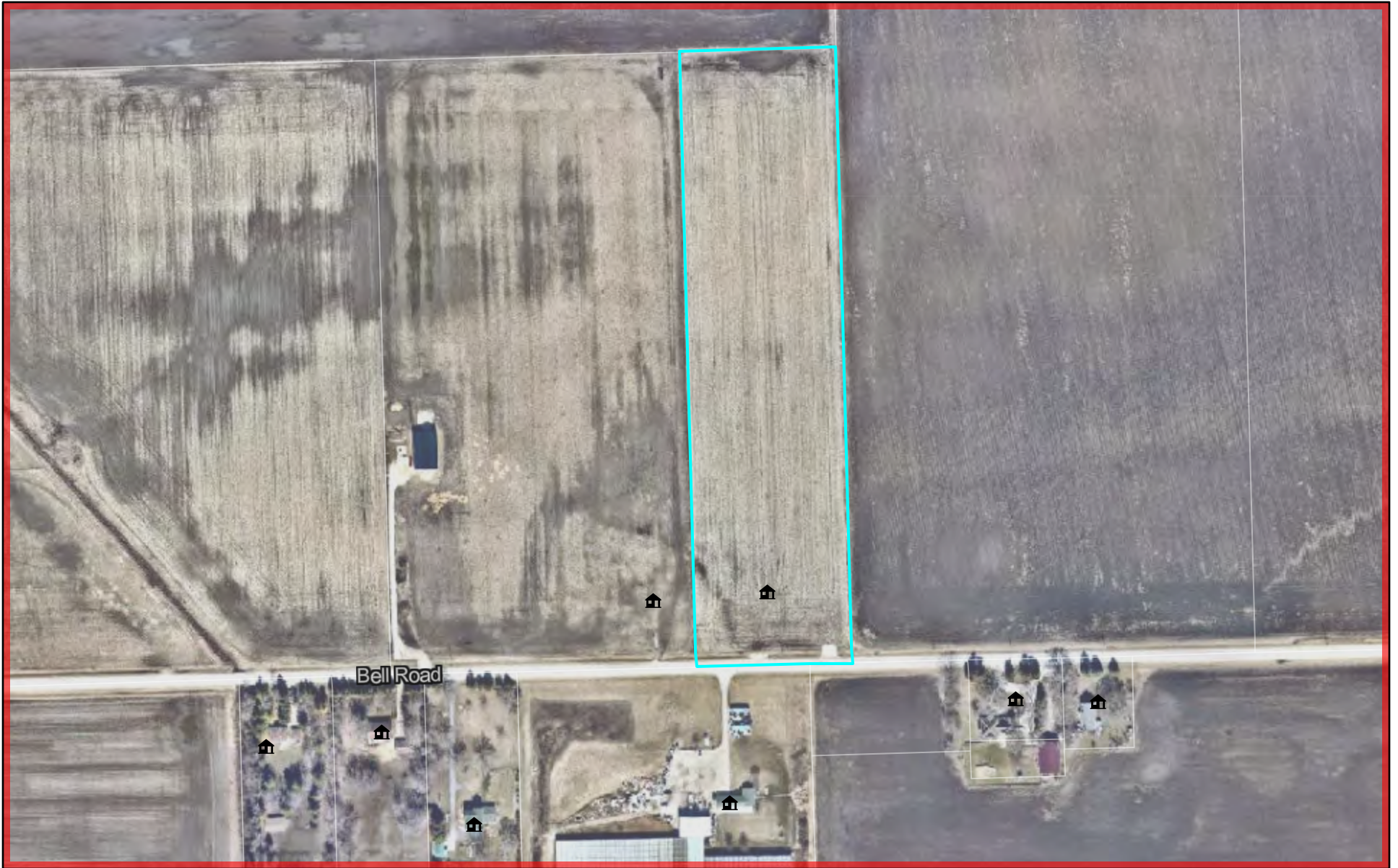


West Side




East Side

Attachment 6

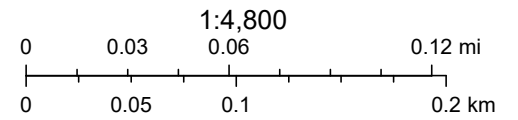


July 15, 2021

 Kendall County Address Points

Parcels

Ownership Parcel



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

State of Illinois
County of Kendall

09-28-400-013

✓
Zoning Petition
#0043

ORDINANCE NUMBER 2000-0033

GRANTING SPECIAL USE

ZEITER

Special Use for Truck Storage and Landscaping Equipment

WHEREAS Gary and Brenda Zeiter, record owners, filed a petition for a Special Use within the A-1 District, for property located at 16765 Hanson Road in Section 28 of Seward Township; and

WHEREAS said petition is for the storage of trucks and landscaping equipment, as provided in Section 7.01 D-26 of the Kendall County Zoning Ordinance; and

WHEREAS said property is zoned A-1 Agricultural District; and

WHEREAS said parcel is part of property identified with the tax identification number 09-28-400-009 and is legally described on the attached Exhibit "A": Legal Description; and

WHEREAS all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation of approval by the Zoning Board of Appeals; and

WHEREAS the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, 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 approves a special use zoning permit for the storage of trucks and landscaping equipment, subject to the following conditions:

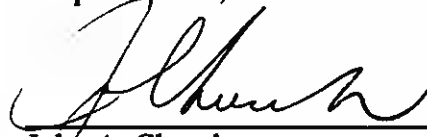
1. The special use shall substantially conform to the site plan, attached hereto as Exhibit "B". Any expansion of the special use (excluding residential use) shall require an amendment to the special use ordinance.
2. Any signs shall conform to the A-1 District.
3. Dedication of 35 feet of right-of-way for Hanson Road shall be dedicated within 30 days of the date of this ordinance.
4. Hours of delivery shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday.

Zeiter - 0043

Page 2

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 September 19, 2000



John A. Church
Kendall County Board Chairman

Attest:



Paul Anderson
Kendall County Clerk

**EXHIBIT A: LEGAL DESCRIPTION
SPECIAL USE**

Legal Description:

That part of the West Half of the Southeast Quarter of Section 28, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:

Commencing at the Southeast Corner of the West Half of said Southeast Quarter; thence northerly, along the East Line of said West Half of said Southeast Quarter, 1018.13 feet for the point of beginning; thence westerly, perpendicular to the last described course, 544.50 feet; thence northerly, parallel with said East Line, 400.0 feet; thence easterly, perpendicular to the last described course, 544.50 feet to said East Line; thence southerly, along said East Line, 400.0 feet to the point of beginning in Seward Township, Kendall County, Illinois and containing 5.000 acres.

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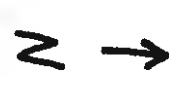
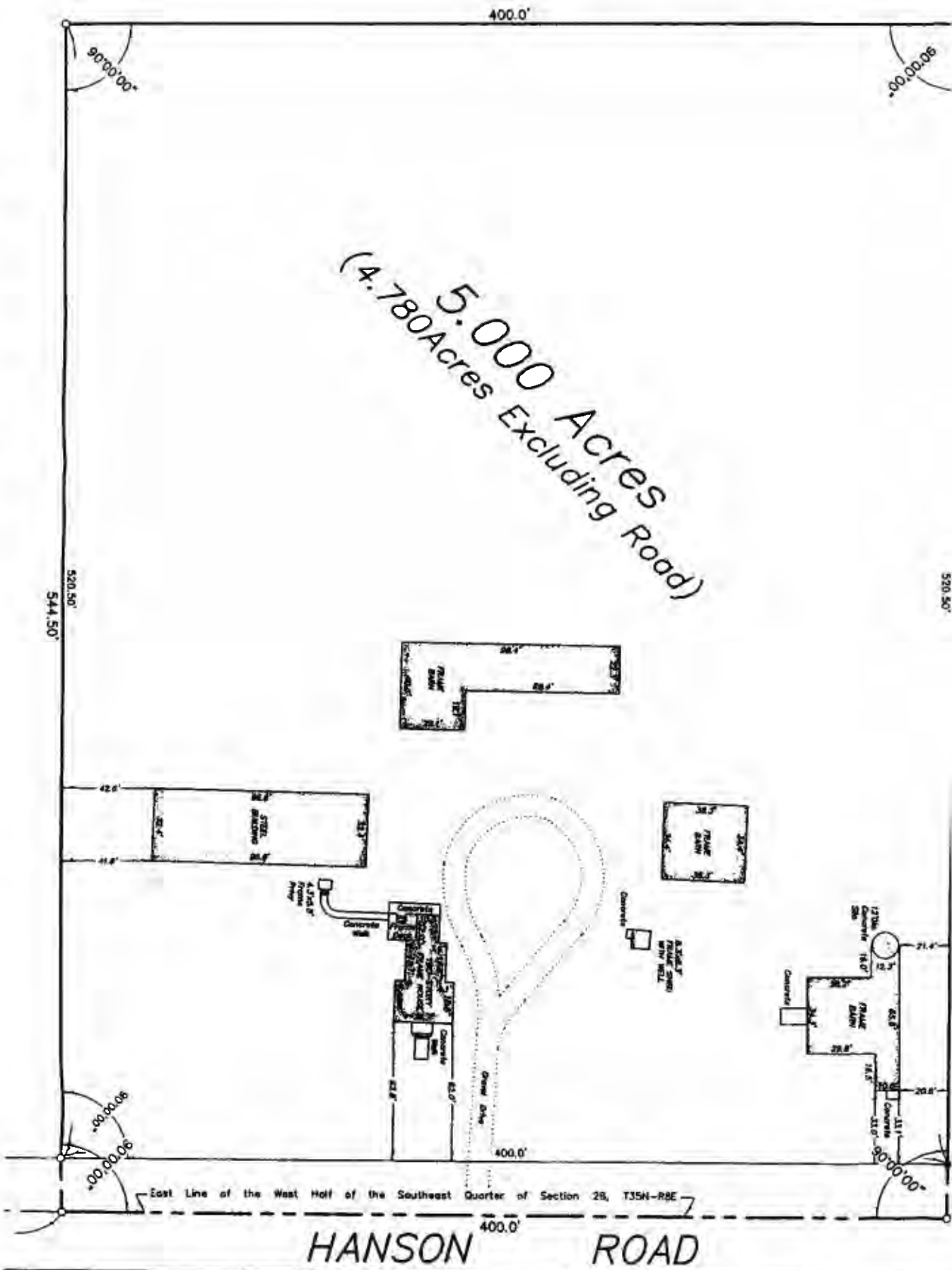


Exhibit B - Site Plan



HANSON ROAD

SEWARD TOWNSHIP PLAN COMMISSION MINUTES

May 13, 2021

The Seward Township Plan Commission met on May 13, 2021 at 4:00 p.m. Members present included Rob Lombardo, Jessica Nelson and Suzanne Casey. Following the pledge to the flag, Chairman Lombardo initiated discussion of the proposal under consideration.

Approval of the minutes from the January 14, 2020 meeting was made.

Petitioner Brenda Zeiter was present to represent the request of Zeiter Landscaping. (see attached proposal). Questioning revealed nothing of concern and revealed this would be a plan to be phased in over the summer, moving the business from Hansen to Bell Road by Fall. It should be noted that this has been a previously approved, long standing business and they are requesting a location change only. The committee recommends the proposal move forward to the Township and then to the County. Copy of the Petition is attached.

Under Old Business, a review of previously approved projects was updated. These included the new Veterinary /Doggie Day care currently under construction. All seems to be going as designed and approved. Some conversation about the status of the Sports Dome complex was had, with little updates noted. A brief discussion of the mounds of bark accumulating at the corner of County Line and US Route 52 resulted in little understanding of what was occurring there. The impact on the future development of the township, right at the border of the Shorewood/Seward line was the focus of both construction and traffic concerns there.

These minutes are being copied to both the Seward Township Board and to Matt Asselmeier. It is our understanding that the Regional Plan Commission does not meet until June 1, so that should give the new administration of the Township ample time to move this on to Mr. Asselmeier.

Finally, the committee accepted the resignation of Mr. Rob Lombardo due to conflict of interests going forward and we have not yet received, but understand a letter of resignation is forthcoming from Daniel Dugan. That will mean 2 seats will be filled, and candidates are already in process for appointment.

Discussion around establishing a routine monthly time for meetings resulted in the 2nd Tuesday of the month, at 7:00 p.m., just prior to the monthly township board meetings.

The meeting adjourned at 4:30 p.m.

Minutes submitted by Suzanne Casey

May 14, 2021



September 28, 2021

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

Subject: 3549 Bell Road (WBK Project 19-102.AG)

Dear Mr. Asselmeier:

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

- E-mails from Brenda Zeiter dated 9-20-2021 and received on September 20, 2021
- Site Plan no preparer identified nor dated and received on September 20, 2021
- Topographic Survey prepared by ASM Consultants dated September 16, 2021 and received on September 20, 2021

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

1. Prepare and submit a stormwater permit application.
2. Prepare and submit a stormwater report and narrative that describes the work to be performed. We highly recommend engaging a professional engineer to assist with preparation of these documents. Several elements are required under the stormwater ordinance and shall be addressed, including:
 - a. Identify the presence or lack thereof of floodplain and wetlands.
 - b. Identify the area of disturbance
 - c. Identify the proposed area of impervious surface created and determine if stormwater storage is required.
 - d. Calculate the change in flow rates before and after the project.
 - e. Field Tile Survey
3. Provide documentation of correspondence and approval of the proposed access to Bell Road.

ZSAQSA




4. Clarify proposed and existing grading.

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

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

Sincerely,


Greg Chismark PE
WBK Engineering, LLC

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 5, 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
Fran Klaas – Highway Department
Sergeant Dave Lawson – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve

Audience:

Brenda Zeiter, Gregg Ingemunson, Greg Dady, Boyd Ingemunson, and John Tebrugge

PETITIONS

Petition 21-36 Brenda and Gary Zeiter and Devan and Brady Woolverton

Mr. Asselmeier summarized the request.

The Petitioners would like operate a landscaping business, Zeiter Landscaping, Inc., at the subject property.

The application materials, NRI Report, site plan, topographic survey, pictures of the proposed landscaping and the aerial of the property were provided.

In 2000, Brenda and Gary Zeiter were awarded a special use permit at 16765 Hanson Road for their landscaping business. While they indicated their plans include moving the business from Hanson Road to the subject property, they would like to retain a special use permit at the Hanson Road property. The special use permit for the property on Hanson Road was provided. Since 2000, neither the Sheriff's Department nor the Planning, Building and Zoning Department have received any complaints regarding the landscaping business on Hanson Road.

If approved, the landscaping business would be addressed as 3549 Bell Road. A house for the owner/operator of the business is planned on the southern portion of the property and would be addressed as 3527 Bell Road.

The property was approximately ten (10) acres in size.

The County's Future Land Use Map called for the property to be Rural Residential (Max 0.65 DU/acre). Shorewood's Future Land Use Map called for the property to be Residential.

Bell Road is a Township maintained Minor Collector.

There were no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses were agricultural and farmstead.
The adjacent properties were zoned A-1.

Kendall County's Future Land Use Map called for the area to be Rural Residential. Shorewood's Future Land Use Map called for the area to be Residential.

The nearby properties were zoned A-1, A-1 SU and R-1.

The A-1 special use permit to the north is horse related and the special use permit to west is for an agricultural helipad.

EcoCAT Report was submitted and consultation was terminated.

ZPAC Meeting Minutes 10.05.21

The NRI application was submitted and the LESA Score was 233 indicating a high level of protection. The NRI Report was provided.

The Seward Township Planning Commission reviewed this proposal on May 13, 2021, and recommended the project move forward. The minutes of this meeting were provided.

Petition information was sent to the Village of Shorewood on September 24, 2021.

Petition information was sent to the Lisbon-Seward Fire Protection District on September 24, 2021.

Per Section 7:01.D.30 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zone property subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
3. No landscape waste generated off the property can be burned on this site.

If the County Board approves the outdoor storage of materials, the above conditions have been met.

According to the business plan, Zeiter Landscaping, Inc. has been in business over twenty-five (25) years. The business operates from March through November and employs ten (10) people. The business is operational Monday through Saturday. Employees arrive at the property between 6:15 a.m. and 7:00 a.m., gather supplies and equipment, and leave the property for job site by 7:30 a.m. Employees return to the property between 5:00 p.m. and 6:00 p.m., unload equipment and supplies, and leave the property.

All business related vehicles and equipment would be parked inside overnight and trailers would be parked in the rear of the property.

Employee's personal vehicles would remain on the property during business hours.

Deliveries of landscaping materials by semis would occur no more than two to three (2-3) times per week.

If approved, the Petitioners plan to start operations immediately.

