

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of February 23, 2022 - 7:00 p.m.

Vice Chairman Rodriguez called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson (Arrived at 7:03 p.m.), and Seth Wormley

Members Absent: Bill Ashton

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Miguel Angel Fernandez, Larson Family, Rusty Kamp, Robert Schwartz, Aaron Klima, Patti Bernhard, and Tom Green

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Member Stewart made a motion, seconded by Member McCarthy-Lange, to approve the minutes of the December 8, 2021, meeting, the January 26, 2022, gathering, and the February 5, 2022, Annual Meeting.

Mr. Asselmeier noted the County Board added the requirement to notify neighbors within five hundred feet (500') in January 2011. The requirement to have a sign in the yard was added between 1992 and 1999.

Member Wilson arrived at this time (7:03 p.m.).

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

PETITIONS

Petition 21 – 49 – Irma Loya Quezada

Mr. Asselmeier read a letter from Attorney Dan Kramer requesting the proposal be laid over to the April 27, 2022, meeting.

Member Stewart made a motion, seconded by Member Nelson, to lay over the request until the April 27, 2022, meeting.

The votes were as follows:

Ayes (8): Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, Wilson, and Wormley

Nays (0): None

Absent (1): Ashton

Abstain (0): None

The motion carried.

This proposal will be on the April 27, 2022, Commission's agenda.

Petition 22-01 Jose and Silvia Martinez

Mr. Asselmeier summarized the request.

In 2018, the Planning, Building and Zoning Department started investigating a landscaping business operating at the subject property without a special use permit. On February 23, 2021, the court imposed a fine of Thirty-Two Thousand, Eight Hundred Dollars (\$32,800) against the Petitioners for operating a landscaping business without a special use permit, installing the southern driveway without a permit, Junk and Debris Ordinance violations, and related court costs. The discovery of assets portion of the case has been continued with the hope that the Petitioners will apply for the applicable special use permit and variance.

The Petitioners purchased the property in 2018.

On December 9, 2021, the Petitioner submitted the necessary application for a special use permit for a landscaping business, a variance to allow a landscaping business on a non-State, County or Collector roadway as defined by the Kendall County Land Resource Management Plan, and a variance to allow the southern driveway to be within five feet (5') of the side yard property line.

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

The property is located at 1038 Harvey Road.

The property is approximately three (3) acres.

The existing land use is Single-Family Residential.

The Future Land Use Map calls for the area to be Suburban Residential (Max 1.0 DU/Acre). Oswego's Future Land Use Map calls for the area to be Industrial.

Harvey Road is classified as a Collector by the Village of Oswego in this area and is not classified as such in the Land Resource Management Plan.

There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land use are Comed Right-of-Way, Industrial, Stormwater Pond, and Single-Family Residential.

The adjacent properties are zoned R-2, M-1, and M-2 by the Village of Oswego.

Oswego's Future Land Use Map calls for the area to be Agricultural, Single-Family Residential, and Light Industrial.

The zoning districts within one half (1/2) mile are A-1, A-1 SU, R-1, R-3, B-3, B-3 SU, and M-1 in the County and R-1, R-2, R-4, B-3, M-1, and M-2 inside the Village of Oswego.

Oswego East High School is located within one half (1/2) mile of the property.

The A-1 special use permits to the north are for a landscaping business and a cemetery. The B-3 special use permit to the east is for a watchman's quarters.

EcoCAT Report was submitted on December 9, 2021, and consultation was terminated.

The LESA Score was 124 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on December 22, 2021.

Petition information was sent to the Village of Oswego on December 22, 2021.

Petition information was sent to the Oswego Fire Protection District on December 22, 2021.

ZPAC reviewed the proposal on January 4, 2022. The Petitioners' Attorney requested the start date for the business to be changed from April 1st to March 1st of each year. Discussion occurred regarding annexing the property into the Village of Oswego; the Petitioners' Attorney did not know why the Petitioners had not pursued annexation. The Petitioners' Attorney reiterated that no members of the public would be invited onto the property and no retail sales of landscaping materials would occur. Discussion occurred regarding the reasons why the Petitioner had not applied for proper zoning despite citation and court action. The Petitioners' Attorney indicated the Petitioners were agreeable to the proposed conditions provided the start dates was moved to March 1st. ZPAC recommended approval of the special use permit with the conditions proposed by Staff with an amendment to move the start of the operating season to March 1st by a vote of five (5) in favor and two (2) in opposition with three (3) 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 zoned 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 and the variance to the requirement to be located on a State, County or Collector Highway, the above conditions have been met.

According to the business plan, the business has four (4) employees. Employees arrive at the property at approximately 6:30 a.m., go to work sites, and return to the property and leave to go home by 7:00 p.m. No information was provided regarding days of operation. The business would operate between March 1st and Thanksgiving. Business equipment presently consists of three (3) trucks.

The landscaping business area on the southwest corner of the site will be of gravel and will be approximately thirteen thousand, two hundred fifty (13,250) square feet in size. If there is a motor vehicle or equipment related leak, the area impacted gravel will be removed and replaced with clean gravel.

One (1) one (1) story, approximately two thousand nine hundred (2,900) square foot house, constructed in 1955 with a two (2) story garage is located on the property. There is also one (1) approximately two hundred forty-five (245) square foot frame shed on the property near the landscaping storage area. There is also one (1) chicken coop and one (1) additional shed on the northeast corner of the property not associated with the landscaping business. The picture of the house was provided.

According to the landscaping plan, the Petitioners plan to install open storage areas, one (1) for grass and brush clippings at twenty feet wide by approximately one hundred twenty feet in depth (20' X 120'), one (1) for mulch, and one (1) for sand. There would also be storage areas for brick pallets. No information was provided on the dimensions for the storage areas for mulch, sand, and brick pallets. There would also be four (4) truck storage areas measured at fifteen feet wide by twenty-eight feet in depth (15' X 28'). According to the business plan, no piles of materials would exceed three feet (3') in height.

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

Per the site survey, the property is served by a septic system. No information was provided regarding a well.

No employees or customers would use restroom or water facilities on the property.

One six foot by five foot (6' X 5') dumpster was shown on the landscaping plan in the landscaping business area.

The property drains to the southeast and northeast.

Per the survey and landscaping plan, the house is served by an existing driveway with two (2) access points off of Harvey Road. One (1) twenty foot (20') wide gravel driveway provides access from the landscaping storage area to Harvey Road; this access was installed without proper permits and will need to secure applicable permits. The southern driveway is also too close to the side yard property line and will need a variance. A picture of the southern driveway was provided.

The Village of Oswego provided information regarding driveway standards; this information is included as part of an email which was provided.

According to the plat of survey, the Petitioners plan to have two (2) parking spaces and one (1) handicapped accessible parking space to the west of the garage. The parking spaces will be of brick pavers.

The plat of survey shows two existing light poles. Existing lighting is used for residential purposes only. The Petitioners are not proposing any additional lighting.

The Petitioners were not proposing any business related signage.

The landscaping plan shows one (1) solid fence eight feet (8') in height along the east, west, and south sides of the landscaping business area. One (1) security gate is also shown on the landscaping plan.

The landscaping plan shows three (3) thirty foot (30') tall white pines, eleven (11) eight foot (8') tall mission arborvitaes, three (3) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property. No information was provided regarding the vegetation along the southern property line. A picture of the landscaping was provided. The vegetation along the southern property line can be seen in the picture of the southern driveway. The Village of Oswego also requested landscaping in their email, but did not provide details on type or nature of landscaping.

No information was provided regarding noise control.

No new odors were foreseen by the proposed use.

If approved, this would be the nineteenth (19th) 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 driveway, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. Conditions may be placed in the special use permit ordinance to address hours and seasons of operation.

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 the Village of Oswego approves the new access point for the southern driveway and if a variance is granted for the location of the southern driveway, then adequate points of ingress and egress will be provided. The owners of the business allowed by the special use permit have agreed not pile materials in excess of three feet (3') in height.

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 driveway, 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 6-34 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 variances 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 are no topographic conditions or other outstanding conditions not caused by the Petitioner that created a particular hardship or difficulty upon the owner.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. It is unknown the exact number of A-1 zoned properties that could ask for similar variances. There are no unique conditions that caused the driveway to be located on the southern property line. The Village of Oswego defines Harvey Road as a Collector while the Kendall County Land Resource Management Plan does not define Harvey Road as a Collector; it is unique to have this difference in classification.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners created the hardship by installing the driveway without proper permits and operating the business at the subject property. The owners were not responsible in the differences in classification for Harvey Road.

