

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**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

**APPROVAL OF AGENDA**

Member Nelson made a motion, seconded by Member Wilson, to approve the agenda. With a voice vote of seven (7) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Nelson made a motion, seconded by Member Bledsoe, to approve the minutes of the September 22, 2021, meeting. With a voice vote of seven (7) ayes, the motion carried.

**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 asked 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.

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 Petitioner 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.

**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 (18<sup>th</sup>) 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.

**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~~

~~e. 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~~

**e. 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.**

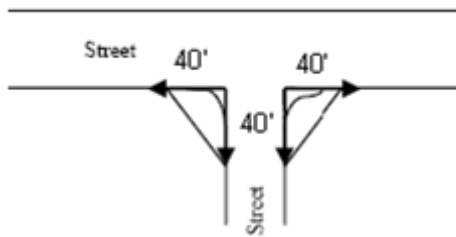
**10. Vegetable Gardens as defined by the Garden Act.**

**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 were provided.

Chairman Ashton asked about having vegetable stands in Boulder Hill. Mr. Asselmeier said yes, if they were located at least ten feet (10') from the right-of-way. The produce would be required to be grown on the property where it was sold. The stands could be on both vacant and improved lots.

Member Nelson asked about the imposition of setbacks for the sale produce. He had concerns regarding the ten foot (10') setback as being too small.

Discussion occurred regarding the location of the right-of-way in Boulder Hill in relation to sidewalks.

Accessory structures would have to follow setback requirements.

Discussion occurred the State's agricultural zoning regulations on lots five (5) acres or less.

Member Nelson made a motion to have Mr. Asselmeier research restricting roadside stands in the front yard and street side yard setbacks in the R-6 and R-7 Districts. The motion was not seconded, but the consensus of the Commission was to Mr. Asselmeier research this item.

The Commission had no objections to the general growing requirements and the requirement restricting growing of gardens in the forty foot (40') sight triangles where two (2) or more public streets meet.

This proposal will go back to the Regional Planning Commission on December 8, 2021.

**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).

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.

#### **Petition 21-39 Greg Dady on Behalf of DTG Investments, LLC**

Mr. Asselmeier reported that the Petitioner had withdrawn the request. The email stating the withdrawal was provided.

Mr. Asselmeier stated that a request for a major amendment to a special use permit for a landscaping business at 3485 Route 126 had been submitted. The major amendment changes the site plan to have outdoor storage of equipment and materials and changes the number of employees that can report to the property.

#### **NEW BUSINESS**

None

#### **OLD BUSINESS**

None

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petition 21-26, regarding the banquet facility on Crimmin Road was referred back to the Planning, Building and Zoning Committee due to septic issues. The owners had an open septic permit. The septic system was installed October 27, 2021.

Mr. Asselmeier reported that Petitions 21-29, 21-30, 21-31, and 21-33 were approved by the County Board.

#### **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


#### 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)
3. 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		



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**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.

**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)



**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

<b>NAME OF APPLICANT</b> Robert J. Fisher		
<b>CURRENT LANDOWNER/NAME(s)</b> Robert J. Fisher		
<b>SITE INFORMATION</b>		
ACRES 19.00	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN) 09-29-400-005
EXISTING LAND USE Agricultural	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP Agricultural
<b>REQUESTED ACTION</b> (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)		
<b><sup>1</sup>PRIMARY CONTACT</b> Boyd Ingemunson	<b>PRIMARY CONTACT MAILING ADDRESS</b> [REDACTED]	<b>PRIMARY CONTACT EMAIL</b> [REDACTED]
<b>PRIMARY CONTACT PHONE #</b> [REDACTED]	<b>PRIMARY CONTACT FAX #</b> [REDACTED]	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b> [REDACTED]
<b><sup>2</sup>ENGINEER CONTACT</b> n/a	<b>ENGINEER MAILING ADDRESS</b> n/a	<b>ENGINEER EMAIL</b> n/a
<b>ENGINEER PHONE #</b> n/a	<b>ENGINEER FAX #</b> n/a	<b>ENGINEER OTHER # (Cell, etc.)</b> 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.		
<b>SIGNATURE OF APPLICANT</b> [REDACTED]		<b>DATE</b> [REDACTED]

FEE PAID: \$ 500.00  
CHECK # [REDACTED]

**RECEIVED**

SEP 21 2021

KENDALL COUNTY  
PLANNING, BUILDING & ZONING  
Date Stamp Here If  
Checklist is Complete

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering 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.