According to the site plan and the topographic survey, one (1) approximately two thousand four hundred (2,400) square foot house for the operators of the landscaping business is planned on the south side of the property. One (1) approximately twelve thousand (12,000) square foot metal building would be also be placed on the property. This building will be one (1) story with two (2) canopies.

According to the site plan, four (4) storage bins for landscaping materials would be located northeast of the metal building. These bins would be approximately ten feet (10') west of the eastern property line. The bins would be a total of ninety-six feet (96') wide, eighteen feet (18') in depth, and materials as high as eight feet (8') in height.

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

Per the site plan and the topographic survey, the property is served by septic. The property also has a well. Electricity will be onsite.

Employees will be able to use the restroom inside the metal building.

There was also a propane tank on the premises located north of the metal building.

Though not shown on the site plan or topographic survey, a dumpster was planned north of the metal building.

There are three (3) natural gas pipelines going through the property.

The Petitioners plan to construct the metal building on one (1) of the highest points of the property. The northern portion of the property drains to the northwest and the southern portion of the property drains to the southeast.

The topographic survey showed several temporary dirt berms around the house. These berms will be removed when construction of the house is complete.

A stormwater management permit will be required. WBK submitted a letter requesting additional information.

Per the site plan and topographic survey, access from Bell Road to the business operation will be by a twenty foot (20') wide driveway located approximately twenty-five feet (25') off of the eastern property line. The driveway will be constructed of asphalt grindings. The new house will also utilize the driveway.

According to the site plan, the Petitioners plan to install an area around the metal building with asphalt grindings. There are five (5) parking spaces available on the east side of the area for employee parking. Trailers would be parked north of the metal building.

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

No handicapped parking spaces were planned.

If there is a motor vehicle or equipment related leak, the area impacted would be cleaned.

The Petitioners indicated that they plan to install one (1) light in the middle of the metal building facing east, one (1) on the metal building facing north, and three (3) can lights under the office and garage area. Because the number of parking spaces was under thirty (30), a photometric plan was not required, but the Petitioners will be required to follow the applicable lighting regulations in the Kendall County Zoning Ordinance.

Though not shown on the site plan or the topographic survey, the Petitioners would like to install one (1) two (2)-faced sign on the east side of the driveway. The sign will not be illuminated.

No fencing was planned.

The topographic survey showed one (1) area south of the employee parking with mulch and evergreens. A second mulch and evergreen area was shown northwest of the metal building. Pictures of the type of vegetation that would be installed were provided. The plantings will consist of nine (9) eight foot (8') Colorado Blue Spruce and five (5) maple trees between two point five inches and three inches (2.5" and 3") caliber. The plantings would be installed by the end of 2021.

One (1) berm south of the metal building was shown on the topographic survey. The berm will have landscaping and evergreens. The berm shall be two point five feet (2.5') in height and five feet (5') wide.

One (1) gravel mound was shown on the topographic survey. The Petitioners planned to have it leveled by the end of November.

No information was provided regarding noise control.

No new odors were foreseen by the proposed use.

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

The proposed Findings of Fact were as follows:

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

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

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. If Seward Township approves the new access point, then adequate points of ingress and egress will be provided. No customers will be allowed on the property and employees will be able to use the restroom facilities inside the metal building. The owners of the business allowed by the special use permit have applied for the applicable stormwater permit.

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

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

Staff recommended approval of the special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan and topographic survey. A refuse area may be installed north of the metal building. One (1) two (2)-faced sign may be installed east of the driveway. The sign shall not be illuminated.
2. The owners of the business allowed by the special use permit shall maintain the parking area and driveway shown on the site plan and in substantially the same locations as depicted on the site plan and topographic survey. The parking area and driveway shall be asphalt grindings.
3. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored items stored on the subject property and shall promptly clean up the site if leaks occur.
4. Any new structures, signs, or lights constructed or installed on the property related to the operations of the business allowed by this special use permit shall not be considered for agricultural purposes and must secure applicable building permits.
5. Equipment and vehicles related to the business allowed by the special use permit must be stored indoors during non-operational business hours. This condition does not extend to trailers; they may be stored outdoors in the trailer parking area designated on the site plan.
6. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
7. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use

permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.

8. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be eight feet (8'), provided a Stormwater Management Permit is issued.
9. Nine (9) Colorado Blue Spruce, a minimum of eight feet (8') in height, and five (5) maple trees at least two point five (2.5) caliber at the time of planting shall be planted in the areas identified as landscaping and areas with mulch and evergreens and on the dirt berm as identified in the topographic survey and as visually depicted on the landscaping images. Damaged or dead trees or Colorado Blue Spruces shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. The landscaping shall be installed by December 31, 2021. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
10. No landscape waste generated off the property can be burned on the subject property.
11. A maximum of ten (10) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
14. Deliveries of materials related to the business allowed by the special use permit by semis or tractor trailers shall be restricted to a maximum of three (3) in a seven (7) day period. There shall be no cap on the number of deliveries of materials related to the business allowed by the special use permit by non-semis or non-tractor trailers.
15. The noise regulations are as follows:

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

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

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
16. The owners or operators of the business allowed by this special use shall reside at the subject property as their primary place of residence.
17. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
18. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
19. 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.
20. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

21. 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 Gengler noted the large number of landscaping businesses.

Mr. Klaas asked if Bell Road was identified as a Collector in the Land Resource Management Plan. Mr. Asselmeier responded that the Land Resource Management Plan identified Bell Road as Minor Collector. Discussion occurred regarding the posting for weight limits during the winter and spring. If the road had posted weight limits, the Petitioners would still have to follow those weight limits. Mr. Klaas questioned the intent of the Zoning Ordinance; he felt these uses should be restricted to major collectors and higher roadways.

Chairman Gengler asked if the special use permit on Hanson Road would continue. Mr. Asselmeier stated that the special use permit for that property would run with the land.

Ms. Olson noted that some soils had building limitations. She requested having a soil erosion and sediment control plan in place during construction and having a NPDES Permit if more than one (1) acre of land was disturbed.

Brenda Zeiter stated that she contacted the township to request permission to drive on posted roads before making trips. She stated that the plan was to sell the Hanson Road property at some point. They would start moving to the Bell Road property at the end of the year.

Mr. Holdiman noted that building permits for the home and accessory structure have been pulled. A change of occupancy would be required for the accessory structure.

Mr. Rybski noted that a septic permit has been approved and was moving forward.

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

With a voice vote of eight (8) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on October 27, 2021.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 10:44 a.m., adjourned.

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

Enc.

Matt Asselmeier

From: Tim Wallace <lsfpd202@aol.com>
Sent: Wednesday, October 6, 2021 2:24 PM
To: Matt Asselmeier
Subject: [External]Re: Kendall County Zoning Petition 21-36

Matt, as in the past, properly placed fire extinguishers and a first aid kit, would be the fire departments request.

Any questions, feel free to call my cell [REDACTED]
Thanks, Tim Wallace

Matt Asselmeier

From: Engel_Natalie <nengel@vil.shorewood.il.us>
Sent: Friday, October 8, 2021 9:14 AM
To: Matt Asselmeier
Subject: [External]Petition 21-36

Good Morning Matt,

We appreciate the public notice regarding the proposed landscape business at 3549 Bell Road. The property is not within 1 ½ miles of our municipal limits so Shorewood will not be providing comments.

Thank you.

Natalie Engel, AICP

Village Planner



Village of Shorewood

One Towne Center Blvd | Shorewood, IL 60404
815.553.2314

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 October 27, 2021 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:28 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Larry Nelson, Claire Wilson, and Seth Wormley

Members Absent: Karin McCarthy-Lange, Ruben Rodriguez, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Brenda Zeiter, Boyd Ingemunson, Ron Miller, Fran Miller, and Dan Koukol

PUBLIC HEARING

Petition 21 – 36 – Brenda and Gary Zeiter and Devan and Brady Woolverton

Mr. Asselmeier summarized the request.

The Petitioners would like operate a landscaping business, Zeiter Landscaping, Inc., at the subject property.

The application materials, NRI Report, site plan, topographic survey, pictures of the proposed landscaping and the aerial of the property were provided.

In 2000, Brenda and Gary Zeiter were awarded a special use permit at 16765 Hanson Road for their landscaping business. While they indicated their plans include moving the business from Hanson Road to the subject property, they would like to retain a special use permit at the Hanson Road property. The special use permit for the property on Hanson Road was provided. Since 2000, neither the Sheriff's Department nor the Planning, Building and Zoning Department have received any complaints regarding the landscaping business on Hanson Road.

If approved, the landscaping business would be addressed as 3549 Bell Road. A house for the owner/operator of the business is planned on the southern portion of the property and would be addressed as 3527 Bell Road.

The property was approximately ten (10) acres in size.

The County's Future Land Use Map called for the property to be Rural Residential (Max 0.65 DU/acre). Shorewood's Future Land Use Map called for the property to be Residential.

Bell Road is a Township maintained Minor Collector.

There were no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses were agricultural and farmstead.

The adjacent properties were zoned A-1.

Kendall County's Future Land Use Map called for the area to be Rural Residential. Shorewood's Future Land Use Map called for the area to be Residential.

The nearby properties were zoned A-1, A-1 SU and R-1.

The A-1 special use permit to the north is horse related and the special use permit to west is for an agricultural helipad.

EcoCAT Report was submitted and consultation was terminated.

The NRI application was submitted and the LESA Score was 233 indicating a high level of protection. The NRI Report was provided.

The Seward Township Planning Commission reviewed this proposal on May 13, 2021, and recommended the project move forward. The minutes of this meeting were provided.

Petition information was sent to the Village of Shorewood on September 24, 2021. Since the property was greater than one point five (1.5) miles from the Village, Shorewood declined to comment on the proposal. The email stating their position was provided.

Petition information was sent to the Lisbon-Seward Fire Protection District on September 24, 2021. The Lisbon-Seward Fire Protection District submitted an email on October 6, 2021, requesting at least one (1) fire extinguisher and one (1) first aid kit on the property. The email was provided. The Petitioners were agreeable to this request.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred regarding having landscaping businesses on minor collector roads. The Kendall County Soil and Water Conservation District requested a soil erosion and sediment control plan in place during construction and the need to secure a NPDES Permit if one (1) acre or more land was disturbed. The Petitioner has secured applicable building permits for the house from the Kendall County Planning, Building and Zoning Department and the Kendall County Health Department. The Kendall County ZPAC recommended approval of the proposal with the conditions proposed by Staff by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

Per Section 7:01.D.30 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zone property subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
3. No landscape waste generated off the property can be burned on this site.

If the County Board approves the outdoor storage of materials, the above conditions have been met.

According to the submitted business plan, Zeiter Landscaping, Inc. has been in business over twenty-five (25) years. The business operates from March through November and employs ten (10) people. The business is operational Monday through Saturday. Employees arrive at the property between 6:15 a.m. and 7:00 a.m., gather supplies and equipment, and leave the property for job site by 7:30 a.m. Employees return to the property between 5:00 p.m. and 6:00 p.m., unload equipment and supplies, and leave the property.

All business related vehicles and equipment would be parked inside overnight and trailers would be parked in the rear of the property.

Employee's personal vehicles would remain on the property during business hours.

Deliveries of landscaping materials by semis would occur no more than two to three (2-3) times per week.

If approved, the Petitioners plan to start operations immediately.

According to the site plan and the topographic survey, one (1) approximately two thousand four hundred (2,400) square foot house for the operators of the landscaping business is planned on the south side of the property. One (1) approximately twelve thousand (12,000) square foot metal building would be also be placed on the property. This building will be one (1) story with two (2) canopies.

According to the site plan, four (4) storage bins for landscaping materials would be located northeast of the metal building. These bins would be approximately ten feet (10') west of the eastern property line. The bins would be a total of ninety-six feet (96') wide, eighteen feet (18') in depth, and materials as high as eight feet (8') in height.

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

Per the site plan and the topographic survey, the property is served by septic. The property also has a well. Electricity will be onsite.

Employees will be able to use the restroom inside the metal building.

There is also a propane tank on the premises located north of the metal building.

Though not shown on the site plan or topographic survey, a dumpster is planned north of the metal building.

There are three (3) natural gas pipelines going through the property.

The Petitioners plan to construct the metal building on one (1) of the highest points of the property. The northern portion of the property drains to the northwest and the southern portion of the property drains to the southeast.

The topographic survey shows several temporary dirt berms around the house. These berms will be removed when construction of the house is complete.

A stormwater management permit will be required.

WBK submitted a letter requesting additional information; the letter was provided.

Per the site plan and topographic survey, access from Bell Road to the business operation will be by a twenty foot (20') wide driveway located approximately twenty-five feet (25') off of the eastern property line. The driveway will be constructed of asphalt grindings. The new house will also utilize the driveway.

According to the site plan the Petitioners plan to install an area around the metal building with asphalt grindings. There are five (5) parking spaces available on the east side of the area for employee parking. Trailers would be parked north of the metal building.

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

No handicapped parking spaces were planned.

If there is a motor vehicle or equipment related leak, the area impacted would be cleaned.

The Petitioners indicated that they plan to install one (1) light in the middle of the metal building facing east, one (1) on the metal building facing north, and three (3) can lights under the office and garage area. Because the number of parking spaces was under thirty (30), a photometric plan was not required, but the Petitioners will be required to follow the applicable lighting regulations in the Kendall County Zoning Ordinance.

Though not shown on the site plan or the topographic survey, the Petitioners would like to install one (1) two (2)-faced sign on the east side of the driveway. The sign will not be illuminated.

No fencing is planned.

The topographic survey shows one (1) area south of the employee parking with mulch and evergreens. A second mulch and evergreen area is shown northwest of the metal building. Pictures of the type of vegetation that would be installed were provided. The plantings will consist of nine (9) eight foot (8') Colorado Blue Spruce and five (5) maple trees between two point five inches and three inches (2.5" and 3") caliber. The plantings would be installed by the end of 2021.

One (1) berm south of the metal building is shown on the topographic survey. The berm will have landscaping and evergreens. The berm shall be two point five feet (2.5') in height and five feet (5') wide.

One (1) gravel mound is shown on the topographic survey. The Petitioners plan to have it leveled by the end of November.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the eighteenth (18th) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the site is developed in accordance with the submitted site plan and topographic plan and provided the business plan is followed regarding hours of operation and business related deliveries, the operation of the special use will not be detrimental to the public

health, safety, morals, comfort, or general welfare. The owners of the business allowed by the special use permit will not invite the public onto the property. Only landscape related materials and equipment will be stored at the subject property.

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

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. If Seward Township approves the new access point, then adequate points of ingress and egress will be provided. No customers will be allowed on the property and employees will be able to use the restroom facilities inside the metal building. The owners of the business allowed by the special use permit have applied for the applicable stormwater permit.

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

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

Staff recommended approval of the special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan and topographic survey. A refuse area may be installed north of the metal building. One (1) two (2)-faced sign may be installed east of the driveway. The sign shall not be illuminated.
2. The owners of the business allowed by the special use permit shall maintain the parking area and driveway shown on the site plan and in substantially the same locations as depicted on the site plan and topographic survey. The parking area and driveway shall be asphalt grindings.
3. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored items stored on the subject property and shall promptly clean up the site if leaks occur.
4. Any new structures, signs, or lights constructed or installed on the property related to the operations of the business allowed by this special use permit shall not be considered for agricultural purposes and

must secure applicable building permits.

5. Equipment and vehicles related to the business allowed by the special use permit must be stored indoors during non-operational business hours. This condition does not extend to trailers; they may be stored outdoors in the trailer parking area designated on the site plan.
6. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
7. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
8. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be eight feet (8'), provided a Stormwater Management Permit is issued.
9. Nine (9) Colorado Blue Spruce, a minimum of eight feet (8') in height, and five (5) maple trees at least two point five (2.5) caliber at the time of planting shall be planted in the areas identified as landscaping and areas with mulch and evergreens and on the dirt berm as identified in the topographic survey and as visually depicted on the landscaping submitted images. Damaged or dead trees or Colorado Blue Spruces shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. The landscaping shall be installed by December 31, 2021. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
10. No landscape waste generated off the property can be burned on the subject property.
11. A maximum of ten (10) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
14. Deliveries of materials related to the business allowed by the special use permit by semis or tractor trailers shall be restricted to a maximum of three (3) in a seven (7) day period. There shall be no cap on the number of deliveries of materials related to the business allowed by the special use permit by non-semis or non-tractor trailers.
15. The noise regulations are as follows:

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

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

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

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

Member Nelson asked if the Petitioner had any objections to the conditions. Brenda Zeiter, Petitioner, had no objections to the conditions.