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, provided the Village of Oswego grants access to Harvey Road at the location shown on the landscaping plan.

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 driveway to be on the property line and allowing the business to operate on a non-State, County, or Collector Highway will not impair any of the above items.

Staff believed that a landscaping business could operate at the subject property with reasonable restrictions. However, Staff had concerns, given the Petitioners' previous behavior, that reasonable restrictions will be followed. Staff believed the following conditions and restrictions are necessary for the operation of a special use permit at the subject property:

1. The site shall be developed substantially in accordance with the plat of survey and landscaping plan.
2. The existing house, garage, chicken coop, deck, swimming pool, and shed located on the northwest corner of the property shall be used for residential purposes only and shall be exempt from the site development conditions of the special use permit. The locations of these structures may change without requiring an amendment to the special use permit.
3. A variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance shall be granted allowing off-street parking and southern driveway to be no closer than zero feet (0') from the southern property line as shown on the landscaping plan. The driveway shall be a maximum of twenty feet (20') in width and shall be gravel.
4. A variance to Section 7:01.D.30.b of the Kendall County Zoning Ordinance shall be granted allowing the operation of a landscaping business at a property not located on and not having direct access to a State, County, or Collector highway as designed in the County's Land Resource Management Plan.
5. 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 plat of survey. The parking area shall be brick pavers.
6. The owners of the business allowed by the special use permit shall maintain the landscaping business area on the southeast corner of the site as depicted on the landscaping plan. This area shall be gravel.

7. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
8. Any new structures constructed or installed related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
9. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
10. 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.
11. 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.
12. 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 landscaping plan. The maximum height of the piles of landscaping related material shall be less than three feet (3') in height.
13. No signage advertising or promoting the business shall be installed on the subject property. The owner of the business allowed by this special use permit may install appropriate handicapped parking signs and other directional signs within the fenced landscaping business area as shown on the landscaping plan.
14. Three (3) thirty foot (30') tall white pines, eleven (11) eight foot (8') tall mission arborvitaes, three (3) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property shall be installed and maintained on the property in substantially the locations shown on the landscaping plan. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
15. No landscape waste generated off the property can be burned on the subject property.
16. A maximum of four (4) 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.
17. 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.
18. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:30 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation. The business allowed by this special use permit may operate at the subject property starting March 1st and ending November 30th of each year.
19. 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.

20. 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.
21. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
22. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
23. 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.
24. 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.
25. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
26. 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.

Miguel Angel Fernandez, Attorney for the Petitioner, requested that the special use permit and variances be approved.

Member Nelson asked why the Petitioner waited with applying for a special use permit. Mr. Fernandez responded that the Petitioner had heard from other landscaping businesses that a special use permit was not required and other landscaping businesses were operating without such permits. Mr. Asselmeier requested the names and addresses of the landscaping businesses operating without special use permits. Mr. Fernandez was unable to provide this information.

Mr. Fernandez noted that the Petitioner was not fluent in English and had tried to get a Spanish speaking zoning attorney. The Petitioner used a different attorney previously.

Member Nelson requested a history of the investigation at the property. Mr. Asselmeier provided a history of the investigation at the property.

Member Wilson asked why the Petitioner had not attended court when the fine was set. Mr. Fernandez did not know why the Petitioner was absent from court.

Vice-Chairman Rodriguez told a story about getting bitten by a dog as child. He also discussed his interactions with another landscaping business that had gone through the special use process.

Member Nelson expressed concerns about the Petitioner not following the conditions in the special use permit. He felt that County resources would be wastefully spent if the special use permit was approved and if the County had to constantly take the Petitioner to court.

Discussion occurred the need for an access permit from the Village of Oswego for the southern driveway. Member Nelson expressed concerns that the Village could require the driveway location be altered and the could cause the Petitioner to have to seek an amendment to the special use permit in the future. Mr. Fernandez stated that the Petitioner had not been aware of this requirement until the previous day. Mr. Asselmeier noted that the email from the Village of Oswego had been in the packet for the ZPAC meeting.

Discussion occurred about requiring the Petitioner to pay a bond or portion of the fine prior to the issuance of the special use permit. The consensus was that this type of requirement was not allowed by law.

Member Nelson made a motion, seconded by Member Wilson, to table the Petition until the Petitioner provided proof of approval of an access permit by the Village of Oswego and, if necessary, provided an updated site plan showing changes to the driveway as required by the Village of Oswego in order to obtain the access permit.

The votes were as follows:

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

The motion carried.

This proposal will return to the Commission's agenda after the requested documents are provided.

Petition 22-03 Executive Pastor Sean Mabee on Behalf of Grace Bible Church of Shorewood and Fire Chief Andrew Doyle on Behalf of the Troy Fire Protection District

Mr. Asselmeier summarized the request.

In July 2004, the Kendall County Board granted a special use permit for a church at the subject property. The property was for sale and the Troy Fire Protection District would like to purchase the property in order to construct a new fire station and training facility.

The application materials, plat of survey, site plan, renderings of some of the proposed buildings, Ordinance 2004-24 and the aerial of the property were provided.

The property is located at 748 Jones Road.

The property is approximately twenty-five (25) acres in size.

The Future Land Use Map calls for this area to be Suburban Residential (Max 1.00 DU/Acre). The Village of Shorewood's Future Land Use Map calls for this area to be Residential.

Jones Road is maintained by the City of Joliet at this property. Jones Road is Minor Collector maintained by Seward Township in the unincorporated area. Shorewood has a north-south road planned near the subject property.

There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural and Farmstead.

The adjacent properties are zoned R-1 B Single-Family Residential inside Joliet and A-1 in the unincorporated area.

The Land Resource Management Plan calls for the area to be Suburban Residential. Shorewood's Future Land Use Map calls for this area to be Residential and Commercial. Joliet's Future Land Use Map calls for this area to be Residential with 2.5 DU/Acre for single-family and 3.0 DU/Acre for mixed use.

The zoning districts within one half (1/2) mile are R-1 B, B-2 and B-3 inside Joliet and A-1 in the unincorporated area.

Six homes plus several homes in the Hunters Ridge Subdivision inside the City of Joliet are located within one half (1/2) mile of the property.

EcoCAT Report was submitted on December 17, 2021, and consultation was terminated.

The NRI application was submitted on December 17, 2021. The LESA Score was 183 indicating low level of protection. The NRI Report was provided.

Petition information was sent to Seward Township on December 23, 2021. The Seward Township Planning Commission reviewed this proposal on January 4, 2022. They recommended approval by a vote of four (4) in favor and zero (0) in opposition. The minutes of the meeting were provided.

Petition information was sent to the Village of Shorewood on December 23, 2021. In the special use permit for the church, condition 3 required an annexation agreement with Shorewood that did not occur. At the ZPAC meeting, the Village of Shorewood requested an annexation agreement with the Petitioners; the Petitioners were agreeable to the request. Mr. Asselmeier read an email from Chief Andrew Doyle regarding the status of the annexation agreement negotiations.

Petition information was sent to the City of Joliet on December 23, 2021. In the special use permit for the church, condition 4 required the church to develop a time table for improvements to Jones Road. The City of Joliet supplied information regarding planned improvements to Jones Road. This information was provided. The Petitioners agreed to establish an escrow account with the City of Joliet to cover the cost for some of the improvements to Jones Road. Mr. Asselmeier read an email from Chief Andrew Doyle regarding the status of the escrow account.

ZPAC reviewed the proposal on January 4, 2022. The Health Department noted a change of use would be necessary for the property. They requested the septic area be protected and to secure appropriate permits for the well based on the usage of the property. A fire suppression system would be installed in the existing buildings. The Petitioners would provide information regarding the brightness of lights. The fire equipment would not use

their horns at night unless there were vehicles on the road. ZPAC recommended approval of the proposal with the conditions proposed by Staff, a requirement that an escrow be paid to Joliet and an annexation agreement was secured with Shorewood by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission did not have quorum for their meeting on January 26, 2022.

The Kendall County Zoning Board of Appeals started a public hearing on this proposal on January 31, 2022. The hearing was continued to February 28, 2022. The minutes of the January 31, 2022, meeting were provided.

The Troy Fire Protection District plans to convert the property into a fire station and training facility. The fire station would be staffed twenty-four (24) hours per day and would serve as the District's third (3rd) fire station. The station would have a maximum of eight (8) firefighters.

The indoor training facility would be housed in the existing four thousand five hundred (4,500) square foot building. The building will have four (4) classrooms and one (1) office. Three (3) of the classrooms can hold twenty (20) students and the other classroom can hold fifty-two (52) students. The total number of students and instructors would be a maximum of one hundred twenty (120). Hours of operations would be Monday through Friday from 8:00 a.m. until 10:00 p.m. and Saturdays and Sundays from 8:00 a.m. until 5:00 p.m.