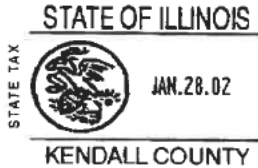
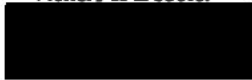
# TRUSTEE'S DEED

Statutory Form

200200002571  
Filed for Record in  
KENDALL COUNTY, ILLINOIS  
PAUL ANDERSON  
01-28-2002 At 09:04 a.m.  
TRUSTEES D 1097.25

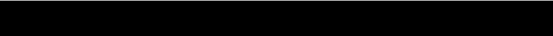
### PREPARED BY & RETURN TO:

Robert E. White  
White, Marsh, Anderson,  
Vickers & Deobler



REAL ESTATE TRANSFER TAX
007 1950
FP 35 10 15

# 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 10<sup>th</sup> 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>
<b>Total NRI Fee</b>	\$ <u>645</u>

**NOTE:** Applications are due by the 1<sup>st</sup> 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

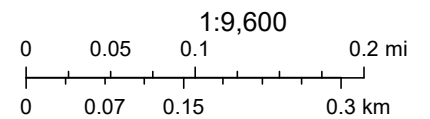


September 21, 2021

 Kendall County Address Points

Parcels

Ownership Parcel



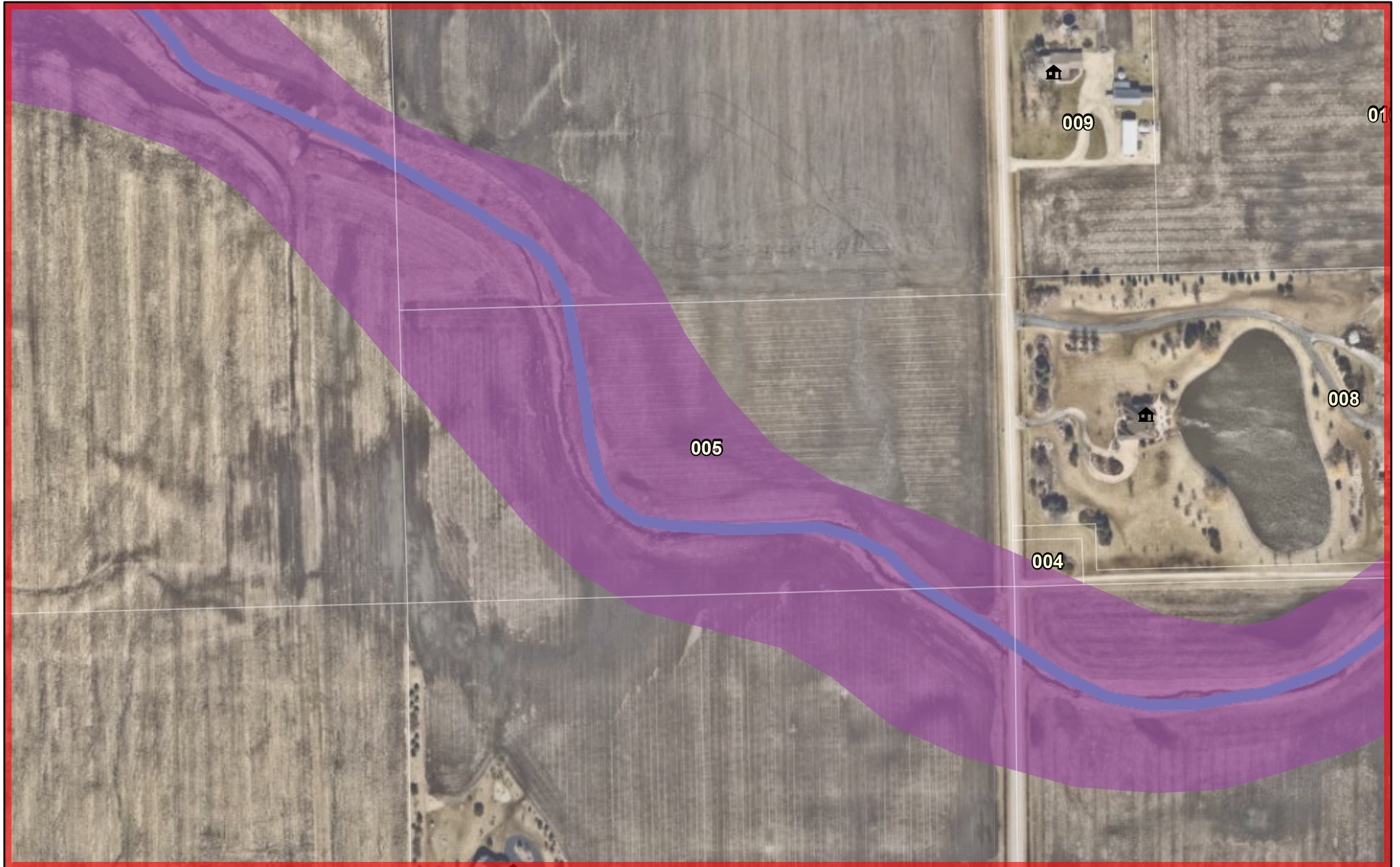
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Kendall County Web GIS











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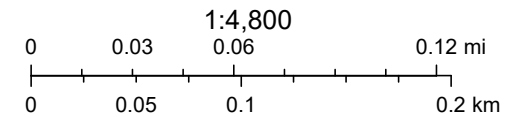


# Attachment 3



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

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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.

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.