Ron and Fran Miller stated that they owned the property north of the subject property. They were concerned about the lack of landscaping on the north side of the subject property. They noted that landscaping was planned on the west and east sides of the subject property. They were concerned about the storage of debris and equipment north of the metal building. They requested a berm and trees north of the metal building. They also provided pictures of tires laying in the field. Ms. Zeiter said that they planned to farm the area north of the metal building beyond the northern "Proposed Limit of Landscaping Business" line as shown on the topographic survey. Ms. Zeiter said she would remove the tires by the weekend, weather permitting. Ms. Zeiter was agreeable to the addition of a restriction stating that no storage of any materials or equipment related to the business allowed by this special use permit shall occur north of the northern "Proposed Limit of Landscaping Business" line as shown on the topographic survey and this same area shall be used for agricultural purposes only. This line was approximately five hundred fifty feet (550') south of the northern property line. The area north of the northern "Proposed Limit of Landscaping Business" line will be farmed with the exception of the area around the septic field.

The Millers also asked if the special use would be transferred to a future property owner. The special use would run with the land and a future property could operate a landscaping business under the same conditions as approved by the County Board. No other business could go on the property without securing proper zoning; a trucking company could not locate on the property.

Member Wilson noted that the Petitioners transformed the property on Hanson Road into a showcase. She also consulted with the Petitioner on a portion of the application and she was recusing herself on the vote.

Member Nelson made a motion, seconded by Member Wormley, to recommend approval of the special use permit with the conditions proposed by Staff and the added condition that no storage of any materials or equipment related to the business allowed by this special use permit shall occur north of the northern "Proposed Limit of Landscaping Business" line as shown on the topographic survey and this same area shall be used for agricultural purposes only.

The votes were as follows:

Ayes (6):	Ashton, Bledsoe, Casey, Hamman, Nelson, and Wormley
Nays (0):	None
Absent (3):	McCarthy-Lange, Rodriguez, and Stewart
Abstain/Recused (1):	Wilson

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on November 1, 2021.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Member Wilson asked if any special use permits had to be rescinded due to the Agricultural Experiences Act. Mr. Asselmeier responded that several of the entities that have seasonal festivals also have special use permits for other activities. The special use permits for other activities could still be enforced. Any restrictions on a seasonal festival specifically would no longer be enforceable.

Dan Koukol, as a County Board Member, thanked all of the Commissioners for their time and work on the Commission. He noted all of the experience of the Commissioners. He stated that the issues raised by the Regional Planning do not always get enough time and attention at the Planning, Building and Zoning Committee. He also discussed the complaints that he received regarding agricultural special uses.

Dan Koukol, as a citizen, noted that he has a special use permit. He noted that he communicated with a landscaper in McCook that wanted to move to Kendall County because the zoning was easy and he could just purchase land and start operations. He expressed concerns about companies claiming to be landscaping businesses with large amounts of heavy equipment. He discussed the floodplain and requested special use permit amendment at 3485 Route 126. He suggested weight restriction for equipment for landscaping businesses. He also discussed the pallet factory near Ashley Road and Plattville Road. Member Nelson suggested having a boiler plate restriction for landscaping businesses.

Chairman Ashton discussed a conversation he had regarding an industrial zone along Route 126. After the October 27, 2021, Comprehensive Land Plan and Ordinance Committee meeting he did not think a conversation like that along Route 126 would occur. He noted a future exodus from the County because of taxes.

Mr. Asselmeier noted that only a small number of special use permits have periodic reviews.

ADJOURNMENT

Member Nelson made a motion, seconded by Member Hamman, to adjourn. With a voice of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:47 p.m.

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

Exhibits

1. Miller Tire Pictures



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
OCTOBER 27, 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)
Ron & Fern MILLER		





DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission
From: Matthew H. Asselmeier, AICP, CFM Senior Planner
Date: October 20, 2021
Re: Public Act 102-0180-Garden Act (Petition 21-37)

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0180 (formerly House Bill 0633) also known as the Garden Act.

The Garden Act allows people to plant vegetable gardens as the primary use on residential pieces of property. Further, no county in Illinois can prevent people from using residential property for the purpose of vegetable gardens. The Garden Act becomes effective January 1, 2022. A copy of Public Act 102-0180 is attached.

Presently, farming is a permitted use on A-1, RPD-1, RPD-2, and RPD-3 zoned property in unincorporated Kendall County.

Also, per Section 4:05.B of the Kendall County Zoning Ordinance, gardens may encroach up to all property lines.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Zoning Ordinance to allow vegetable gardening as a primary use on R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoned property, allow roadside stands selling agricultural products grown on the premises in the same residential zoning districts, and to restrict gardens from forty foot (40') sight triangles where two (2) public streets meet. Roadside stands must be setback at least ten feet (10') from the nearest right-of-way.

Below please find the redlined version of the proposal:

8:02.A Permitted Uses in the R-1

5. Lands and buildings used for horticulture or farm purposes **including vegetable gardens as defined by the Garden Act.**

8:06.A Permitted Uses in the R-2

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:

a. Lands and buildings used for horticultural or farm purposes, **not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A**

b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and

~~c. b.~~ Farm-type animals shall be prohibited in the R-2 District with the exception of chickens.

8:07.A Permitted Uses in the R-3

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:

a. Lands and buildings used for horticultural or farm purposes, **not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A**

b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and

~~c. b.~~ Farm-type animals shall be prohibited in the R-3 District with the exception of chickens.

8:08.A Permitted Uses in the R-4, R-5, R-6, and R-7 Districts

6. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line.

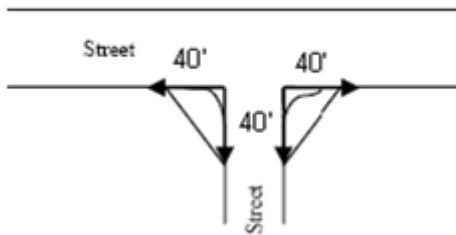
10. Vegetable Gardens as defined by the Garden Act.

Remaining Permitted Uses to be Renumbered.

Amendment to Appendix 9, Table of Uses to reflect the addition of Vegetable Gardens and Roadside Stands as Permitted Use in all Residential Zoning Districts.

Section 11:02.F.11 should be clarified as follows regarding sight triangles:

11. Landscape sight triangle. No landscaping including berms **and vegetable gardens as defined by the Garden Act** shall be planted within a forty foot (40') sight triangle measured at the intersection of two public streets.



Petition information was emailed to the townships on September 22, 2021. To date, only the Na-Au-Say Township Planning Commission has reviewed this proposal and they unanimously recommended approval.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion centered on the State imposing new regulations. ZPAC recommended approval of the proposal by a vote of seven (7) in favor, zero (0) in opposition, and one (1) present with two (2) members absent. The minutes are attached.

If you have any questions, please let me know.

MHA

Encs.: Public Act 102-0180
October 5, 2021 ZPAC Minutes (This Petition Only)

AN ACT concerning vegetable garden protection.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Garden Act.

Section 5. Purpose. The Act's purpose is to encourage and protect the sustainable cultivation of fresh produce at all levels of production, including on residential property for personal consumption or non-commercial sharing.

Section 10. Vegetable garden defined. As used in this Act, the term "vegetable garden" means any plot of ground or elevated soil bed on residential property where vegetables, herbs, fruits, flowers, pollinator plants, leafy greens, or other edible plants are cultivated.

Section 15. Right to cultivate vegetable gardens. Notwithstanding any other law, any person may cultivate vegetable gardens on their own property, or on the private property of another with the permission of the owner, in any county, municipality, or other political subdivision of this state.

Section 20. Home rule. A home rule unit may not regulate gardens in a manner inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 25. State and local regulation still permitted. Section 20 of this Act notwithstanding, this Act does not preclude the adoption of a regulation or local ordinance of general nature that does not specifically regulate vegetable gardens, including, but not limited to, regulations and ordinances relating to height, setback, water use, fertilizer use, or control of invasive or unlawful species, provided that any such regulation or ordinance does not have the effect of precluding vegetable gardens.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 5, 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
Fran Klaas – Highway Department
Sergeant Dave Lawson – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve

Audience:

Brenda Zeiter, Gregg Ingemunson, Greg Dady, Boyd Ingemunson, and John Tebrugge

PETITIONS

Petition 21-37 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0180 (formerly House Bill 0633) also known as the Garden Act.

The Garden Act allows people to plant vegetable gardens as the primary use on residential pieces of property. Further, no county in Illinois can prevent people from using residential property for the purpose of vegetable gardens. The Garden Act becomes effective January 1, 2022. A copy of Public Act 102-0180 was provided.

Presently, farming is a permitted use on A-1, RPD-1, RPD-2, and RPD-3 zoned property in unincorporated Kendall County.

Also, per Section 4:05.B of the Kendall County Zoning Ordinance, gardens may encroach up to all property lines.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Zoning Ordinance to allow vegetable gardening as a primary use on R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoned property, allow roadside stands selling agricultural products grown on the premises in the same residential zoning districts, and to restrict gardens from forty foot (40') sight triangles where two (2) public streets meet. Roadside stands must be setback at least ten feet (10') from the nearest right-of-way.

Below please find the redlined version of the proposal:

8:02.A Permitted Uses in the R-1

5. Lands and buildings used for horticulture or farm purposes **including vegetable gardens as defined by the Garden Act.**

8:06.A Permitted Uses in the R-2

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:

a. Lands and buildings used for horticultural or farm purposes, **not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A**
~~b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and~~

~~c. b.~~ Farm-type animals shall be prohibited in the R-2 District with the exception of chickens.

8:07.A Permitted Uses in the R-3

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:

- a. Lands and buildings used for horticultural or farm purposes, **not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A**
- ~~b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and~~
- ~~c. b.~~ Farm-type animals shall be prohibited in the R-3 District with the exception of chickens.

8:08.A Permitted Uses in the R-4, R-5, R-6, and R-7 Districts

6. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line.

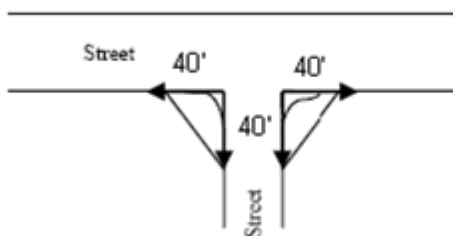
10. Vegetable Gardens as defined by the Garden Act.

Remaining Permitted Uses to be Renumbered.

Amendment to Appendix 9, Table of Uses to reflect the addition of Vegetable Gardens and Roadside Stands as Permitted Use in all Residential Zoning Districts.

Section 11:02.F.11 should be clarified as follows regarding sight triangles:

11. Landscape sight triangle. No landscaping including berms **and vegetable gardens as defined by the Garden Act** shall be planted within a forty foot (40') sight triangle measured at the intersection of two public streets.



Mr. Asselmeier was unaware of any complaints against vegetable gardens in Kendall County.

Chairman Gengler asked what happens if the County does not approve this proposal. Mr. Asselmeier said State law supersedes County law. If the County tried to prosecute someone for violating regulation in conflict with State law, the court probably would rule against the County.

Discussion occurred regarding the threshold to meet the agricultural zoning exemption in State law.

Ms. Briganti made a motion, seconded by Mr. Rybski, to recommend approval of the text amendment.

The votes were as follows:

- Yeas (7): Asselmeier, Briganti, Gengler, Holdiman, Lawson, Olson, and Rybski
- Nays (0): None
- Present (1): Klaas
- Absent (2): Chismark and Guritz

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on October 27, 2021.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 10:44 a.m., adjourned.

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

Enc.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM Senior Planner
Date: October 28, 2021
Re: Public Act 102-0492-Agricultural Experiences Act (Petition 21-38)

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0492 (formerly House Bill 3650) also known as the Agricultural Experiences Act. A copy of Public Act 102-0492 is attached.

The Agricultural Experiences Act defines an agricultural experience, as “. . . any agricultural-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.” Crucially, the Act forbids a county from requiring conditional use permits, special use permits, or variances for this type of use.

The definition of agricultural experience in State law is similar to the County's definition of seasonal festivals. Seasonal festivals, as defined in the Zoning Ordinance, are defined as follows:

“A temporary event held during a specified time of the year which is designed to enhance the sales of seasonal crops and related products produced in conjunction with existing agricultural businesses such as orchards, vineyards, nurseries and similar agricultural operations. Related activities may include, but are not limited to, corn mazes, wagon rides, pony rides, farm animal petting zoos, and pumpkin patches. Activities including amusement park rides, live music concerts, truck and tractor pull competitions are specifically prohibited from Seasonal Festivals.”

The Agricultural Experiences Act forbids counties from requiring these types of events from obtaining special use permits, conditional use permits, or variances.

Seasonal festivals are conditional uses in the A-1 Agricultural District and are permitted uses in the B-4 Commercial Recreation District. The conditions for seasonal festivals are as follows:

- a) Adequate parking on site shall be provided in such a way that no on-street parking is necessary.
- b) Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
- c) The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
- d) No alcohol shall be sold on the premises.
- e) Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services.
- f) All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
- g) Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property.

- h) The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
- i) No event activity shall start earlier than 9:00 a.m. any day of the week, and shall end no later than 10:00 p.m., Monday thru Wednesday and no later than 11:30 p.m. Thursday thru Sunday.
- j) Events shall be permitted once a year unless otherwise approved by the PBZ Committee.
- k) Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year.
- l) Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
- m) All signage shall comply with Section 12:00 of the Zoning Ordinance.
- n) All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot candles at any property line.
- o) Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the PBZ Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate a text amendment adding seasonal festivals to the list of permitted uses in the A-1 Agricultural District without conditions or restrictions, removing the conditions and restrictions on seasonal festivals in the B-4 Commercial Recreation District, deleting seasonal festivals from the list of conditional uses in the A-1 District, updating Appendix 9 Table of Uses to reflect this text amendment, and correcting citation errors caused by this text amendment.

Presently, three (3) special uses are impacted by the Agricultural Experiences Act. The special use permits for Woody's Orchard (Ordinances 2016-21 and 2021-07), Heap's Giant Pumpkins (Ordinance 2015-11), and Keller Farms (Ordinance 2009-18) contain provisions related to Seasonal Festivals. Staff would like to point out that some of these properties have special use permits beyond agricultural experiences (i.e. Woody's Orchard and Heap's Giant Pumpkins have special use permits for banquet facilities).

Petition information was emailed to the townships on September 22, 2021. To date, only the Na-Au-Say Township Planning Commission has reviewed this proposal and they unanimously recommended approval.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion centered on the State imposing new regulations. ZPAC recommended approval of the proposal by a vote of five (5) in favor, two (2) in opposition, and one (1) present with two (2) members absent. The minutes are attached.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 27, 2021. No members of the public spoke regarding this proposal. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes are attached.

If you have any questions, please let me know.

MHA

Encs.: Public Act 102-0492
October 5, 2021 ZPAC Minutes (This Petition Only)
October 27, 2021 Regional Planning Commission Minutes (This Petition Only)

AN ACT concerning Agriculture.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Agricultural Experiences Act.

Section 5. Agricultural experiences.

(a) In this Section, "agricultural experience" means any agriculture-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.

(b) To assist in the promotion of agricultural experiences, a county shall not require a conditional use permit, special use permit, special exception, or variance for agricultural experiences on property of which the primary use is agricultural production.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 5, 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
Fran Klaas – Highway Department
Sergeant Dave Lawson – Sheriff’s Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve

Audience:

Brenda Zeiter, Gregg Ingemunson, Greg Dady, Boyd Ingemunson, and John Tebrugge

PETITIONS

Petition 21-38 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0492 (formerly House Bill 3650) also known as the Agricultural Experiences Act. A copy of Public Act 102-0492 was provided.

The Agricultural Experiences Act defines an agricultural experience, as “. . . any agricultural-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.” Crucially, the Act forbids a county from requiring conditional use permits, special use permits, or variances for this type of use.

The definition of agricultural experience in State law is similar to the County’s definition of seasonal festivals. Seasonal festivals, as defined in the Zoning Ordinance, are defined as follows:

“A temporary event held during a specified time of the year which is designed to enhance the sales of seasonal crops and related products produced in conjunction with existing agricultural businesses such as orchards, vineyards, nurseries and similar agricultural operations. Related activities may include, but are not limited to, corn mazes, wagon rides, pony rides, farm animal petting zoos, and pumpkin patches. Activities including amusement park rides, live music concerts, truck and tractor pull competitions are specifically prohibited from Seasonal Festivals.”

The Agricultural Experiences Act forbids counties from requiring these types of events from obtaining special use permits, conditional use permits, or variances.

Seasonal festivals are conditional uses in the A-1 Agricultural District and are permitted uses in the B-4 Commercial Recreation District. The conditions for seasonal festivals are as follows:

- a) Adequate parking on site shall be provided in such a way that no on-street parking is necessary.
- b) Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
- c) The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.