The outside training area and tower would be used for live fire training, non-live fire training, search and rescue, and technical rescue. The hours of operation for this site would be the same as the hours of operation for the indoor training facility. The total number of students and instructors at this site would be twenty (20).

The total maximum occupancy of all of the classrooms, training tower site, and fire station employees would be one hundred forty-eight (140).

The District currently holds a Basic Operations Fire Academy in partnership with Joliet Junior College at Fire Station #1. This course would be moved to the subject property.

According to the site plan, a proposed boat dock for water training is planned south of the retention pond. No information was provided regarding any trainings that may occur at this portion of the property.

According to the site plan, the property presently consists of one (1) one (1) story eighteen thousand two hundred (18,200) square foot building used as a church. This building would be converted to the fire station. One (1) one (1) story four thousand five hundred (4,500) square foot accessory building will be converted to office and classrooms. One (1) pre-engineered building presently located on the southwest corner of the property would be moved next to the outdoor training area.

The renderings for the fire station and office classroom building were provided. At its highest point, the façade of the fire station will be fifty-four feet (54') tall. Three (3) bays will exist for fire apparatus. There will also be at least one (1) door on each side of the building. There will not be any windows on the east side of the building except by the door. The office/training building will have one (1) door on the east side of the building and windows on all sides.

The site plan calls for a training pad area west of the existing main building. This area will have a forty foot (40') tall training tower, a storage area, fire investigation area, and a SCBA trailer. The training tower will be approximately sixty feet (60') long and thirty feet (30') feet wide. The rendering of the training tower were provided. The storage area will be an open area for the storage of pallets and straw bales and will be

approximately sixteen feet (16') long, forty feet (40') wide, and eight feet (8') feet in height. The fire investigation area will also be an open area for trainings/scenarios. This area will be approximately sixteen feet (16') long, twenty feet (20') wide, and eight feet (8') feet in height. The trailer will be used to store breathing apparatus and will be approximately eight feet (8') wide, fifty-three feet (53') long, and fourteen feet (14') in height.

Any structures related to the proposed operations would be required to obtain applicable building permits.

The property is served by well and septic.

One (1) trash enclosure area is shown on the site plan. The Petitioners' intent would be to use this area to house one (1) four (4) yard dumpster and one (1) four (4) yard recycling dumpster.

Per, the plat of survey, most of the property drains to the south. The area north of the existing church building drains towards the retention pond.

The site plan called for the enlargement of the retention pond. The exact enlargement of the pond has not been determined and will be based on the ground and earth in the area. A stormwater management permit will be required for the expansion.

Per the plat of survey, the property has two access points off of Jones Road. The eastern drive is asphalt and the western drive is gravel. Per the site plan, the eastern drive will be concrete from Jones Road to the vehicle turnaround area; the remainder of the eastern drive will be asphalt. The western drive will concrete.

According to the site plan, one (1) three hundred (300) parking space asphalt parking lot is located on the property. Per the Americans with Disabilities Act, seven (7) handicapped parking spaces are required for a parking lot with this number of parking spaces; one (1) additional handicapped parking space is needed. The Petitioners indicated that seven (7) handicapped parking spaces presently exist at the property. The parking lot will be resurfaced.

Per the site plan, a portion of the eastern drive will be turned to concrete, a new apron will be installed, and the drive will be altered to provide direct access to the fire apparatus bays.

According to the plat of survey, there are four (4) existing light poles in the parking lot. Each pole has four (4) lights. There is also one (1) additional light pole by the northeast corner of the existing church. There are also lights pointing downwards above each door of the existing church.

According to the site plan, one (1) digital ground sign is proposed west of the eastern entrance. This sign will be a maximum of ten feet (10') in length and a maximum five feet (5') tall. The sign will be lit from dusk until dawn. However, the lighting output will be reduced to fifty percent (50%) at 10:00 p.m. Per Section 12:08.A.2.a, signs at public safety facilities are exempt from the requirement to turn off illuminated signs at 11:00 p.m.

Per the renderings, the number 3 will be placed above the bays for the fire apparatus on the north side of the building and a Troy FPD 3 sign will be installed on the west side of building. The letters will be three feet (3') tall and the signs will be backlit with LED lights.

The site plan shows one (1) new steel double gate at the entrance of the western driveway. The site plan also shows the western end of parking lot fenced and gated. This fence will be chain link with slats at six feet (6') in height.

Both the plat of survey and the site plan show numerous existing trees, arborvitae, and other vegetation throughout the property. No information was provided regarding the types or numbers of the various plantings currently placed on the property. Section 11:02.F.8 provides screening requirements for parking lots with more than twenty (20) parking spaces. These requirements are presently met. The Petitioners' intention is to keep all of the existing vegetation onsite except for those plantings in the new concrete apron area, new training pad area, and pond extension area.

The site plan shows five (5) new turf berms. The berms would be a maximum slope of three to one (3:1). The minimum height of the berms shall be five feet (5'). The trees planted on top of the berms would be arborvitae, spruce, or other similar tree. The berms would be installed at the same time the pond is dug with trees planted after completion of the berms.

The Petitioners plan to have emergency dispatch horns, strobes, and speakers on the property. These items will not be broadcast or used outside of the buildings between 10:00 p.m. and 8:00 a.m.

All training burns should occur inside the training tower. No other burning or odor causing activities are foreseen at the property.

If approved, this would be the first (1st) special use permit for a fire station in the unincorporated area. This would be the fifth (5th) special use permit for a government facility in the unincorporated area; the others are highway related or government office related.

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 provided that conditions are included in the special use permit to mitigate outside noise, odor, and lighting, the proposed use should not be detrimental or endanger the public health, safety, morals, comfort, or general welfare. Placing a fire station at this location, with trained first responders, should enhance the public safety of 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. Appropriate restrictions should be placed in the special use permit to regulate outside noise, odors, and lighting. It is acknowledged that a fire station could produce noise, particularly sirens, at any point in time. Landscaping is incorporated in the controlling site plan for the property. Presently, very few house are located within a half mile of the property. The neighboring property owners should not suffer loss in property values caused by the placement of this use.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Provided the City of Joliet and Seward Township have no concerns regarding the use of Jones Road for the purposes of a fire station, adequate roads are provided. Adequate utilities are onsite or will be upgraded. Drainage issues shall be addressed as part of the stormwater management permit for the property.

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

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 proposal is consistent with the goals and objectives included in the Public Safety section found on pages 4-10 and 4-11 of the Kendall County Land Resource Management Plan.

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

1. The special use permit granted by Ordinance 2004-24 is hereby revoked and Ordinance 2004-24 is repealed in its entirety.
2. The site shall be developed substantially in accordance with the plat of survey and site plan. The exact size of the retention pond expansion shall be determined by the stormwater management permit related to that expansion. The pond expansion must occur within two (2) years of the issuance of the special use permit. The Kendall County Planning, Building and Zoning Committee may extend this deadline upon request by the property owner.
3. The vegetation presently shown on the plat of survey and site plan shall remain in substantially the same locations as shown on these documents with the exception that the vegetation around the concrete apron, training pad area, and pond extension may be removed.
4. The berms shown on the site plan shall be a minimum of five feet (5') in height. Evergreen type vegetation shall be planted on top of the berms. The berms and evergreens must be installed within two (2) years of the issuance of the special use permit. The Kendall County Planning, Building and Zoning Committee may extend this deadline upon request by the property owner.
5. Damaged or dead plantings related to the landscaping of the property shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
6. The fire station, four thousand five hundred (4,500) square foot training building, and fire tower, shall be developed substantially in accordance with the elevations.
7. Any new structures constructed or installed related to the use allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
8. The training tower shown on the site plan shall be approximately sixty feet (60') in length, thirty feet (30') in width, and forty feet (40') in height.
9. The storage area shown on the site plan shall be an open area for outdoor storage approximately sixteen feet (16') in length and forty feet (40') in width. The maximum height of materials stored in this area shall be eight feet (8').
10. The fire investigation area shown on the site plan shall be an open area used for trainings and shall be approximately sixteen feet (16') in length, twenty feet (20') in width, and eight feet (8') in height.
11. The SCBA trailer shown on the site plan shall be approximately eight feet (8') in width and fifty-three feet (53') in length. The trailer shall be approximately fourteen feet (14') in height.
12. The eastern driveway shall be concrete from Jones Road to the vehicle turnaround around area as shown on the site plan. The remainder of the eastern driveway shall be asphalt.
13. The parking area shall be maintained in substantially the same location as shown on the site plan with

approximately three hundred (300) parking spaces. The property owners shall ensure that handicapped parking spaces required by the Americans with Disabilities Act are provided. Per the site plan, seven (7) handicapped accessible parking spaces with applicable signage shall be provided for the three hundred (300) spaced parking lot.