- d) No alcohol shall be sold on the premises.
- e) Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services.
- f) All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
- g) Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property.
- h) The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
- i) No event activity shall start earlier than 9:00 a.m. any day of the week, and shall end no later than 10:00 p.m., Monday thru Wednesday and no later than 11:30 p.m. Thursday thru Sunday.
- j) Events shall be permitted once a year unless otherwise approved by the PBZ Committee.
- k) Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year.
- l) Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
- m) All signage shall comply with Section 12:00 of the Zoning Ordinance.
- n) All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot candles at any property line.
- o) Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the PBZ Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate a text amendment adding seasonal festivals to the list of permitted uses in the A-1 Agricultural District without conditions or restrictions, removing the conditions and restrictions on seasonal festivals in the B-4 Commercial Recreation District, deleting seasonal festivals from the list of conditional uses in the A-1 District, updating Appendix 9 Table of Uses to reflect this text amendment, and correcting citation errors caused by this text amendment.

Presently, three (3) special uses are impacted by the Agricultural Experiences Act. The special use permits for Woody's Orchard (Ordinances 2016-21 and 2021-07), Heap's Giant Pumpkins (Ordinance 2015-11), and Keller Farms (Ordinance 2009-18) contain provisions related to Seasonal Festivals. Staff would like to point out that some of these properties have special use permits beyond agricultural experiences (i.e. Woody's Orchard and Heap's Giant Pumpkins have special use permits for banquet facilities).

The proposal would apply to apple orchards, pumpkin patches, and Christmas tree farms where the plants were grown on the premises.

Mr. Klaas asked if the proposal make any uses more cumbersome for the existing special uses. Mr. Asselmeier responded no.

Mr. Rybski asked if these uses still had to follow other regulations. Mr. Asselmeier responded that the proposal only applies to zoning regulations; uses would still have to follow other applicable regulations.

Chairman Gengler expressed his opposition to the State intervening in local zoning regulations. Mr. Holdiman concurred with Chairman Gengler.

Mr. Klaas made a motion, seconded by Mr. Asselmeier, to recommend approval of the text amendment.

The votes were as follows:

Yeas (5): Asselmeier, Briganti, Lawson, Olson, and Rybski

Nays (2): Gengler and Holdiman

Present (1): Klaas

Absent (2): Chismark and Guritz

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on October 27, 2021.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 10:44 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of October 27, 2021 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:28 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Larry Nelson, Claire Wilson, and Seth Wormley

Members Absent: Karin McCarthy-Lange, Ruben Rodriguez, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Brenda Zeiter, Boyd Ingemunson, Ron Miller, Fran Miller, and Dan Koukol

PETITIONS

Petition 21-38 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0492 (formerly House Bill 3650) also known as the Agricultural Experiences Act. A copy of Public Act 102-0492 was provided.

The Agricultural Experiences Act defines an agricultural experience, as “. . . any agricultural-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.” Crucially, the Act forbids a county from requiring conditional use permits, special use permits, or variances for this type of use.

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- m) All signage shall comply with Section 12:00 of the Zoning Ordinance.
- n) All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot candles at any property line.
- o) Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the PBZ Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate a text amendment adding seasonal festivals to the list of permitted uses in the A-1 Agricultural District without conditions or restrictions, removing the conditions and restrictions on seasonal festivals in the

B-4 Commercial Recreation District, deleting seasonal festivals from the list of conditional uses in the A-1 District, updating Appendix 9 Table of Uses to reflect this text amendment, and correcting citation errors caused by this text amendment.

Presently, three (3) special uses are impacted by the Agricultural Experiences Act. The special use permits for Woody's Orchard (Ordinances 2016-21 and 2021-07), Heap's Giant Pumpkins (Ordinance 2015-11), and Keller Farms (Ordinance 2009-18) contain provisions related to Seasonal Festivals. Staff would like to point out that some of these properties have special use permits beyond agricultural experiences (i.e. Woody's Orchard and Heap's Giant Pumpkins have special use permits for banquet facilities).

Petition information was emailed to the townships on September 22, 2021. To date, only the Na-Au-Say Township Planning Commission has reviewed this proposal and they unanimously recommended approval.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion centered on the State imposing new regulations. ZPAC recommended approval of the proposal by a vote of five (5) in favor, two (2) in opposition, and one (1) present with two (2) members absent. The minutes were provided.

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of the text amendment as proposed.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Hamman, Nelson, Wilson, and Wormley

Nays (0): None

Absent (3): McCarthy-Lange, Rodriguez, and Stewart

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on November 1, 2021.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Member Wilson asked if any special use permits had to be rescinded due to the Agricultural Experiences Act. Mr. Asselmeier responded that several of the entities that have seasonal festivals also have special use permits for other activities. The special use permits for other activities could still be enforced. Any restrictions on a seasonal festival specifically would no longer be enforceable.

Dan Koukol, as a County Board Member, thanked all of the Commissioners for their time and work on the Commission. He noted all of the experience of the Commissioners. He stated that the issues raised by the Regional Planning do not always get enough time and attention at the Planning, Building and Zoning Committee. He also discussed the complaints that he received regarding agricultural special uses.

Dan Koukol, as a citizen, noted that he has a special use permit. He noted that he communicated with a landscaper in McCook that wanted to move to Kendall County because the zoning was easy and he could just purchase land and start operations. He expressed concerns about companies claiming to be landscaping businesses with large amounts of heavy equipment. He discussed the floodplain and requested special use permit amendment at 3485 Route 126. He suggested weight restriction for equipment for landscaping businesses. He also discussed the pallet factory near Ashley Road and Plattville Road. Member Nelson suggested having a boiler plate restriction for landscaping businesses.

Chairman Ashton discussed a conversation he had regarding an industrial zone along Route 126. After the October 27, 2021, Comprehensive Land Plan and Ordinance Committee meeting he did not think a conversation like that along Route 126 would occur. He noted a future exodus from the County because of taxes.

Mr. Asselmeier noted that only a small number of special use permits have periodic reviews.

OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

Member Nelson made a motion, seconded by Member Hamman, to adjourn. With a voice of seven (7) ayes, the motion carried.



The Kendall County Regional Planning Commission meeting adjourned at 8:47 p.m.

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



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
OCTOBER 27, 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)
Ron & Fern MILLER		

Matt Asselmeier

From: Gregg Ingemunson [REDACTED]
Sent: Tuesday, October 19, 2021 8:51 AM
To: Matt Asselmeier
Subject: [External]Dady Letter
Attachments: Dady Letyter.pdf

Matt,

Attached please find Greg's letter of support for the Special Use for Baish. Also he is withdrawing the Text Amendment 21-39.

Gregg



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-40

Robert J. Fisher

**Amendment to Future Land Use Map in Land Resource
Management Plan**

Agricultural to Rural Estate Residential

INTRODUCTION

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. If approved, the Petitioner would like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials are included as Attachment 1. An aerial of the property is included as Attachment 2. An aerial of the property with the floodplain is included as Attachment 3.

The map amendment request is a separate petition (Petition 21-41).

SITE INFORMATION

PETITIONER: Robert J. Fisher

ADDRESS: Across from 16924 O'Brien Road, Minooka

LOCATION: West Side of O'Brien Road Approximately 0.25 Miles North of Whitewillow Road



TOWNSHIP: Seward

PARCEL #: 09-29-400-005

LOT SIZE: 19.5 +/- Acres

EXISTING LAND USE: Agricultural

ZONING: A-1 Agricultural District

LRMP:	Future Land Use	Agricultural (Petitioner is requesting a change to Rural Estate Residential Max 0.45 DU/Acre.) Minooka calls for the property to be Low Density Residential.
	Roads	O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.
	Trails	Minooka has a trail planned along O'Brien Road.
	Floodplain/Wetlands	There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

REQUESTED ACTION: Amendment to Future Land Use Map from Agricultural to Rural Estate Residential
Map Amendment Rezoning Property from A-1 Agricultural to R-1 One Family Residential

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Estate Residential (0.45 DU/Acre Max Density) (County) Low Density Residential (Minooka)	A-1
South	Agricultural/Farmstead	A-1	Agricultural (County) Low Density Residential (Minooka)	A-1
East	Agricultural/Farmstead	A-1	Rural Residential (0.65 DU/Acre Max Density) (County) Regional Park (Minooka)	A-1
West	Agricultural	A-1	Agricultural (County) Low Density Residential (Minooka)	A-1

ACTION SUMMARY

SEWARD TOWNSHIP

Petition information was sent to Seward Township on September 24, 2021.

VILLAGE OF MINOOKA

Petition information was sent to the Village of Minooka on September 24, 2021.

MINOOKA FIRE PROTECTION DISTRICT

Petition information was sent to the Minooka Fire Protection District on September 24, 2021.

ZPAC

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred about a future subdivision of the property and the need to obtain proper permits when development occurred. ZPAC recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were included as Attachment 4.

RPC

The Kendall County Regional Planning Commission held a public hearing on this proposal on October 27, 2021. No members of the public testified in favor or in opposition to the request. The Kendall County Regional Planning Commission 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 the hearing were included as Attachment 5.

ANALYSIS

The Future Land Use Map of the Village of Minooka calls for the area to residential and for a park to be located across the street of the subject property on the east side of O'Brien Road.

The requested amendment is consistent with the Future Land Use Map of the Village of Minooka.

The property to the north of the subject property already possesses the classification requested for the subject property.

RECOMMENDATION

Staff recommends approval of the requested amendment.

ATTACHMENTS

1. Application Materials
2. Aerial
3. Aerial of Floodplain Area
4. October 5, 2021 ZPAC Minutes (This Petition Only)
5. October 27, 2021 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 Fisher Re-Zoning FILE # 21-40 + 21-41

NAME OF APPLICANT Robert J. Fisher		
CURRENT LANDOWNER/NAME(s) Robert J. Fisher		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 19.00		09-29-400-005
EXISTING LAND USE Agricultural	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP Agricultural
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (___ Concept; ___ Preliminary; ___ Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (___ Major; ___ Minor)		
¹PRIMARY CONTACT Boyd Ingemunson	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER #(Cell, etc.) [REDACTED]
²ENGINEER CONTACT n/a	ENGINEER MAILING ADDRESS n/a	ENGINEER EMAIL n/a
ENGINEER PHONE # n/a	ENGINEER FAX # n/a	ENGINEER OTHER # (Cell, etc.) n/a
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE [REDACTED]

FEE PAID: \$ 500.00
CHECK # [REDACTED]

RECEIVED

SEP 21 2021

¹Primary Contact will receive all correspondence from County

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

Last Revised:
12.15.20

KENDALL COUNTY
PLANNING & ZONING
Date Stamp Here If
Checklist is Complete

Please fill out the following findings of fact to the best of your capabilities. § 13:07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

Existing uses of property within the general area of the property in question.

Mix of Residential / Agricultural

The Zoning classification of property within the general area of the property in question.

Agricultural

The suitability of the property in question for the uses permitted under the existing zoning classification.

suitable

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.

Rural Residential Development

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

Consistent

LEGAL DESCRIPTION

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, EXCEPTING THE NORTH 2008.02 FEET THEREOF. CONSISTING OF 19.51 ACRES, MORE OR LESS.

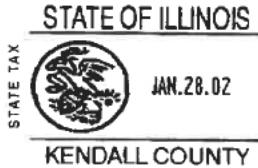
TRUSTEE'S DEED

Statutory Form

200200002571
Filed for Record in
KENDALL COUNTY, ILLINOIS
PAUL ANDERSON
01-28-2002 At 09:04 a.m.
TRUSTEES D 1097.25

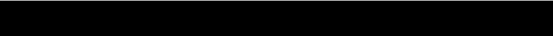
PREPARED BY & RETURN TO:

Robert E. White
White, Marsh, Anderson,
Vickers & Deobler



REAL ESTATE TRANSFER TAX
007 1950
FP351015

0000003143

THIS INDENTURE made this 10th day of January, 2002, between **GERALD R. KNUDSON**, Trustee under the **Gerald R. Knudson Living Trust** dated **January 28, 1993**, as to an undivided **50% interest**, and **PATRICIA A. KNUDSON**, Trustee under the **Patricia A. Knudson Living Trust** dated **January 28, 1993**, as to an undivided **50% interest**, Grantors, and **ROBERT J. FISHER**, of the  Grantee.

WITNESSETH: That said Grantors, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, receipt whereof is hereby acknowledged, and in pursuance of the power and authority vested in the Grantor as said Trustees, and of every other power and authority the Grantors hereunto enabling, do hereby convey and quitclaim unto Grantee, in fee simple, the following described real estate, situated in the County of Kendall and State of Illinois, to wit:

SEE "EXHIBIT A" ATTACHED HERETO AND EXPRESSLY MADE A PART HEREOF.

Subject to: General Real Estate Taxes and Special Assessments for the year 2001 and subsequent years; all zoning ordinances, easements, covenants and restrictions of record; rights of the public in and to that portion of the premises in question taken, used or dedicated for roads or highways; rights of way for drainage ditches, drain tiles, feeders, laterals and underground pipes, if any;

together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.


COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$ 359.75


To Have and to Hold the same unto said Grantee, and to the proper use, benefit and behoof forever of said Grantee.

This Deed is executed pursuant to aid in the exercise of the power and authority granted to and vested in said Trustees by the terms of the Deed or Deeds in Trust delivered to said Trustees in pursuant of the Trust Agreement mentioned above. This Deed is made subject to the lien of every Trust Deed or Mortgage (if any there be) of record in said County given to secure the payment of money, and remaining unreleased at the date of the delivery thereof.

Permanent Index Numbers:

09-29-400-004 & 09-32-200-005

 (SEAL)
GERALD R. KNUDSON, Trustee
under the Gerald R. Knudson Living
Trust dated January 28, 1993


 (SEAL)
PATRICIA A. KNUDSON, Trustee
under the Patricia A. Knudson Living
Trust dated January 28, 1993

STATE OF ILLINOIS


COUNTY OF ILLINOIS

)
) SS.
)

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

GIVEN under my hand and notarial seal, this  day of January, 2002.




Notary Public

MAIL TAX BILL TO:

Robert J. Fisher


AFFIX TRANSFER TAX STAMP
OR
*Exempt under provisions of Paragraph _____
Section 4, Real Estate Transfer Tax Act

EXHIBIT A

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, AND THE EAST HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 32, EXCEPT A TRACT ON THE EAST SIDE WHICH IS MEASURED 208.71 FEET X 208.71 FEET, BEING APPROXIMATELY ONE ACRE IN AREA, ALL LOCATED IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 00° 00' 00" WEST ALONG THE EAST LINE OF THE SAID SOUTHEAST QUARTER FOR A DISTANCE OF 1116.82 FEET; THENCE NORTH 90° 00' 00" WEST FOR A DISTANCE OF 208.71 FEET; THENCE SOUTH 00° 00' 00" WEST FOR A DISTANCE OF 208.71 FEET; THENCE SOUTH 90° 00' 00" EAST FOR A DISTANCE OF 208.71 FEET TO A POINT WHICH FALLS ON THE SAID EAST LINE; THENCE SOUTH 00° 00' 00" WEST ALONG THE SAID EAST LINE FOR A DISTANCE OF 1325.34 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 00° 57' 37" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1328.70 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SAID NORTHEAST QUARTER; THENCE NORTH 89° 46' 23" WEST ALONG THE SAID SOUTH LINE FOR A DISTANCE OF 1321.21 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTH HALF OF THE SAID NORTHEAST QUARTER; THENCE NORTH 00° 54' 36" EAST ALONG THE SAID WEST LINE FOR A DISTANCE OF 1329.53 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE NORTH 00° 01' 54" WEST ALONG THE WEST LINE OF THE EAST HALF OF THE SAID SOUTHEAST QUARTER FOR A DISTANCE OF 2651.09 FEET TO A POINT ON THE NORTH LINE OF THE SAID SOUTHEAST QUARTER; THENCE SOUTH 89° 44' 35" EAST ALONG THE SAID NORTH LINE FOR A DISTANCE OF 1323.83 FEET TO THE POINT OF BEGINNING; CONTAINING 119.854 ACRES MORE OR LESS, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; COUNTY OF KENDALL AND STATE OF ILLINOIS.***

COUNTY OF KENDALL)

Gerald R. Knudson

he resides at [redacted] being duly sworn on oath, states that [redacted] that the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of land is into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
4. The division is of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
6. The conveyance is of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access.
7. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance is of land for highway or other public purpose or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. The conveyance is made to correct description in prior conveyances.
10. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
11. The sale is of a single lot of less than 5 acres from a larger tract evidenced by a survey made by a registered surveyor which single lot is the first sale from said larger tract as determined by the dimensions and configuration thereof on October 1, 1973 and which sale does not violate any local requirements applicable to the subdivision of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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

Subscribed to and sworn before me this 10th day of Jan 2002

[redacted signature]





Kendall County Soil & Water Conservation District

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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Robert Fisher
Contact Person: Boyd Ingemunson
 Address: [Redacted]
 City, State, Zip: [Redacted]
 Phone Number: [Redacted]
 Email: [Redacted]

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

Site Location & Proposed Use

Township Name Seward Township 35 N, Range 8 E, Section(s) 29
 Parcel Index Number(s) 09-29-400-005
 Project or Subdivision Name Fisher Re-Zoning Number of Acres 20 acres
 Current Use of Site Agricultural Proposed Use Rural Residential
 Proposed Number of Lots 1 Proposed Number of Structures 1
 Proposed Water Supply well Proposed type of Wastewater Treatment septic
 Proposed type of Storm Water Management on site

Type of Request

Change in Zoning from A-1 to R-1
 Variance (Please describe fully on separate page)
 Special Use Permit (Please describe fully on separate page)
 Name of County or Municipality the request is being filed with: _____

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

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

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

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

Fee for first five acres and under	\$ <u>375.00</u>
<u>15</u> Additional Acres at \$18.00 each	\$ <u>270</u>
Total NRI Fee	\$ <u>645</u>

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

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

 Petitioner or Authorized Agent

9/21/2021

 Date

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

FOR OFFICE USE ONLY
 NRI# 2117 Date initially rec'd 9/21/21 Date all rec'd 9/21/21 Board Meeting October
 Fee Due \$ 300.00 Fee Paid \$ 300.00 Check # [Redacted] Over/Under Payment N/A Refund Due N/A



Illinois Department of Natural Resources

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

JB Pritzker, Governor

Colleen Callahan, Director

September 15, 2021

Boyd Ingemunson
Robert J. Fisher

RE: Fisher Re-Zoning
Project Number(s): 2204976
County: Kendall


Dear Applicant:

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

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

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

Please contact me if you have questions regarding this review.