14. The fence around the western portion of the parking lot shall be chain link with slats added. The maximum height of the fence shall be six feet (6').
15. One (1) free standing sign may be installed in substantially the location shown on the site plan. The sign shall be a maximum ten feet (10') in length and a maximum five feet (5') in height. The sign may be lit from dusk until dawn. However, the lighting output of the sign shall be set to a maximum of fifty percent (50%) of capabilities between 10:00 p.m. and dawn.
16. Wall signage on the building shall be installed in the substantially the locations and sizes as shown on the renderings. These signs may be back lit.
17. The trash enclosure shall be placed in substantially the location shown on the site plan and shall be large enough to hold one (1) four (4) yard dumpster and one (1) four (4) yard recycling dumpster. The enclosure shall be screen per the requirements of the Kendall County Zoning Ordinance.
18. No burning, other than burning normally allowed on A-1 zoned property, may occur outdoors at the subject property.
19. Emergency dispatch horns, strobes, and speakers shall not broadcast or be used outdoors at the subject property between the hours of 10:00 p.m. and 8:00 a.m.
20. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment, vehicles, and materials parked and stored on the subject property and shall promptly clean up the site if leaks occur.
21. None of the vehicles or equipment parked or stored on the subject property related to the use allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
22. The operators of the use allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
23. Within one (1) year of the approval of this special use permit ordinance, the owners of the subject property shall submit an escrow payment to the City of Joliet for improvements to Jones Road. The Kendall County Planning, Building and Zoning Committee may extend the deadline for payment of the escrow funds.
24. Within one (1) year of the approval of this special use permit ordinance, the owners of the subject property shall enter into an annexation agreement with the Village of Shorewood. The Kendall County Planning, Building and Zoning Committee may extend the deadline for the creation of the annexation agreement.
25. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
26. 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.
27. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

28. 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.

Rusty Kamp and Robert Schwartz, on behalf of the Troy Fire Protection District explained the project and requested approval of the request.

Aaron Klima, Village Manager of Shorewood, explained the Village's support of the project.

Member Wilson noted the importance of the water training component.

Discussion occurred regarding the possible need for a communication antenna on the property.

Member Nelson expressed concerns about dimming the lights at 10:00 throughout the entire year noting that the sunset at different times throughout the year. The Petitioner was agreeable to dimming the lights based on the ambient light levels.

Discussion occurred regarding the various mutual aid agreements with local fire districts.

Member Nelson made a motion, seconded by Member Wormley, to recommend approval of the special use permit with the conditions proposed by Staff with an amendment that the lights for sign be dimmed to account for ambient light levels.

The votes were as follows:

Ayes (8): Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, Wilson, and Wormley

Nays (0): None

Absent (1): Ashton

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on February 28, 2022.

Petition 22-04 John and Laura Gay

Mr. Asselmeier summarized the request.

In November 2019, the County Board approved a special use permit and related variance to allow a kennel at the subject property through Ordinance 2019-33. This Ordinance required that the site be developed substantial in accordance with an attached site plan.

On December 21, 2021, the Petitioners submitted a major amendment to the existing special use permit altering the site plan in the following ways:

1. Shifting the building orientation; the proposed building size remains the same.
2. Shifting the access for the special use slightly southeast to provide separation between the residence and business.
3. Moving the parking area from the northwest side of the building to the southwest side of the building; the number of parking spaces remains unchanged.
4. Modifying the emergency access road to include a one hundred percent (100%) concrete surface area and hammerhead turnaround.

The application materials, Engineering Plans, Ordinance 2019-33, survey, building elevations, and updated landscaping plan were provided.

The property is located at 3601 Plainfield Road.

The area for the special use is approximately four point seven (4.7) acres.

The Future Land Use calls for the property to be Suburban Residential (Max 1.0 DU/Acre).

Plainfield Road is a County Road Classified as a Major Collector.

No trails are planned in the area.

There are no floodplains or wetlands on the property, but Morgan Creek runs along the northeastern boundary of the property.

The adjacent land uses are Agricultural and Farmstead.

The adjacent properties are zoned A-1.

The Future Land Use Map calls for this area to be Suburban Residential and Commercial.

Zoning Districts within one half (1/2) mile include A-1 and R-1 in the County and R-2 inside the Village of Oswego.

The Ashcroft Place subdivision is located within one half mile (1/2) to the north.

The Deerpath Trails and Morgan Crossing subdivisions are located within one half (1/2) mile to the west.

EcoCat submitted on December 21, 2021, and consultation was terminated.

NRI application submitted on September 12, 2019, as part of the original application for special use. The LESA Score was 170 indicating a low level of protection. The NRI Report was provided.

Oswego Township was emailed information on December 23, 2021.

Oswego Fire Protection District was emailed information on December 23, 2021. On January 3, 2022, the Oswego Fire Protection District submitted an email noting that the building had to be alarmed and have sprinklers. The email also requested an auto-turn exhibit and that the proposed turnaround area was sixty feet (60') short on the right side. The Petitioners submitted an auto-turn exhibit on January 19, 2022. The Oswego Fire Protection District requested that no landscaping or obstructions be in the area, a block or stop be installed to prevent apparatus from falling off the hard surfaced area, low growth or height landscaping in the area beyond the parking stop, and "No Parking-Fire Lane" markings or signage in the area. The Petitioners submitted updated plans on February 2, 2022, and the Oswego Fire Protection District approved them on February 3, 2022. The emails and exhibit were provided.

The Village of Oswego was emailed information on December 23, 2021.

ZPAC reviewed the proposal on January 4, 2022. Discussion occurred regarding the new driveway. It was clarified that the existing eastern access point would be removed. The Petitioners' Engineer agreed to provide

the information requested by the Oswego Fire Protection District. The Sheriff's Department expressed concerns regarding traffic congestion and that the sign be placed in an appropriate location to prevent lines-of-sight issues. The septic system was still under design. The Planning, Building and Zoning Department requested improved area calculations because, based on the information provided, the area of improvement was close to the threshold for requiring a stormwater permit, if the berms were not installed. ZPAC recommended approval of the proposal with the conditions proposed by Staff by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission did not have quorum for their meeting on January 26, 2022.

The Kendall County Zoning Board of Appeals started a public hearing on this proposal on January 31, 2022. The hearing was continued to February 28, 2022. The minutes of the January 31, 2022, meeting were provided.

The Petitioners currently reside in the one-story frame house on the property.

Because of the shape of the property, a variance was required to the distance from the kennel to non-residentially zoned property.

The conditions placed in Ordinance 2019-33 were as follows:

- A. The site shall be developed substantially in accordance with the attached site plan, security plan, landscaping plan, and lighting plan attached hereto as Exhibit C. The previously listed plans may be slightly altered to meet the right-of-way dedication mentioned in Condition B.
- B. Within one hundred eighty (180) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire Plainfield Road portion of the property to Kendall County to be used as Plainfield Road right-of-way. This dedication shall have a depth of fifteen feet (15') as measured from the right-of-way line that existed on the date of adoption of this special use permit ordinance.
- C. A variance is granted to Section 7.01.D.27 of the Kendall County Zoning Ordinance allowing the kennel operation granted by this special use permit to be placed thirty feet, six and one half inches (30' 6 1/2") at its closest point to lot lines of properties zoned other than residential or shown on the Land Resource Management Plan (LRMP) map as non-residential.
- D. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map.
- E. One (1) non-illuminated sign may be installed on the subject property in substantially the location shown on the site plan attached hereto as Exhibit C. The specific location of the sign may be adjusted slightly to reflect the right-of-way dedication in Condition B.
- F. A maximum of one hundred (100) pets may be on the subject property at any time.
- G. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
- H. The hours of operation for the business allowed by this special use permit shall be Monday through Sunday from 6:00 a.m. until 6:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies may be tended to outside the hours of operation.
- I. The maximum number of employees for the business allowed by this special use permit shall be

seven (7), including the business owners.

- J. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
- K. Any construction on the property related to the use allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
- L. The operator(s) of the kennel allowed by this special use permit may sell ancillary items related to their kennel operations.
- M. The operator(s) of the kennel acknowledge and agree to follow Kendall County's Right to Farm Clause.
- N. The operator(s) of the kennel allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- O. 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.
- P. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The Petitioners dedicated the land for a right-of-way as outlined in condition 2.

Neither the Sheriff's Department nor the Planning, Building and Zoning Department had received complaints against the kennel operation at this property.

According to the information provided to the County in 2019, the Petitioners plan to offer pet daycare, boarding, and grooming services. The proposed hours of operation are Monday through Sunday from 6:00 a.m. until 6:00 p.m. However, the Petitioners would like to have the option to be closed on weekends and to allow boarders to drop-off and pick-up pets on the weekends on a pre-scheduled basis. The Petitioners plan to hire five (5) employees. The maximum number of pets planned for the site is one hundred (100). Per the Kendall County Zoning Ordinance, all animals will be indoors by sunset. The Petitioners believe the area is lacking this type of service.

As noted in the engineering plans, the Petitioners plan to construct an approximately four thousand, one hundred fifty (4,150) square foot building southeast of the existing home on the property. A six foot (6') tall wood fence would be located approximately fifteen feet (15') from the building to the northeast and twenty-four (24') from the building to the southeast. The fenced area would be approximately three thousand two hundred thirty (3,230) square feet in size and serve as a play area for the dogs and other pets at the facility.

According to the building elevations, the building shall consist of multiple rooms including a lobby, manager's office, restroom, bathroom, laundry, pet bathing room, three (3) pet suites, and pet areas for small, medium, and large pets.

Building and Occupancy Permits will be required for the new building.

The well would be located northeast of the building. The septic field would be located southeast of the building and turnaround area. The Petitioners indicated that they were working with the Health Department regarding well and septic facilities.

The property fronts Plainfield Road. As part of the proposed amendment, a new driveway would connect Plainfield Road and the kennel. The width of the entrance is twenty-two feet (22'). The plans show the removal of the existing southeastern access point.

The Petitioners propose to install an eleven (11) spot parking lot. One (1) of the spaces would be handicapped accessible.

The turnaround around would be twenty feet (20') wide.

The Petitioners plan to install one (1) light along the driveway and in the parking lot. This lights will be twelve feet (12') in height. Two (2) wall pack will be installed along the east side of the building. Eleven (11) wall lights will be installed on the building; three (3) will be on the north side of the building and one (1) will be on the east side of the building. The description of the types of lighting that location of these lights can be found on the elevations. The exact light fixtures are not known.

The Petitioners plan to have one (1) non-illuminated sign along Plainfield Road. The sign location is shown on the landscaping plan. The Petitioners were allowed to have one (1) sign per their original special use permit.

The Petitioners plan to install approximately eight (8) canopy trees, six (6) deciduous shrubs, twenty-eight (28) evergreen shrubs, and six (6) groundcovers, grass, and perennials in substantially the sizes and locations as shown on the landscaping plan. The landscaping plan also shows one (1) approximately four foot (4') tall berm and a retention pond. All landscaping was planned to be installed by June 1, 2022.

Seven (7) existing trees are in front of the house will be protected with fencing. One (1) tree will be removed.

Per the Kendall County Stormwater Management Ordinance, a stormwater permit will be required for the project. The stormwater related correspondence was provided.

The Petitioners believe the distance of their facility to existing houses combined with having the pets indoors by sunset will prevent any noise issues.

The Petitioners plan to install a four foot by eight foot (4' X 8') refuse enclosure to the northeast of the parking lot southwest of the building. The enclosure is proposed to be fenced with a six feet (6') tall wood board privacy fence with double gates.

One (1) future gate is planned near the entrance to the property as shown on the landscaping plan.

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 Oswego Fire Protection District approves the new turnaround area and the Kendall County Highway Department approves the new access point, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1. There are no existing structures on adjacent properties within one hundred feet (100') of the property line. Taking into account the residential properties to the west and southwest of the property, the proposed kennel location will be situated on the east end of the property, thereby well-exceeding the two hundred fifty foot (250') setback requirement from any residential district set forth in the Zoning Ordinance. In addition, the Petitioners have a waste management plan and have considered the impact of noise on surrounding properties. A six

foot (6') tall fencing is planned around the outdoor play area. The Petitioners intend to follow the Kendall County Zoning Ordinance as it relates to having all pets inside by dusk.

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. As noted in the previous finding, the proposed special use will be setback further than the required setback for residentially zoned properties. The Petitioners plan to install a fence and appropriate lighting. The Petitioners agreed to have animals indoors by sunset. The proposed hours of operation will also prevent injury to neighboring 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. This is true. An existing curb cut is already located off of Plainfield Road at the subject property. The Petitioners will have to secure applicable permits related stormwater, drainage, well, septic systems, and the new driveway access.

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. Kendall County previously granted a variance regarding distance to non-residentially zoned or use properties through Ordinance 2019-33 at this property. No variances are necessary for the proposed amendment and the special use would otherwise 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 6-34 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” through the encouragement “. . . of locally owned businesses.”

Staff recommended approval of the requested amendment to an existing special use permit for a kennel subject to the following conditions:

1. The site plan, security plan, landscaping plan, and lighting plan referenced as Exhibit C in Ordinance 2019-33 is replaced with the site plan, elevations, and landscaping plan.
2. The vegetation and berm outlined in the landscaping plan shall be installed in the quantities outlined and described in the landscaping plan and shall be installed by June 1, 2022. The Planning, Building and Zoning Committee may extend this deadline upon the request of the property owner. Damaged or dead vegetation shall be replaced on a timeframe approved by the Planning, Building and Zoning Department.
3. The remaining conditions and restrictions contained in Ordinance 2019-33 shall remain effective.
4. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-33 could result in the amendment or revocation of the special use permit.

5. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
6. This special use permit and major amendment to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Patti Bernhard, Attorney for the Petitioners, requested approval of the amendment.

Member Wilson asked if the Petitioners were presently operating a business at the property. Ms. Bernhard responded that the Petitioners were offering grooming and pet daycare services. The Petitioners were utilizing a dog taxi for the service.

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

The votes were as follows:

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

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on February 28, 2022.

CITIZENS TO BE HEARD/PUBLIC COMMENT

A representative of the Larson Family requested to know the time of the April 27, 2022, Commission meeting. The meeting will be at 7:00 p.m.

NEW BUSINESS

Election of Officers-Chairman, Vice Chairman, Treasurer, Secretary and Recording Secretary

Member Wilson made a motion, seconded by Member Wormley to nominate and approve by acclamation Bill Ashton for Chairman, Ruben Rodriguez for Vice Chairman, Larry Nelson for Treasurer and Secretary and Matt Asselmeier for Recording Secretary. With a voice vote of eight (8) ayes, the nominees were approved.

Appointments to Comprehensive Land Plan and Ordinance Committee

Mr. Asselmeier announced the appointments to the Comprehensive Land Plan and Ordinance Committee as follows: Larry Nelson (Chairman), Chairman of the Kendall County Regional Planning Commission or Their Designee (Bill Ashton), Chairman of the Kendall County Zoning Board of Appeals or Their Designee (Randy Mohr), Chairman of the Kendall County Board or Their Designee (Scott Gryder), Chairman of the Kendall County Planning, Building and Zoning Committee or Their Designee (Scott Gengler), Kendall County Soil and Water Conservation District Designee (Alyse Olson), Jeff Wehrli, and Matthew Prochaska.

Member Nelson made a motion, seconded by Member Wormley, to approve the appointments. With a voice vote of eight (8) ayes, the appointments were approved.

Member Nelson invited attendees to Comprehensive Land Plan and Ordinance Committee meetings.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 21-37, 21-38, 21-40, 21-41, and 21-46 were approved by the County Board. Petition 21-48 was withdrawn by the Petitioner at the Zoning Board of Appeals.

OTHER BUSINESS/ANNOUNCEMENTS

Mr Asselmeier reported that for the March meeting, there will be a request from Seward Township for a moratorium on certain applications and a request from the Kendall County Planning, Building and Zoning Committee adding definitions of landscaping businesses and excavating businesses to the Zoning Ordinance.

ADJOURNMENT

Member Nelson made a motion, seconded by Member Wormley, to adjourn. With a voice of eight (8) ayes, the motion carried.