Kyle Burkwald
Division of Ecosystems and Environment
217-785-5500

Attachment 2

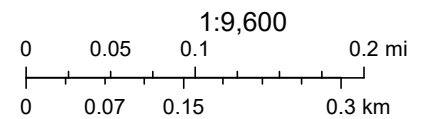


September 21, 2021

 Kendall County Address Points

Parcels

Ownership Parcel

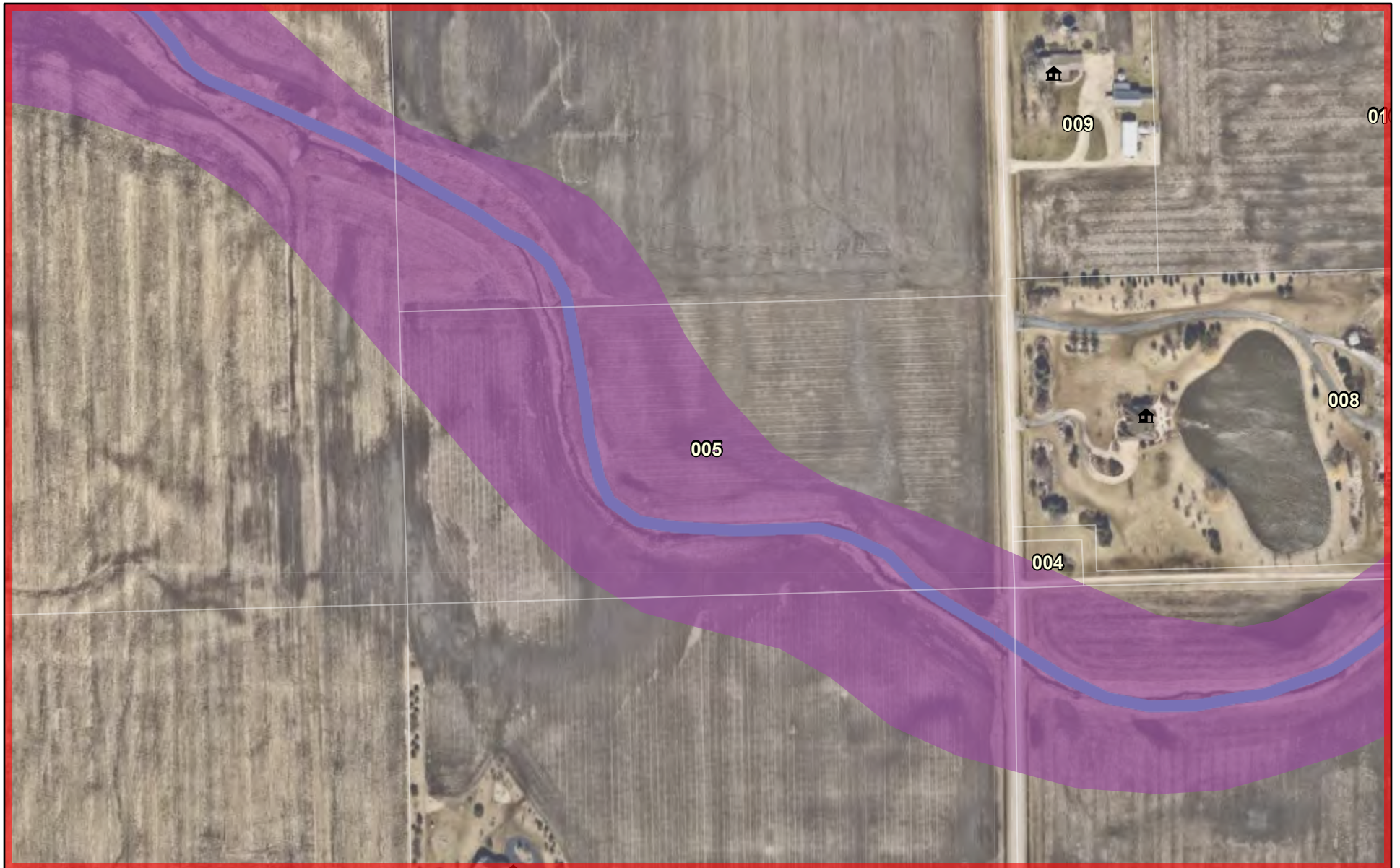


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Kendall County Web GIS








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

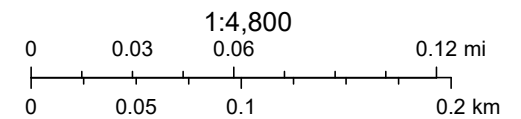
Attachment 3



September 21, 2021

-  Kendall County Address Points
-  Parcels
-  Ownership Parcel

- | | |
|---|--|
|  USA Flood Hazard Areas |  Estuarine |
|  1% Annual Chance Flood Hazard |  Palustrine |
|  USA Wetlands |  Riverine |
|  Marine | |



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**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 5, 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
Fran Klaas – Highway Department
Sergeant Dave Lawson – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve

Audience:

Brenda Zeiter, Gregg Ingemunson, Greg Dady, Boyd Ingemunson, and John Tebrugge

PETITIONS

Petition 21-40 and 21-41 Robert J. Fisher

Mr. Asselmeier summarized the request.

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. The Petitioner would also like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials, aerial of the property, and aerial of the property with the floodplain was provided.

The County's Future Land Use Map called for the property to be Agricultural. Minooka's Future Land Use Map called for the property to be Low Density Residential.

O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.

Minooka has a trail planned along O'Brien Road.

There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The Kendall County Land Resource Management Plan called for the property to the north to be Rural Estate Residential (Max 0.45 DU/acre). The property to the east would be Rural Residential (Max 0.65 DU/acre). The properties to the south and west were classified as Agricultural.

The Village of Minooka's Future Land Use Map called for the area to the north, south, and west to be Low Density Residential. The land to the east was planned to be a Regional Park.

The properties in the vicinity were zoned A-1.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on September 21, 2021.

Petition information was sent to Seward Township on September 24, 2021.

Petition information was sent to the Village of Minooka on September 24, 2021.

ZPAC Meeting Minutes 10.05.21

Petition information was sent to the Minooka Fire Protection District on September 24, 2021.

The Petitioner desires to rezone the subject property in order to build one (1) house on the property. A future owner might subdivide the property for additional houses.

Any new homes or accessory structures would be required to meet applicable building codes.

There was electricity along O'Brien Road. No other public or private utilities were onsite.

The property fronted O'Brien. Staff had no concerns regarding the ability of O'Brien Road to support the proposed map amendment.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors were foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise was anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The Future Land Use Map of the Village of Minooka calls for the area to residential and for a park to be located across the street of the subject property on the east side of O'Brien Road.

The requested amendment is consistent with the Future Land Use Map of the Village of Minooka.

The property to the north of the subject property already possesses the classification requested for the subject property.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioner cannot construct a house on the property unless the property is rezoned. Only agricultural uses would be permitted if the map amendment did not occur.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and single-family residential uses found in rural settings.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Agricultural, the property to the north as Rural Estate Residential (Max 0.45 DU/Acre), and the property to the east as Rural Residential (Max 0.65 DU/Acre). The Village of Minooka's Future Land Use Map classifies this property as Low ZPAC Meeting Minutes 10.05.21

Density Residential. The Petitioner submitted a request amending the Kendall County Future Land Use Map to reclassify the subject property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

Staff recommended approval of the amendment to the Future Land Use Map. If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Rural Estate Residential is approved, Staff recommended approval of the proposed map amendment.

Mr. Rybski asked if a subdivision is planned for this property. Mr. Asselmeier said no subdivision was planned. Boyd Ingemunson, Attorney for the Petitioner, said the current owner wants to market the property for one (1) house. No agricultural allocations were available. The current owner has no plans to subdivide the property for additional homes.

Ms. Olson requested that the property owners obtain the necessary permits from the Army Corps of Engineers and Illinois Department of Resources. She also noted the limitations of the site caused by the soils. Mr. Ingemunson said that the Petitioner does not plan to build a house; the Petitioner wants to be able to market the property for residential purposes.

Mr. Holdiman asked why the Petitioner did not pursue a conditional use permit. Mr. Ingemunson responded that the Petitioner owns the property to the south and the Petitioner was looking to make it easier for a future property owner to build.

Chairman Gengler made a motion, seconded by Mr. Holdiman, to recommend approval of the amendment to the Future Land Use Map and the text amendment.

With a voice vote of eight (8) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on October 27, 2021.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 10:44 a.m., adjourned.

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

Enc.

Attachment 5, 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 October 27, 2021 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:28 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Larry Nelson, Claire Wilson, and Seth Wormley

Members Absent: Karin McCarthy-Lange, Ruben Rodriguez, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Brenda Zeiter, Boyd Ingemunson, Ron Miller, Fran Miller, and Dan Koukol

PUBLIC HEARING

Petition 21-40 Robert J. Fisher

The Kendall County Regional Planning Commission started their review of Petition 21-40 at 7:29 p.m.

Chairman Ashton opened the public hearing at 7:29 p.m.

Mr. Asselmeier summarized the request.

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. The Petitioner would also like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials, aerial of the property, and aerial of the property with the floodplain was provided.

The County's Future Land Use Map called for the property to be Agricultural. Minooka's Future Land Use Map called for the property to be Low Density Residential.

O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.

Minooka has a trail planned along O'Brien Road.

There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The Kendall County Land Resource Management Plan called for the property to the north to be Rural Estate Residential (Max 0.45 DU/acre). The property to the east would be Rural Residential (Max 0.65 DU/acre). The properties to the south and west were classified as Agricultural.

The Village of Minooka's Future Land Use Map called for the area to the north, south, and west to be Low Density Residential. The land to the east was planned to be a Regional Park.

The properties in the vicinity were zoned A-1.

Petition information was sent to Seward Township on September 24, 2021. No comments have been received.

Petition information was sent to the Village of Minooka on September 24, 2021. No comments have been received.

Petition information was sent to the Minooka Fire Protection District on September 24, 2021. No comments have been received.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred about a future subdivision of the property and the need to obtain proper permits when development occurred. ZPAC recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Future Land Use Map of the Village of Minooka calls for the area to residential and for a park to be located across the street of the subject property on the east side of O'Brien Road.

The requested amendment is consistent with the Future Land Use Map of the Village of Minooka.

The property to the north of the subject property already possesses the classification requested for the subject property.

Staff recommended approval of the requested amendment.

Chairman Ashton if the classification of the parcel to the east in the County's Land Resource Management Plan pre-existed the application. Mr. Asselmeier responded yes.

Boyd Ingemunson, Attorney for the Petitioner, asked if anyone had any questions.

There were no additional questions or comments from the Planning Commissioners or members of the public.

Member Nelson made a motion, seconded by Member Wilson, to close the public hearing. With a voice vote of seven (7) ayes, the motion carried.

Chairman Ashton closed the public hearing at 7:34 p.m.

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of the requested amendment to the Future Land Use Map.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Hamman, Nelson, Wilson, and Wormley

Nays (0): None

Absent (3): McCarthy-Lange, Rodriguez, and Stewart

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on November 1, 2021.

The Kendall County Regional Planning Commission concluded their review of Petition 21-40 at 7:35 p.m.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Member Wilson asked if any special use permits had to be rescinded due to the Agricultural Experiences Act. Mr. Asselmeier responded that several of the entities that have seasonal festivals also have special use permits for other activities. The special use permits for other activities could still be enforced. Any restrictions on a seasonal festival specifically would no longer be enforceable.

Dan Koukol, as a County Board Member, thanked all of the Commissioners for their time and work on the Commission. He noted all of the experience of the Commissioners. He stated that the issues raised by the Regional Planning do not always get enough time and attention at the Planning, Building and Zoning Committee. He also discussed the complaints that he received regarding agricultural special uses.

Dan Koukol, as a citizen, noted that he has a special use permit. He noted that he communicated with a landscaper in McCook that wanted to move to Kendall County because the zoning was easy and he could just purchase land and start operations. He expressed concerns about companies claiming to be landscaping businesses with large amounts of heavy equipment. He discussed the floodplain and requested special use permit amendment at 3485 Route 126. He suggested weight restriction for equipment for landscaping businesses. He also discussed the pallet factory near Ashley Road and Plattville Road. Member Nelson suggested having a boiler plate restriction for landscaping businesses.

Chairman Ashton discussed a conversation he had regarding an industrial zone along Route 126. After the October 27, 2021, Comprehensive Land Plan and Ordinance Committee meeting he did not think a conversation like that along Route 126 would occur. He noted a future exodus from the County because of taxes.

Mr. Asselmeier noted that only a small number of special use permits have periodic reviews.

ADJOURNMENT

Member Nelson made a motion, seconded by Member Hamman, to adjourn. With a voice of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:47 p.m.

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

Exhibits

1. Memo on Petition 21-40 Dated October 20, 2021
2. Certificate of Publication for Petition 21-40 (Not Included with Report but on file in Planning, Building and Zoning Office)



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
OCTOBER 27, 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)
Ron & Fern MILLER		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-41

Robert J. Fisher

Map Amendment Rezoning Property from A-1 to R-1

INTRODUCTION

Robert J. Fisher would like a map amendment rezoning approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road from A-1 Agricultural to R-1 One Family Residential. If approved, the Petitioner would like to construct one (1) house on the property.

The application materials are included as Attachment 1. An aerial of the property is included as Attachment 2. An aerial of the property with the floodplain is included as Attachment 3.

The amendment to the Future Land Use Map in the Land Resource Management Plan is a separate petition (Petition 21-40).

SITE INFORMATION

PETITIONER: Robert J. Fisher

ADDRESS: Across from 16924 O'Brien Road, Minooka

LOCATION: West Side of O'Brien Road Approximately 0.25 Miles North of Whitewillow Road



TOWNSHIP: Seward

PARCEL #: 09-29-400-005

LOT SIZE: 19.5 +/- Acres

EXISTING LAND USE: Agricultural

ZONING: A-1 Agricultural District

LRMP:	Future Land Use	Agricultural (Petitioner is requesting a change to Rural Estate Residential Max 0.45 DU/Acre.) Minooka calls for the property to be Low Density Residential.
	Roads	O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.
	Trails	Minooka has a trail planned along O'Brien Road.
	Floodplain/Wetlands	There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

REQUESTED ACTION: Amendment to Future Land Use Map from Agricultural to Rural Estate Residential
Map Amendment Rezoning Property from A-1 Agricultural to R-1 One Family Residential

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Estate Residential (0.45 DU/Acre Max Density) (County) Low Density Residential (Minooka)	A-1
South	Agricultural/Farmstead	A-1	Agricultural (County) Low Density Residential (Minooka)	A-1
East	Agricultural/Farmstead	A-1	Rural Residential (0.65 DU/Acre Max Density) (County) Regional Park (Minooka)	A-1
West	Agricultural	A-1	Agricultural (County) Low Density Residential (Minooka)	A-1

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated (see Attachment 1, Page 9).