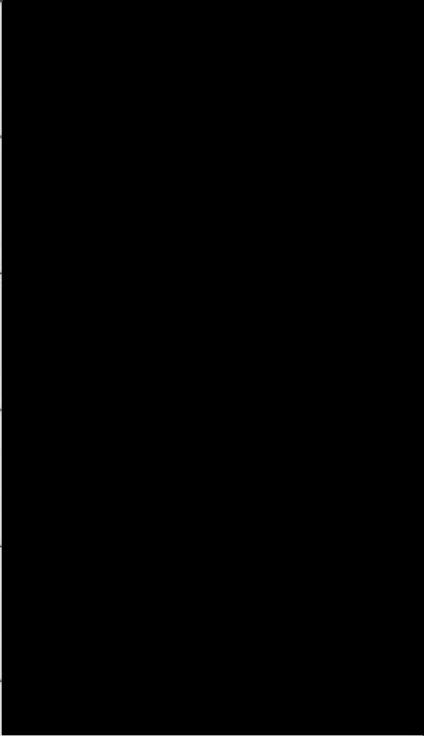
The Kendall County Regional Planning Commission meeting adjourned at 8:45 p.m.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
FEBRUARY 23, 2022**

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)
Tom Green		
Patti Bernhad		
Miguel Angel Fernandez		
Lann Family		
Kosty Kemp		

LAW OFFICES
OF

Daniel J. Kramer

1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

DANIEL J. KRAMER

KELLY A. HELLAND
D.J. KRAMER

February 22, 2022

Matt Asselmeier
Hand Delivered

RE: Loya Quezada Residential Zoning Request Petition #21-49
Regional Plan Commission Hearing February 23, 2022

Dear Matt:

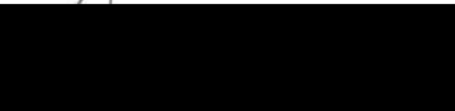
Per our discussion on Tuesday February 22, 2022 I have unfortunately undergone a heart procedure which worked temporarily but has run into problems. I am currently wearing a heart monitor for a few weeks and the Doctor is not quite sure what course of action he is going to take for corrective action.

He has strongly recommended that I refrain from any trial work and any type of contested hearings during the next month to 6 weeks in order to see what course of treatment he can render.

Wishing to continue in going in health I have over my many years, I am respectfully requesting we continue the Regional Plan commission Hearing on the above-referenced zoning matter to April 27, 2022. By that time it should shake out whether I have to undergo any additional procedures or if I am able to control the issue by medication.

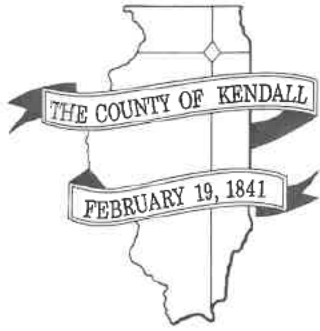
I am religious about following my Cardiologist recommendations in the he had quadruple bypass about 12 years ago and I have been better ever since until suffering the current setback as a result of a COVID illness.

Very truly yours



Daniel J. Kramer
Attorney at Law

DJK:cth



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

October 11, 2018

Jose and Silvia Martinez
1038 Harvey Road
Oswego, IL 60543

Dear Property Owners,

According to the records of the Kendall County Tax Assessor's Office, you are the owner of property located at 1038 Harvey Road, Oswego, IL (P.I.N. #: 03-12-100-004). It has come to our attention that you are operating a landscaping business at the subject property which is zoned A-1 Agricultural District under the Kendall County Zoning Ordinance.

According to Section 7.01.D.28 of the Kendall County Zoning Ordinance, landscaping businesses require a special use permit to operate in the A-1 Agricultural District and landscaping businesses are required to be located on a State, County, or Collector Highway as defined by the Kendall County Land Resource Management Plan. Harvey Road does not meet this criteria.

Please consider this your thirty (30) day warning to initiate compliance with the Ordinance. Compliance, in this case, consists of applying for a special use permit and variance to lawfully operate a landscaping business at the subject property or ceasing operations of a landscape business at the subject property. Applications for a special use permit and variance are attached to this letter. Please respond to this letter in writing by the **November 10, 2018** deadline.

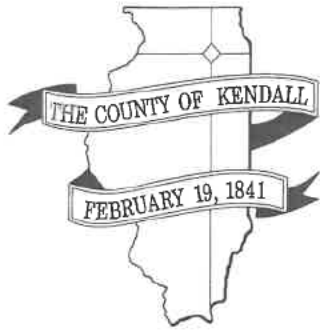
Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning Department

Encs.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

November 14, 2018

Jose and Silvia Martinez
1038 Harvey Road
Oswego, IL 60543

Dear Property Owners,

You should have received a letter dated October 11, 2018, on this topic. According to the records of the Kendall County Tax Assessor's Office, you are the owner of property located at 1038 Harvey Road, Oswego, IL (P.I.N. #: 03-12-100-004). It has come to our attention that you are operating a landscaping business at the subject property which is zoned A-1 Agricultural District under the Kendall County Zoning Ordinance.

According to Section 7.01.D.28 of the Kendall County Zoning Ordinance, landscaping businesses require a special use permit to operate in the A-1 Agricultural District and landscaping businesses are required to be located on a State, County, or Collector Highway as defined by the Kendall County Land Resource Management Plan. Harvey Road does not meet this criteria.

Please consider this your second thirty (30) day warning to initiate compliance with the Ordinance. Compliance, in this case, consists of applying for a special use permit and variance to lawfully operate a landscaping business at the subject property or ceasing operations of a landscape business at the subject property. Applications for a special use permit and variance are attached to this letter. Please respond to this letter in writing by **December 14, 2018**. **Please be advised that failure to respond to this letter by the deadline date could result in additional legal action against you.**

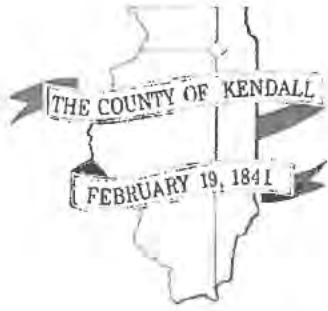
Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning Department

Encs.



CODE ENFORCEMENT INVESTIGATION REPORT
DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Date 5/13/19 Violation # 19-049

Address of Violation: 1038 Harvey Road

City & Zip: Oswego 60543

Subdivision: _____ Unit _____ Lot _____

Parcel Number: 03-12-100-004 Zoning: A7

Owner or Tenant: Jose + Silvia Martinez
" "

Description of Complaint: Junk + Debris
Driveway + parking area - No Permit
operation of a landscape business

Complainant's Name: [REDACTED]

Contact Info: _____

Inspector BLH Date 5/13/19

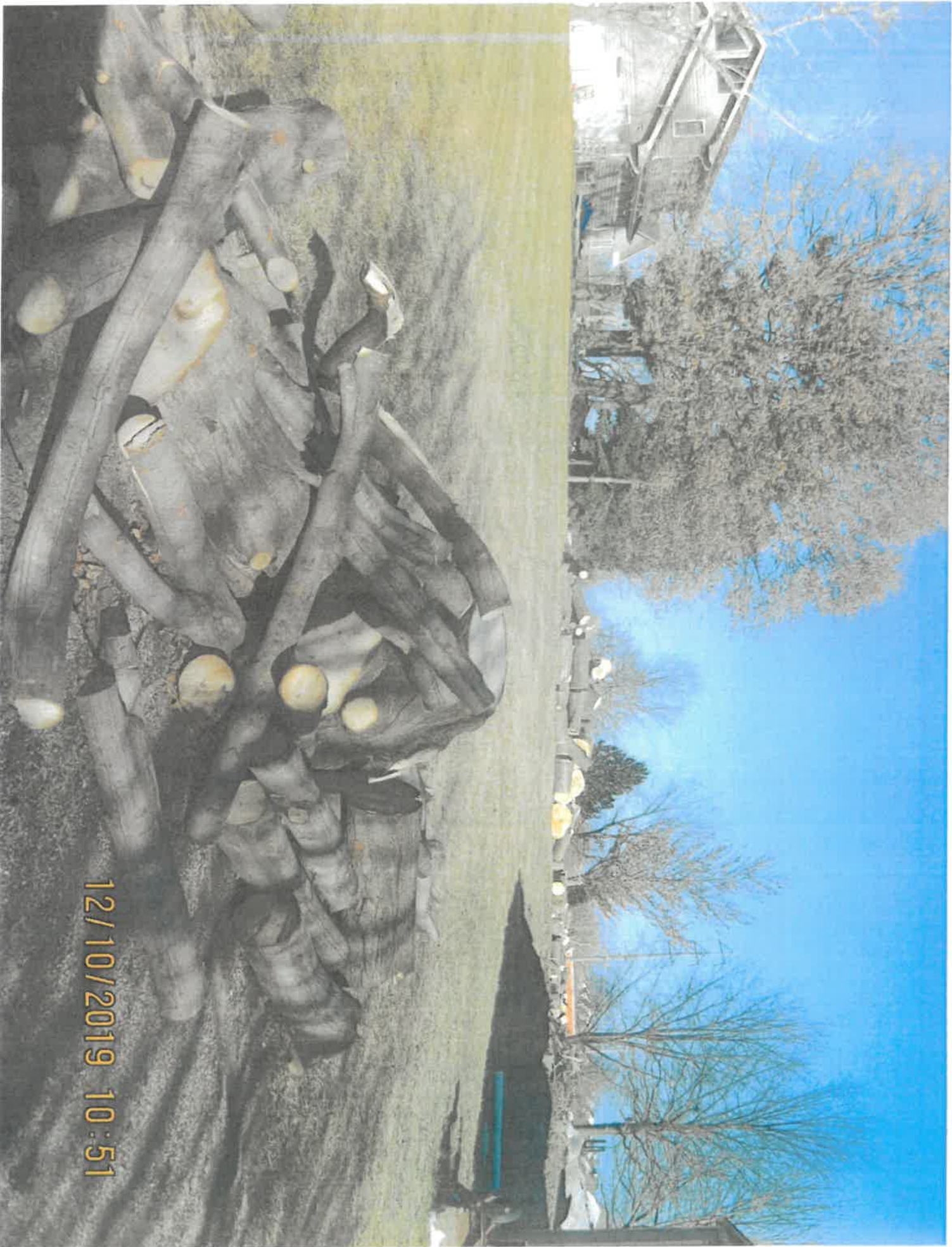
Field Notes Driveway + Parking Area - No Permit (ordinance 2014-07)
Landscape Business Prohibited in A-7 zoning Special Use Permit Required
(2015 ordinance 7.01)
Junk + Debris (ordinance)

Photos Taken? Yes No

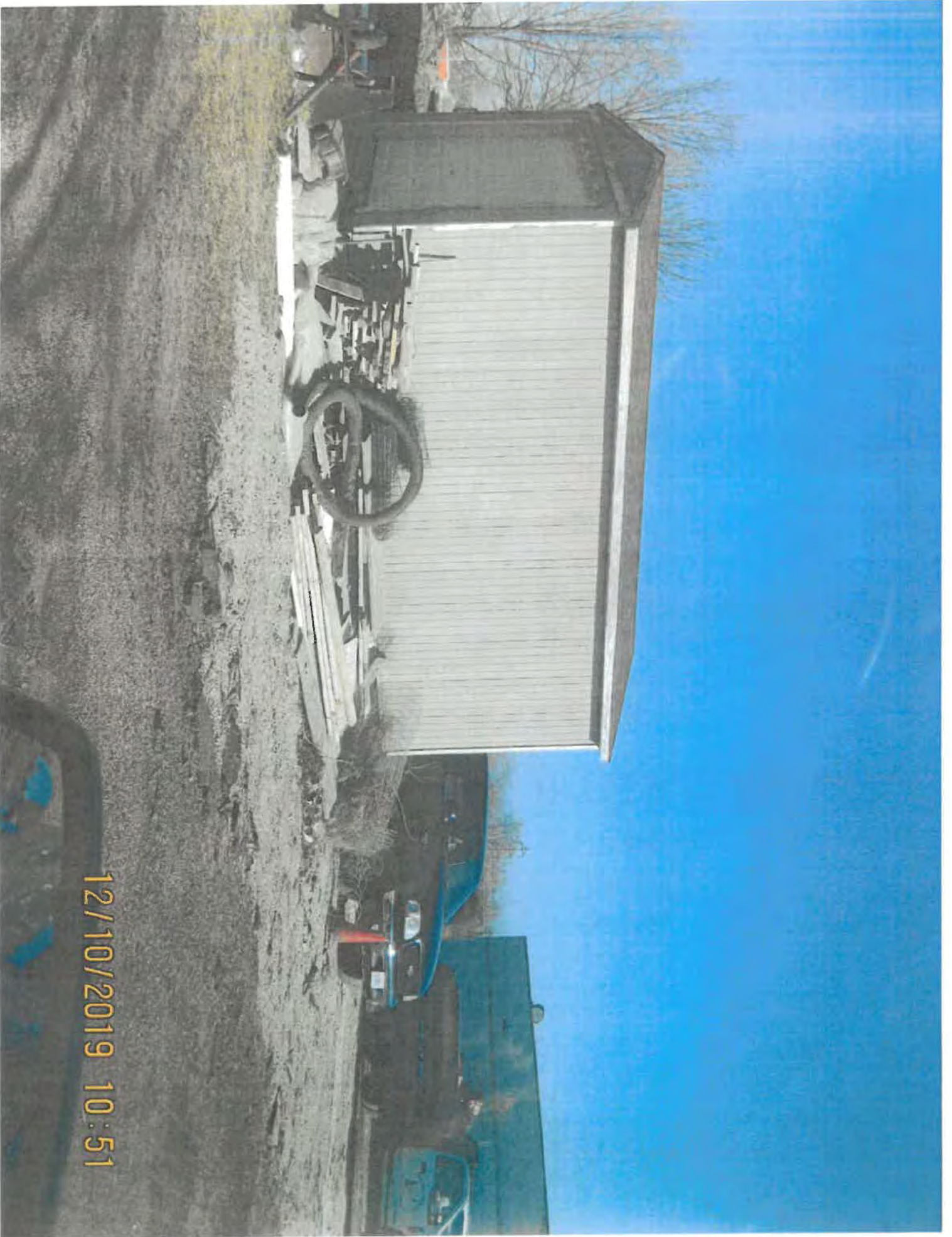
Section of Applicable Code (see Field Notes)