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on September 21, 2021 (see Attachment 1, Page 8). The LESA Score was 229 indicating a high level of protection. The NRI is included as Attachment 4.

ACTION SUMMARY

SEWARD TOWNSHIP

Petition information was sent to Seward Township on September 24, 2021.

VILLAGE OF MINOOKA

Petition information was sent to the Village of Minooka on September 24, 2021.

MINOOKA FIRE PROTECTION DISTRICT

Petition information was sent to the Minooka Fire Protection District on September 24, 2021.

ZPAC

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred about a future subdivision of the property and the need to obtain proper permits when development occurred. ZPAC recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were included as Attachment 5.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 27, 2021. Discussion occurred about the amount of floodplain on the property and the number of houses that could be constructed on the property without a formal subdivision. A maximum of three (3) lots could be created from the subject property without the submittal of a formal subdivision. The Petitioner's Attorney noted that the Petitioner has no plans to build a house; the Petitioner wanted to sell the property and market the property as a residential site. No other members of the public spoke at the meeting. The Kendall County Regional Planning Commission recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with two (3) members absent. The minutes of the meeting were included as Attachment 6.

GENERAL INFORMATION

The Petitioner desires to rezone the subject property in order to build one (1) house on the property. A future owner might subdivide the property for additional houses.

BUILDING CODES

Any new homes or accessory structures would be required to meet applicable building codes.

UTILITIES

There is electricity along O'Brien Road. No other public or private utilities are onsite.

ACCESS

The property fronts O'Brien Road. Staff has no concerns regarding the ability of O'Brien Road to support the proposed map amendment.

PARKING AND INTERNAL TRAFFIC CIRCULATION

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only.

LANDSCAPING AND SCREENING

Any fencing, landscaping, or screening would be for residential purposes.

SIGNAGE

Any signage would be residential in nature.

NOISE CONTROL

No noise is anticipated.

STORMWATER

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

FINDINGS OF FACT

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

Existing uses of property within the general area of the property in question. **The surrounding properties are used for agricultural purposes or larger lot single-family residential uses.**

The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1.**

The suitability of the property in question for the uses permitted under the existing zoning classification. **The Petitioner cannot construct a house on the property unless the property is rezoned. Only agricultural uses would be permitted if the map amendment did not occur.**

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. **The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and single-family residential uses found in rural settings.**

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The Future Land Use Map in the Land Resource Management Plan classifies this property as Agricultural, the property to the north as Rural Estate Residential (Max 0.45 DU/Acre), and the property to the east as Rural Residential (Max 0.65 DU/Acre). The Village of Minooka's Future Land Use Map classifies this property as Low Density Residential. The Petitioner submitted a request amending the Kendall County Future Land Use Map to reclassify the subject property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.**

RECOMMENDATION

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Rural Estate Residential is approved, Staff recommends approval of the proposed map amendment.

ATTACHMENTS

1. Application Materials
2. Aerial
3. Aerial of Floodplain Area
4. NRI Report
5. October 5, 2021 ZPAC Minutes (This Petition Only)
6. October 27, 2021 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 Fisher Re-Zoning FILE # 21-40 + 21-41

NAME OF APPLICANT Robert J. Fisher		
CURRENT LANDOWNER/NAME(S) Robert J. Fisher		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 19.00		09-29-400-005
EXISTING LAND USE Agricultural	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP Agricultural
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (___ Concept; ___ Preliminary; ___ Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (___ Major; ___ Minor)		
¹PRIMARY CONTACT Boyd Ingemunson	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.) [REDACTED]
²ENGINEER CONTACT n/a	ENGINEER MAILING ADDRESS n/a	ENGINEER EMAIL n/a
ENGINEER PHONE # n/a	ENGINEER FAX # n/a	ENGINEER OTHER # (Cell, etc.) n/a
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE [REDACTED]

FEE PAID: \$ 500.00
CHECK # [REDACTED]

RECEIVED

SEP 21 2021

KENDALL COUNTY
PLANNING & ZONING
Date Stamp Here If
Checklist is Complete

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

Please fill out the following findings of fact to the best of your capabilities. § 13:07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

Existing uses of property within the general area of the property in question.

Mix of Residential / Agricultural

The Zoning classification of property within the general area of the property in question.

Agricultural

The suitability of the property in question for the uses permitted under the existing zoning classification.

suitable

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.

Rural Residential Development

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

Consistent

LEGAL DESCRIPTION

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, EXCEPTING THE NORTH 2008.02 FEET THEREOF. CONSISTING OF 19.51 ACRES, MORE OR LESS.

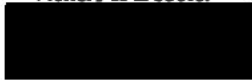
TRUSTEE'S DEED

Statutory Form

200200002571
Filed for Record in
KENDALL COUNTY, ILLINOIS
PAUL ANDERSON
01-28-2002 At 09:04 a.m.
TRUSTEES D 1097.25

PREPARED BY & RETURN TO:

Robert E. White
White, Marsh, Anderson,
Vickers & Deobler



STATE OF ILLINOIS	
STATE TAX 	JAN. 28. 02
	KENDALL COUNTY
# 0000003143	REAL ESTATE TRANSFER TAX
	007 1950
	FP351015

THIS INDENTURE made this 10th day of January, 2002, between **GERALD R. KNUDSON**, Trustee under the **Gerald R. Knudson Living Trust** dated **January 28, 1993**, as to an undivided **50% interest**, and **PATRICIA A. KNUDSON**, Trustee under the **Patricia A. Knudson Living Trust** dated **January 28, 1993**, as to an undivided **50% interest**, Grantors, and **ROBERT J. FISHER**, of the Grantee.

WITNESSETH: That said Grantors, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, receipt whereof is hereby acknowledged, and in pursuance of the power and authority vested in the Grantor as said Trustees, and of every other power and authority the Grantors hereunto enabling, do hereby convey and quitclaim unto Grantee, in fee simple, the following described real estate, situated in the County of Kendall and State of Illinois, to wit:

SEE "EXHIBIT A" ATTACHED HERETO AND EXPRESSLY MADE A PART HEREOF.

Subject to: General Real Estate Taxes and Special Assessments for the year 2001 and subsequent years; all zoning ordinances, easements, covenants and restrictions of record; rights of the public in and to that portion of the premises in question taken, used or dedicated for roads or highways; rights of way for drainage ditches, drain tiles, feeders, laterals and underground pipes, if any;

together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.


COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$ 359.75 *AC*


To Have and to Hold the same unto said Grantee, and to the proper use, benefit and behoof forever of said Grantee.

This Deed is executed pursuant to aid in the exercise of the power and authority granted to and vested in said Trustees by the terms of the Deed or Deeds in Trust delivered to said Trustees in pursuant of the Trust Agreement mentioned above. This Deed is made subject to the lien of every Trust Deed or Mortgage (if any there be) of record in said County given to secure the payment of money, and remaining unreleased at the date of the delivery thereof.

Permanent Index Numbers:

09-29-400-004 & 09-32-200-005

 (SEAL)
GERALD R. KNUDSON, Trustee
under the Gerald R. Knudson Living
Trust dated January 28, 1993

 (SEAL)
PATRICIA A. KNUDSON, Trustee
under the Patricia A. Knudson Living
Trust dated January 28, 1993

STATE OF ILLINOIS

COUNTY OF ILLINOIS

)
) SS.
)

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

GIVEN under my hand and notarial seal, this 10th day of January, 2002.




Notary Public

MAIL TAX BILL TO:

Robert J. Fisher


AFFIX TRANSFER TAX STAMP
OR
*Exempt under provisions of Paragraph _____
Section 4, Real Estate Transfer Tax Act

EXHIBIT A

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, AND THE EAST HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 32, EXCEPT A TRACT ON THE EAST SIDE WHICH IS MEASURED 208.71 FEET X 208.71 FEET, BEING APPROXIMATELY ONE ACRE IN AREA, ALL LOCATED IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 00° 00' 00" WEST ALONG THE EAST LINE OF THE SAID SOUTHEAST QUARTER FOR A DISTANCE OF 1116.82 FEET; THENCE NORTH 90° 00' 00" WEST FOR A DISTANCE OF 208.71 FEET; THENCE SOUTH 00° 00' 00" WEST FOR A DISTANCE OF 208.71 FEET; THENCE SOUTH 90° 00' 00" EAST FOR A DISTANCE OF 208.71 FEET TO A POINT WHICH FALLS ON THE SAID EAST LINE; THENCE SOUTH 00° 00' 00" WEST ALONG THE SAID EAST LINE FOR A DISTANCE OF 1325.34 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 00° 57' 37" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1328.70 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SAID NORTHEAST QUARTER; THENCE NORTH 89° 46' 23" WEST ALONG THE SAID SOUTH LINE FOR A DISTANCE OF 1321.21 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTH HALF OF THE SAID NORTHEAST QUARTER; THENCE NORTH 00° 54' 36" EAST ALONG THE SAID WEST LINE FOR A DISTANCE OF 1329.53 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE NORTH 00° 01' 54" WEST ALONG THE WEST LINE OF THE EAST HALF OF THE SAID SOUTHEAST QUARTER FOR A DISTANCE OF 2651.09 FEET TO A POINT ON THE NORTH LINE OF THE SAID SOUTHEAST QUARTER; THENCE SOUTH 89° 44' 35" EAST ALONG THE SAID NORTH LINE FOR A DISTANCE OF 1323.83 FEET TO THE POINT OF BEGINNING; CONTAINING 119.854 ACRES MORE OR LESS, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; COUNTY OF KENDALL AND STATE OF ILLINOIS.***

COUNTY OF KENDALL)

Gerald R. Knudson

he resides at [redacted] being duly sworn on oath, states that [redacted] that the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of land is into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
4. The division is of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
6. The conveyance is of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access.
7. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance is of land for highway or other public purpose or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. The conveyance is made to correct description in prior conveyances.
10. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
11. The sale is of a single lot of less than 5 acres from a larger tract evidenced by a survey made by a registered surveyor which single lot is the first sale from said larger tract as determined by the dimensions and configuration thereof on October 1, 1973 and which sale does not violate any local requirements applicable to the subdivision of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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

Subscribed to and sworn before me this 10th day of Jan 2002

[redacted signature]





Kendall County Soil & Water Conservation District

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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Robert Fisher
Contact Person: Boyd Ingemunson
 Address: [Redacted]
 City, State, Zip: [Redacted]
 Phone Number: [Redacted]
 Email: [Redacted]

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

Site Location & Proposed Use

Township Name Seward Township 35 N, Range 8 E, Section(s) 29
 Parcel Index Number(s) 09-29-400-005
 Project or Subdivision Name Fisher Re-Zoning Number of Acres 20 acres
 Current Use of Site Agricultural Proposed Use Rural Residential
 Proposed Number of Lots 1 Proposed Number of Structures 1
 Proposed Water Supply well Proposed type of Wastewater Treatment septic
 Proposed type of Storm Water Management on site

Type of Request

Change in Zoning from A-1 to R-1
 Variance (Please describe fully on separate page)
 Special Use Permit (Please describe fully on separate page)
 Name of County or Municipality the request is being filed with: _____

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

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

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

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

Fee for first five acres and under	\$ <u>375.00</u>
<u>15</u> Additional Acres at \$18.00 each	\$ <u>270</u>
Total NRI Fee	\$ <u>645</u>

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

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

 Petitioner or Authorized Agent

9/21/2021
 Date

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

FOR OFFICE USE ONLY

NRI# 2117 Date initially rec'd 9/21/21 Date all rec'd 9/21/21 Board Meeting October
 Fee Due \$ 300.00 Fee Paid \$ 300.00 Check # [Redacted] Over/Under Payment N/A Refund Due N/A



Illinois Department of Natural Resources

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

JB Pritzker, Governor

Colleen Callahan, Director

September 15, 2021

Boyd Ingemunson
Robert J. Fisher

RE: Fisher Re-Zoning
Project Number(s): 2204976
County: Kendall


Dear Applicant:

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

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

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

Please contact me if you have questions regarding this review.


Kyle Burkwald
Division of Ecosystems and Environment
217-785-5500

Attachment 2

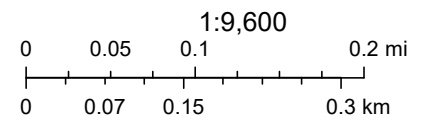


September 21, 2021

 Kendall County Address Points

Parcels

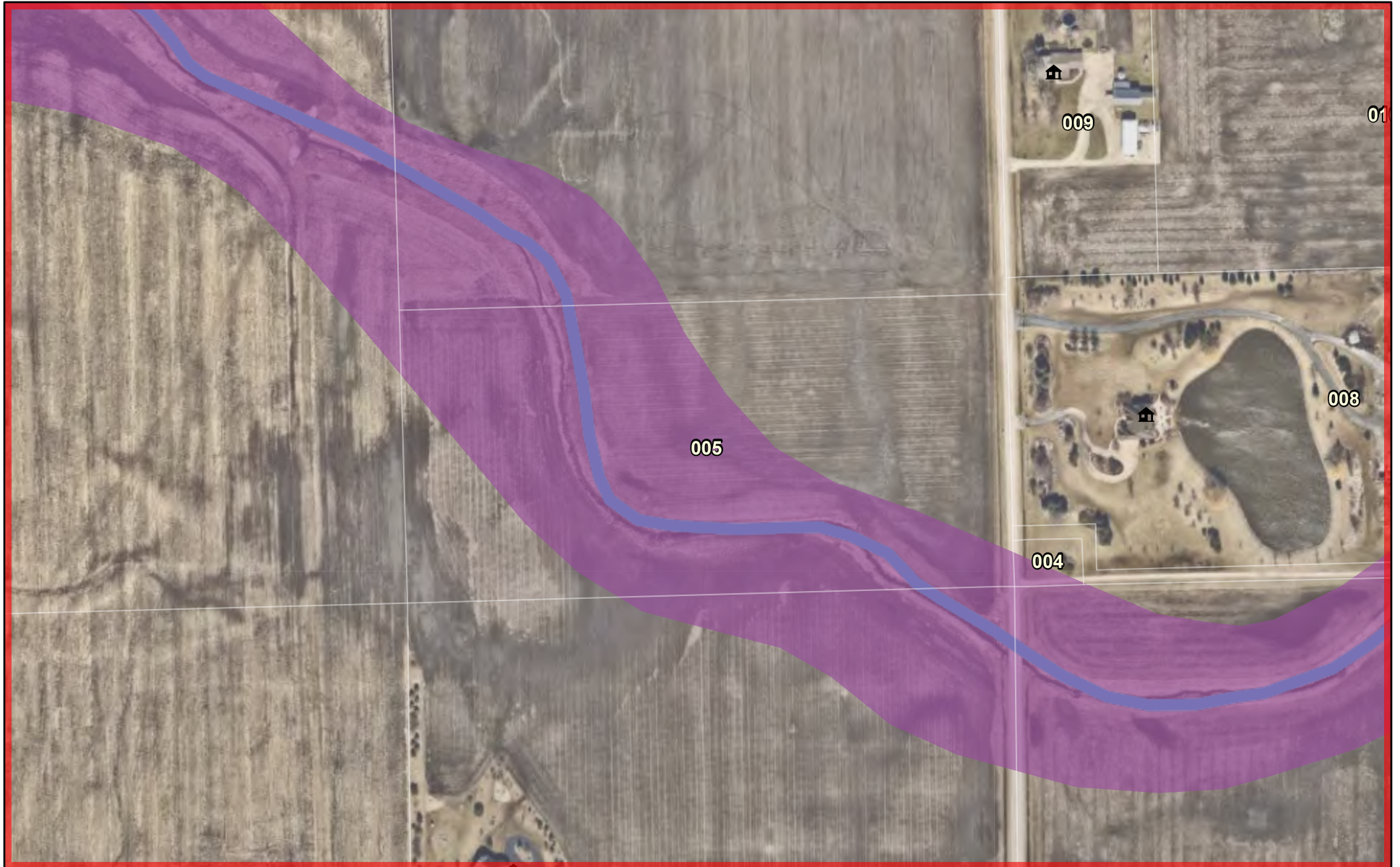
Ownership Parcel



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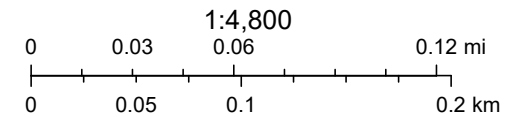
Kendall County Web GIS

Attachment 3



September 21, 2021

- | | | |
|-------------------------------|-------------------------------|------------|
| Kendall County Address Points | USA Flood Hazard Areas | Estuarine |
| Parcels | 1% Annual Chance Flood Hazard | Palustrine |
| Ownership Parcel | USA Wetlands | Riverine |
| | Marine | |

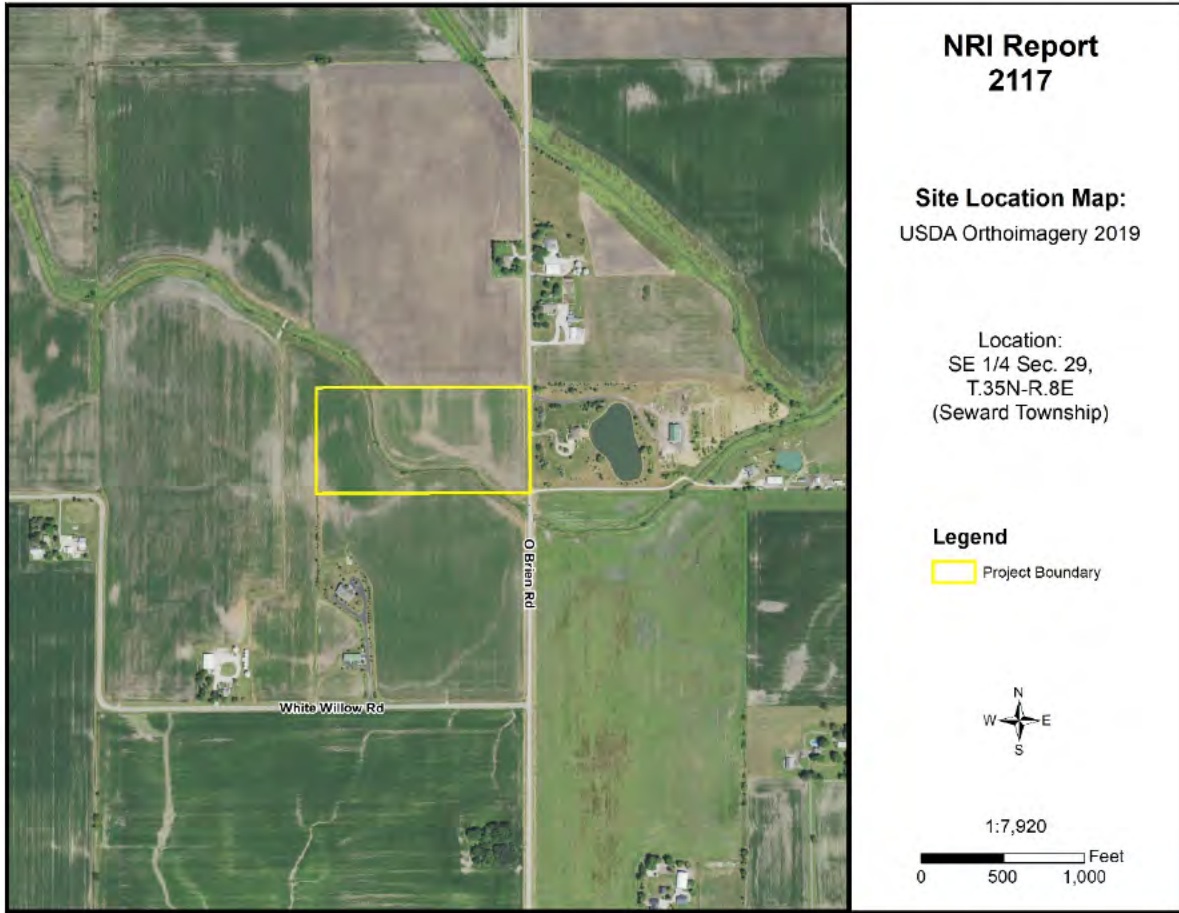


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Kendall County Web GIS

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

NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: #2117



Oct.
2021

Petitioner: Robert Fisher
Contact: Boyd Ingemunson

Prepared By:



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

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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2117
Petitioner	Robert Fisher
Contact Person	Boyd Ingemunson
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SE ¼ of Section 29, T.35N.-R.8E. (Seward Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Fisher Re-Zoning
Existing Zoning & Land Use	A-1 Agricultural; Cropland
Proposed Zoning & Land Use	R-1 Single Family Residential; Potential Residence
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	N/A
Size of Site	(+/-) 20 acres
Land Evaluation Site Assessment Score	229 (Land Evaluation: 87; Site Assessment: 142)

NATURAL RESOURCE CONSIDERATIONS

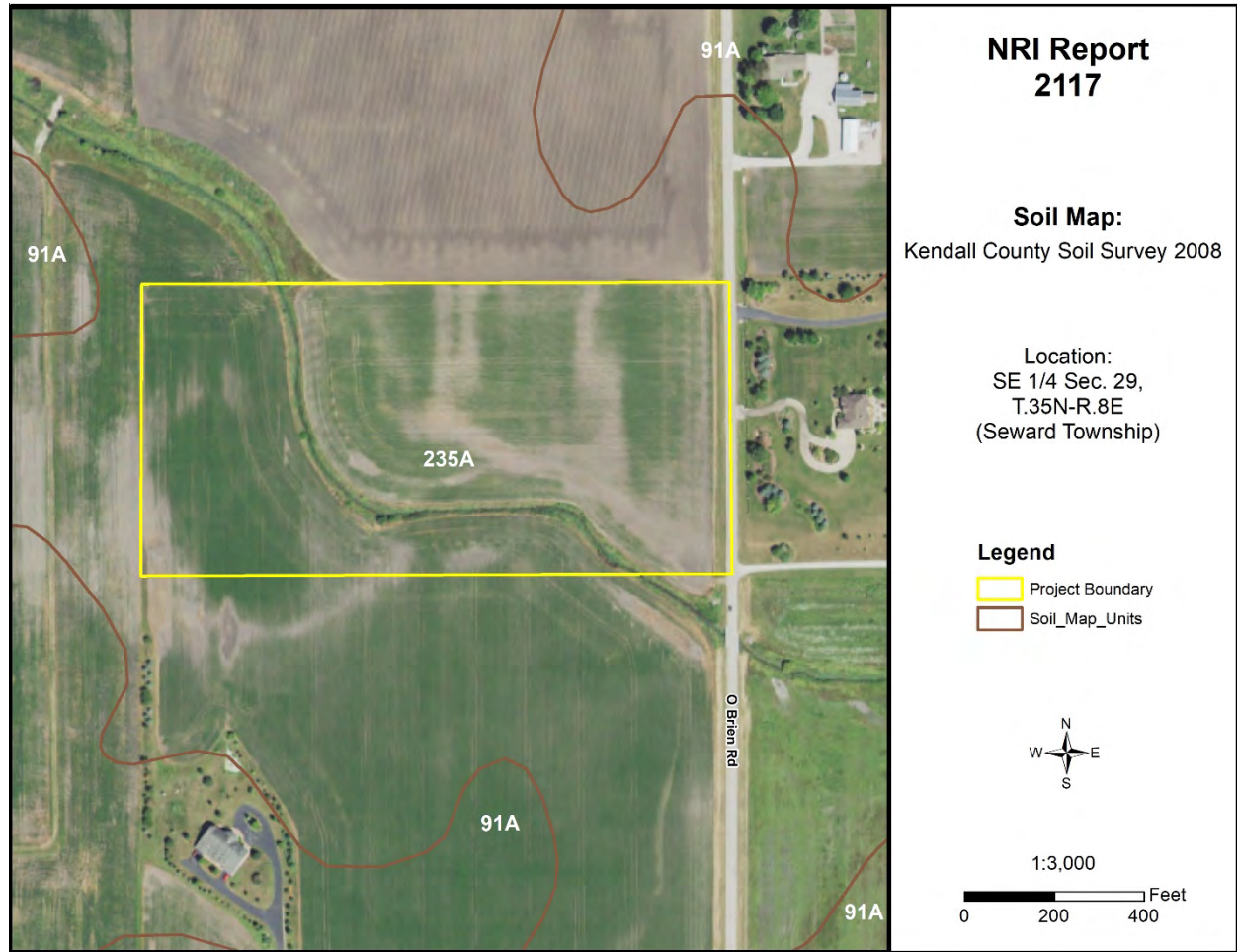


Figure 1: Soil Map

SOIL INFORMATION

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

Table 1: Soils Information

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
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. The only soil found onsite is classified as hydric soil.

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. The only soil found onsite is designated as prime farmland if drained.

Soil Water Features – Table 2 gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

Table 2: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
235A	C/D	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June – December</u> Upper/Lower Limit: --	<u>January – May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None

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 surface runoff classes are identified as: negligible, very low, low, medium, high, and very high.

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

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

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

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

SOIL LIMITATIONS

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

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

Conventional Septic System Rating Criteria – The factors considered for determining suitability include 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 that are deemed unsuitable for installation of an on-site sewage disposal system, per the Kendall County Subdivision Control Ordinance, may necessitate the installation of a non-conventional onsite sewage disposal system. If the scope of the project may include the use of on-site septic systems please consult with the Kendall County Health Department – Environmental Health Services located at 811 W. John Street, Yorkville, IL; (630) 553-9100 ext. 8026.

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

Table 3: Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Systems	Acres	%
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; Too clayey; Unstable excavation walls; Dusty	Very Limited: Ponding; Depth to saturated zone; Too clayey; Dusty	Unsuitable	19.7	100%
% Very Limited	100%	100%	100%	100%	100%		

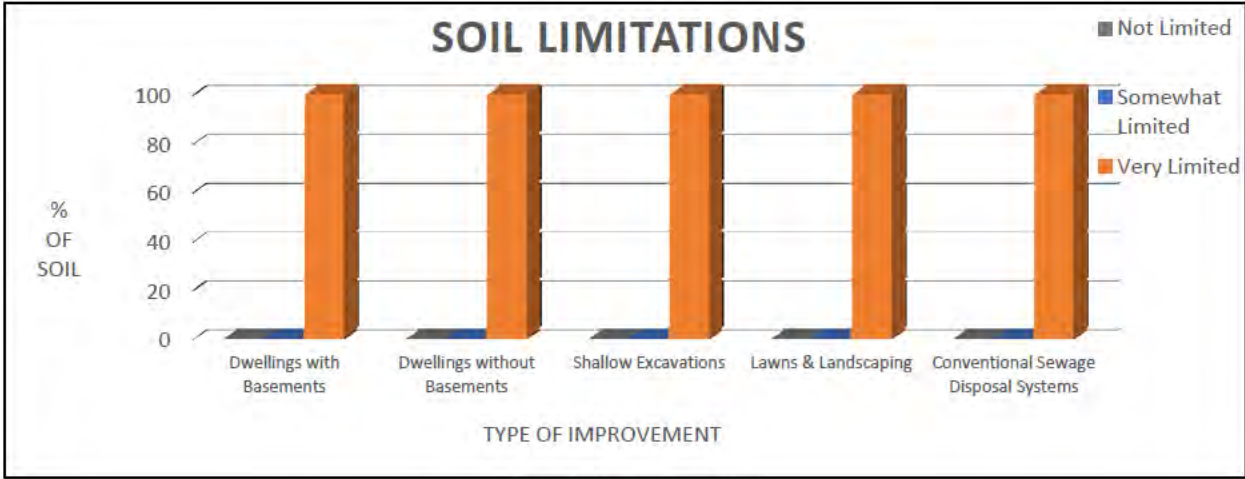


Figure 2: Soil Limitations



Figure 3A: Map of Building Limitations – Dwellings with Basements, Dwellings without Basements, Shallow Excavations, and Lawns & Landscaping

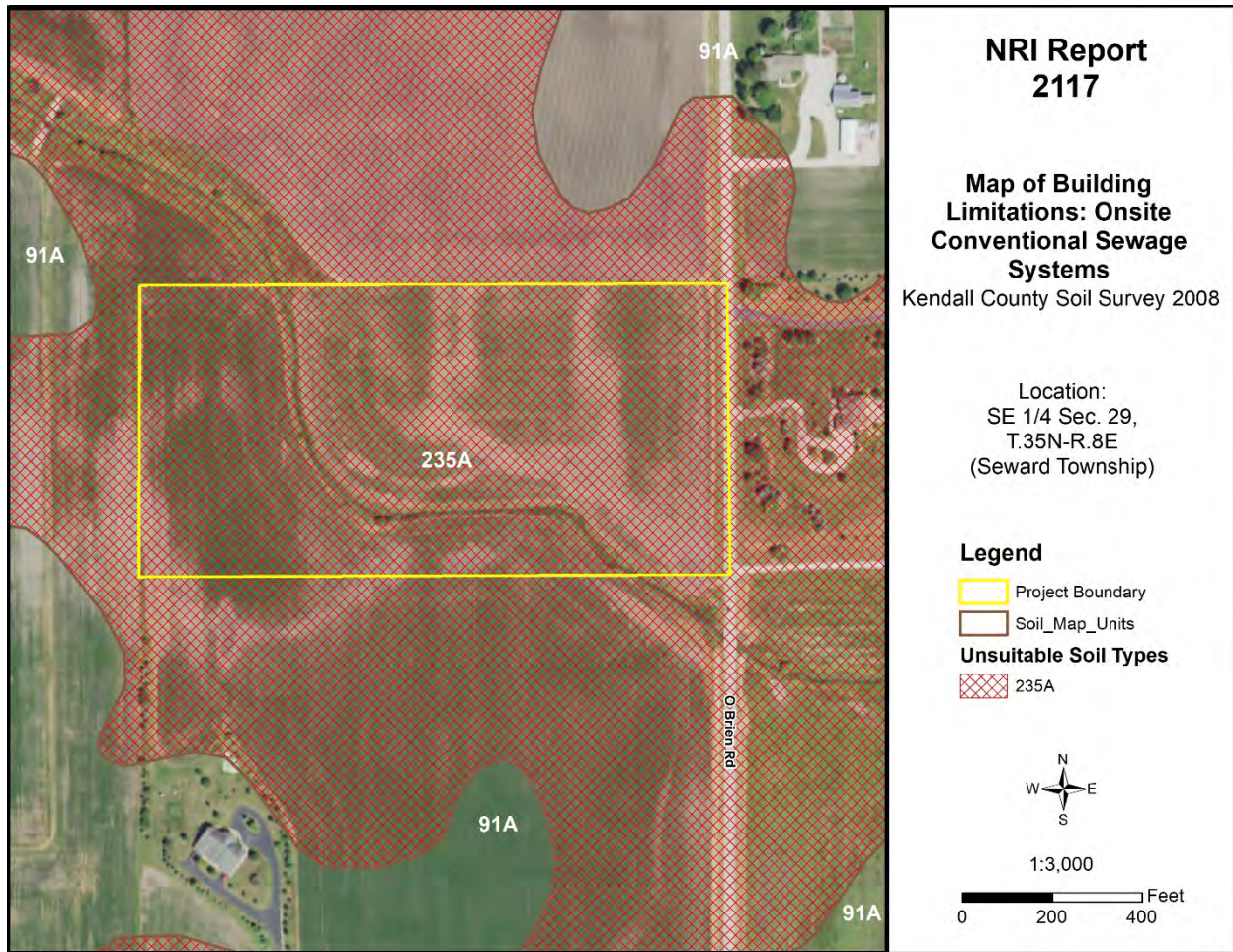


Figure 3B: Map of Building Limitations – Onsite Conventional Sewage System

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 value accounts for 1/3 of the total score and 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 Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Table 4A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
235A	3	87	19.7	1,713.9
Totals			19.7	1,713.9
LE Calculation			(Product of relative value / Total Acres) 1,713.9 / 19.7 = 87	
LE Score			LE = 87	

The Land Evaluation score for this site is 87, indicating that this site is currently designated as land that is well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 4B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	20
	4. Size of site. (30-15-10-0)	10
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	10
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
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)	8
	Site Assessment Score:	142

The Site Assessment score for this site is 142. The Land Evaluation value (87) is added to the Site Assessment value (142) to obtain a LESA Score of 229 out of a possible 300. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 5: LESA Score Summary

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

Land Evaluation Value: 87 + Site Assessment Value: 142 = LESA Score: 229

The LESA Score for this site is 229, which indicates a high level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland

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

WETLANDS

The U.S. Fish & Wildlife Service’s National Wetland Inventory map indicates the presence of a riverine 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.

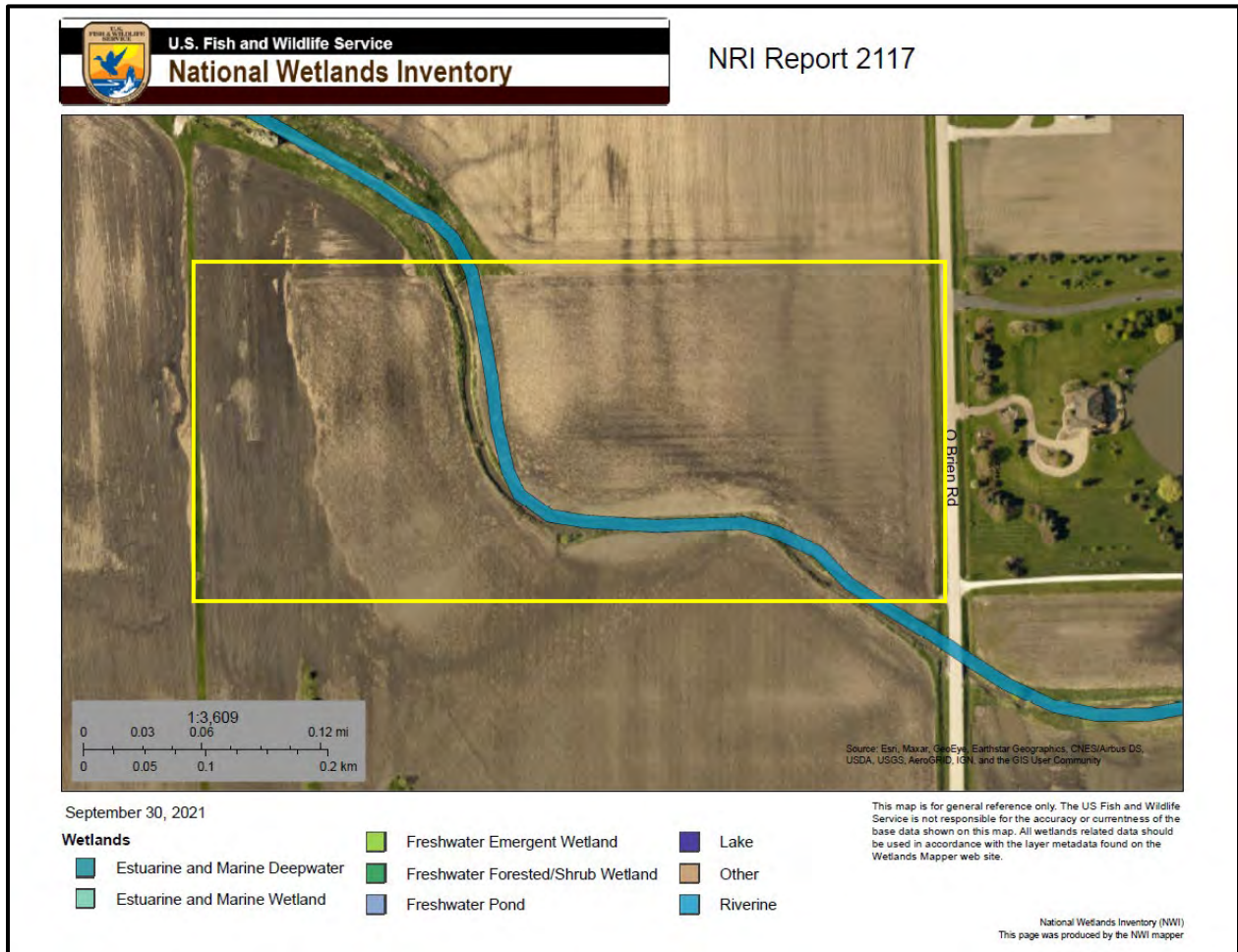


Figure 4: Wetland Map – USFWS National Wetland Inventory

FLOODPLAIN

The Federal Emergency Management Agency’s (FEMA) Digital Flood Insurance Rate Map (DFIRM) for Kendall County, Community Panel No. 17093C0225H (effective date January 8, 2014) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel is located within Zone A floodplain.

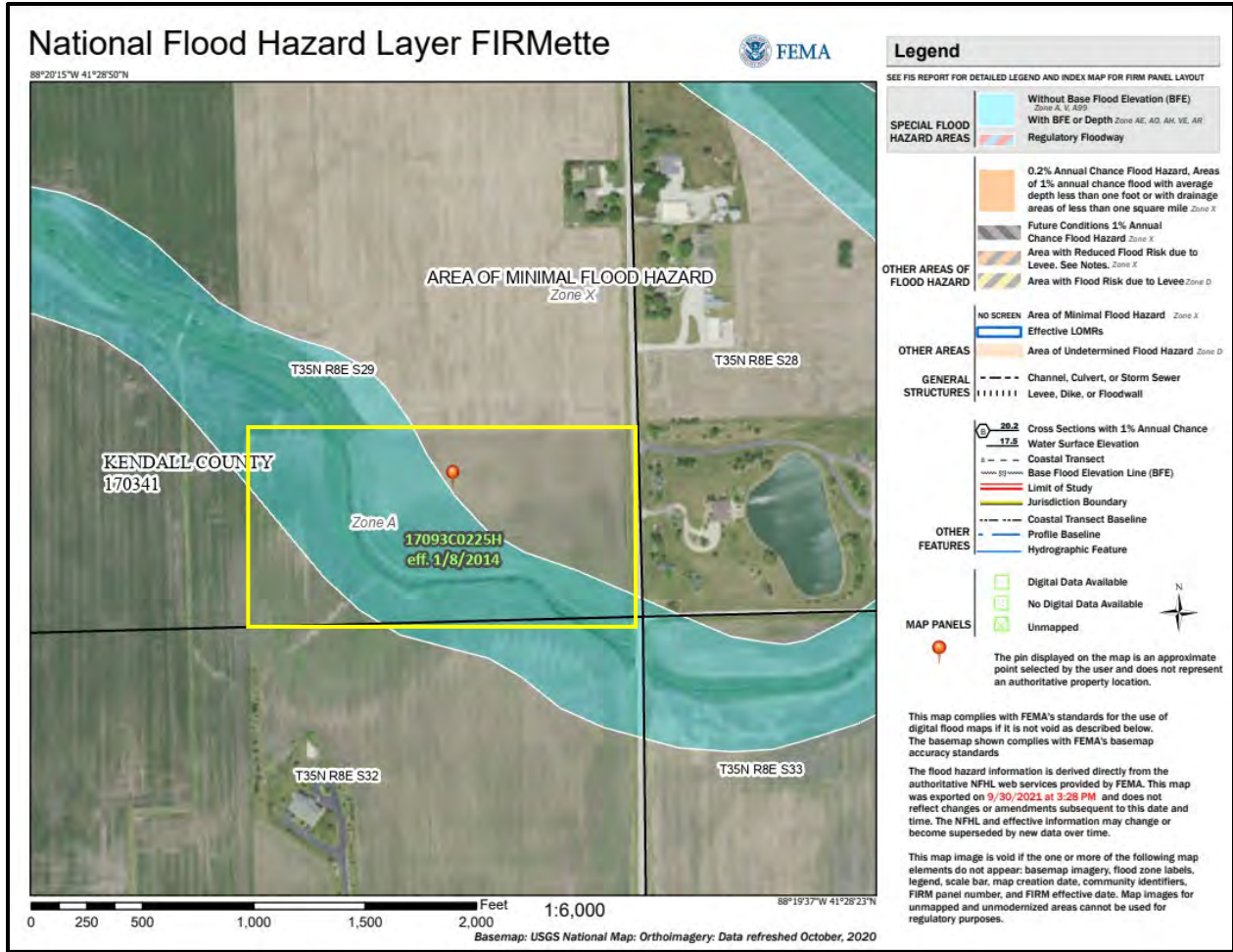


Figure 5: FEMA Floodplain Map

SEDIMENT AND EROSION CONTROL

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

LAND USE FINDINGS

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for Petitioner Robert Fisher for the proposed change in zoning from A-1 Agricultural to R-1 Single-Family Residential on a parcel located in Seward Township of Kendall County in the SE ¼ of Section 29, Township 35N, and Range 8E of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 100% are designated as prime farmland. 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 87 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 229 out of a possible 300, which indicates a high level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note 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 dwellings with and without basements, shallow excavations, and lawns & landscaping. Additionally, 100% of the soils appear to be unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

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

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

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

[Redacted Signature]

SWCD Board Representative

10/04/2021
Date

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 5, 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
Fran Klaas – Highway Department
Sergeant Dave Lawson – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve

Audience:

Brenda Zeiter, Gregg Ingemunson, Greg Dady, Boyd Ingemunson, and John Tebrugge

PETITIONS

Petition 21-40 and 21-41 Robert J. Fisher

Mr. Asselmeier summarized the request.

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. The Petitioner would also like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials, aerial of the property, and aerial of the property with the floodplain was provided.

The County's Future Land Use Map called for the property to be Agricultural. Minooka's Future Land Use Map called for the property to be Low Density Residential.

O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.

Minooka has a trail planned along O'Brien Road.

There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The Kendall County Land Resource Management Plan called for the property to the north to be Rural Estate Residential (Max 0.45 DU/acre). The property to the east would be Rural Residential (Max 0.65 DU/acre). The properties to the south and west were classified as Agricultural.

The Village of Minooka's Future Land Use Map called for the area to the north, south, and west to be Low Density Residential. The land to the east was planned to be a Regional Park.

The properties in the vicinity were zoned A-1.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on September 21, 2021.

Petition information was sent to Seward Township on September 24, 2021.

Petition information was sent to the Village of Minooka on September 24, 2021.

Petition information was sent to the Minooka Fire Protection District on September 24, 2021.

The Petitioner desires to rezone the subject property in order to build one (1) house on the property. A future owner might subdivide the property for additional houses.

Any new homes or accessory structures would be required to meet applicable building codes.

There was electricity along O'Brien Road. No other public or private utilities were onsite.

The property fronted O'Brien. Staff had no concerns regarding the ability of O'Brien Road to support the proposed map amendment.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors were foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise was anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The Future Land Use Map of the Village of Minooka calls for the area to residential and for a park to be located across the street of the subject property on the east side of O'Brien Road.

The requested amendment is consistent with the Future Land Use Map of the Village of Minooka.

The property to the north of the subject property already possesses the classification requested for the subject property.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioner cannot construct a house on the property unless the property is rezoned. Only agricultural uses would be permitted if the map amendment did not occur.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and single-family residential uses found in rural settings.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Agricultural, the property to the north as Rural Estate Residential (Max 0.45 DU/Acre), and the property to the east as Rural Residential (Max 0.65 DU/Acre). The Village of Minooka's Future Land Use Map classifies this property as Low ZPAC Meeting Minutes 10.05.21

Density Residential. The Petitioner submitted a request amending the Kendall County Future Land Use Map to reclassify the subject property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

Staff recommended approval of the amendment to the Future Land Use Map. If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Rural Estate Residential is approved, Staff recommended approval of the proposed map amendment.

Mr. Rybski asked if a subdivision is planned for this property. Mr. Asselmeier said no subdivision was planned. Boyd Ingemunson, Attorney for the Petitioner, said the current owner wants to market the property for one (1) house. No agricultural allocations were available. The current owner has no plans to subdivide the property for additional homes.

Ms. Olson requested that the property owners obtain the necessary permits from the Army Corps of Engineers and Illinois Department of Resources. She also noted the limitations of the site caused by the soils. Mr. Ingemunson said that the Petitioner does not plan to build a house; the Petitioner wants to be able to market the property for residential purposes.

Mr. Holdiman asked why the Petitioner did not pursue a conditional use permit. Mr. Ingemunson responded that the Petitioner owns the property to the south and the Petitioner was looking to make it easier for a future property owner to build.

Chairman Gengler made a motion, seconded by Mr. Holdiman, to recommend approval of the amendment to the Future Land Use Map and the text amendment.

With a voice vote of eight (8) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on October 27, 2021.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 10:44 a.m., adjourned.

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

Enc.

Attachment 6, 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 October 27, 2021 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:28 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Larry Nelson, Claire Wilson, and Seth Wormley

Members Absent: Karin McCarthy-Lange, Ruben Rodriguez, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Brenda Zeiter, Boyd Ingemunson, Ron Miller, Fran Miller, and Dan Koukol

Without objection, Chairman Ashton amended the agenda to move Petition 21-41 to ahead of Petition 21-36.

PETITIONS

Petition 21-41 Robert J. Fisher

Mr. Asselmeier summarized the request.

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. The Petitioner would also like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials, aerial of the property, and aerial of the property with the floodplain was provided.

The County's Future Land Use Map called for the property to be Agricultural. Minooka's Future Land Use Map called for the property to be Low Density Residential.

O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.

Minooka has a trail planned along O'Brien Road.

There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The Kendall County Land Resource Management Plan called for the property to the north to be Rural Estate Residential (Max 0.45 DU/acre). The property to the east would be Rural Residential (Max 0.65 DU/acre). The properties to the south and west were classified as Agricultural.

The Village of Minooka's Future Land Use Map called for the area to the north, south, and west to be Low Density Residential. The land to the east was planned to be a Regional Park.

The properties in the vicinity were zoned A-1.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on September 21, 2021. The LESA Score was 229 indicating a high level of protection. The NRI was provided.

Petition information was sent to Seward Township on September 24, 2021. No comments have been received.

Petition information was sent to the Village of Minooka on September 24, 2021. No comments have been received.

Petition information was sent to the Minooka Fire Protection District on September 24, 2021. No comments have been received.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred about a future subdivision of the property and the need to obtain proper permits when development occurred. ZPAC recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Petitioner desires to rezone the subject property in order to build one (1) house on the property. A future owner might subdivide the property for additional houses.

Any new homes or accessory structures would be required to meet applicable building codes.

There is electricity along O'Brien Road. No other public or private utilities are onsite.

The property fronts O'Brien Road. Staff has no concerns regarding the ability of O'Brien Road to support the proposed map amendment.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors are foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise is anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioner cannot construct a house on the property unless the property is rezoned. Only agricultural uses would be permitted if the map amendment did not occur.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and single-family residential uses found in rural settings.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Agricultural, the property to the north as Rural Estate Residential (Max 0.45 DU/Acre), and the property to the east as Rural Residential (Max 0.65 DU/Acre). The Village of Minooka's Future Land Use Map classifies this property as Low Density Residential. The Petitioner submitted a request amending the Kendall County Future Land Use Map to reclassify the subject property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Rural Estate Residential was approved, Staff recommended approval of the proposed map amendment.

Member Wilson asked how much acreage was not in the floodplain. Based on the aerial, it appeared approximately ten (10) acres was outside the floodplain.

Member Nelson asked how many houses could be placed on the property using the Plat Act exemptions. Mr. Asselmeier noted that the property had over six hundred feet (600') of frontage. Based upon the County's two hundred foot (200') frontage requirements for R-1 zoned property and the minimum lot size of slightly less than three (3) acres, a maximum of three (3) houses could be placed upon the property. Due to the floodplain, the placement of two (2) houses was more likely without going through the subdivision process. Discussion occurred regarding the placement of septic systems in relation to the floodplain.

Boyd Ingemunson, Attorney for the Petitioner, noted that the property does not intend to construct a house on the property; the Petitioner would like to market the property as a residential site for sale.

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of the map amendment.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Hamman, Nelson, Wilson, and Wormley

Nays (0): None

Absent (3): McCarthy-Lange, Rodriguez, and Stewart

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on November 1, 2021.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Member Wilson asked if any special use permits had to be rescinded due to the Agricultural Experiences Act. Mr. Asselmeier responded that several of the entities that have seasonal festivals also have special use permits for other activities. The special use permits for other activities could still be enforced. Any restrictions on a seasonal festival specifically would no longer be enforceable.

Dan Koukol, as a County Board Member, thanked all of the Commissioners for their time and work on the Commission. He noted all of the experience of the Commissioners. He stated that the issues raised by the Regional Planning do not always get enough time and attention at the Planning, Building and Zoning Committee. He also discussed the complaints that he received regarding agricultural special uses.

Dan Koukol, as a citizen, noted that he has a special use permit. He noted that he communicated with a landscaper in McCook that wanted to move to Kendall County because the zoning was easy and he could just purchase land and start operations. He expressed concerns about companies claiming to be landscaping businesses with large amounts of heavy equipment. He discussed the floodplain and requested special use permit amendment at 3485 Route 126. He suggested weight restriction for equipment for landscaping businesses. He also discussed the pallet factory near Ashley Road and Plattville Road. Member Nelson suggested having a boiler plate restriction for landscaping businesses.

Chairman Ashton discussed a conversation he had regarding an industrial zone along Route 126. After the October 27, 2021, Comprehensive Land Plan and Ordinance Committee meeting he did not think a conversation like that along Route 126 would occur. He noted a future exodus from the County because of taxes.

Mr. Asselmeier noted that only a small number of special use permits have periodic reviews.

ADJOURNMENT

Member Nelson made a motion, seconded by Member Hamman, to adjourn. With a voice of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:47 p.m.

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



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
OCTOBER 27, 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)
Ron & Fern MILLER		