NOTES: 1st Notice 5/14/19 9/17/19 Left Message
2nd Notice 6/3/19
F/U 8/1/19

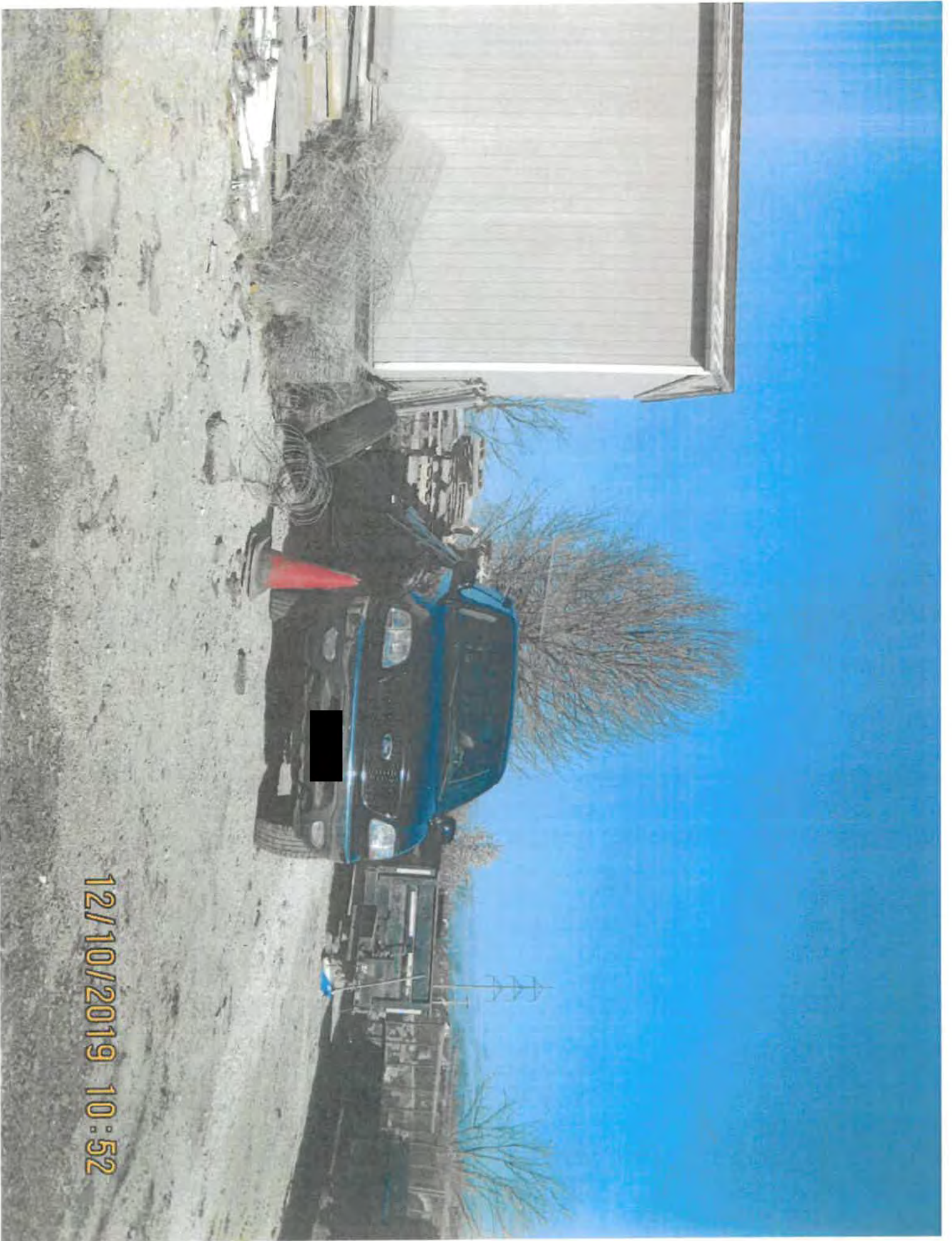
DATE CLOSED: _____



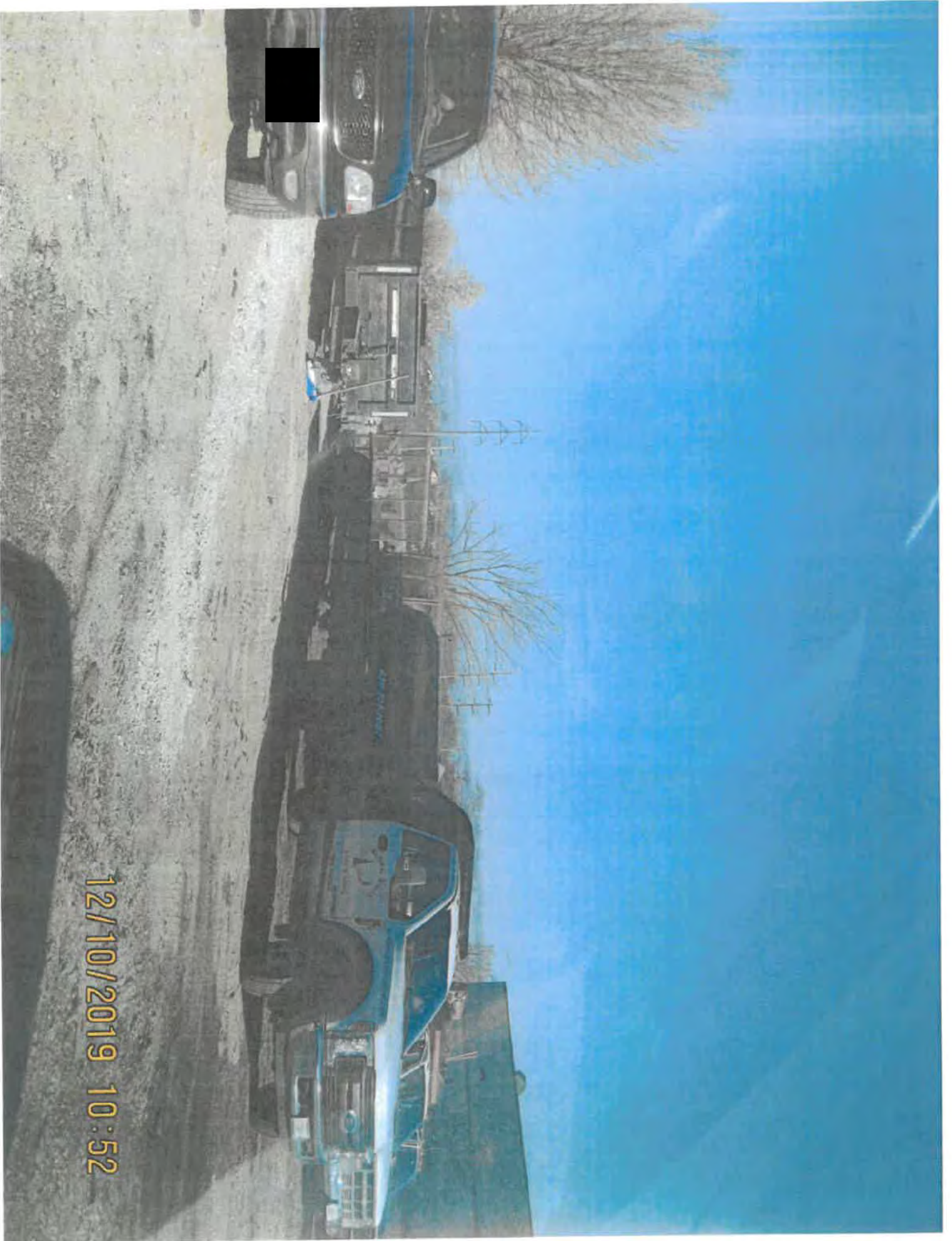
12/10/2019 10:51



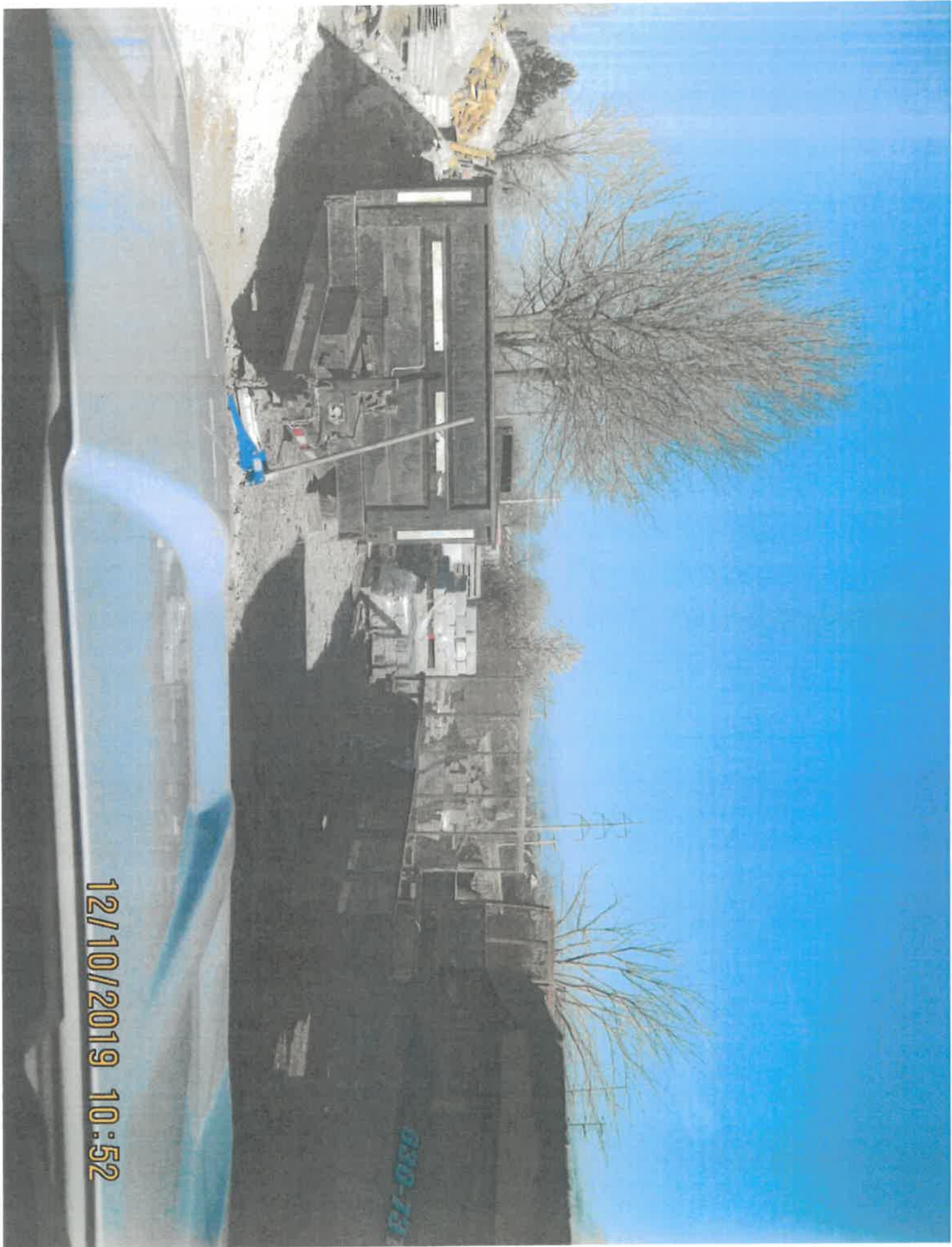
12/10/2019 10:51



12/10/2019 10:52

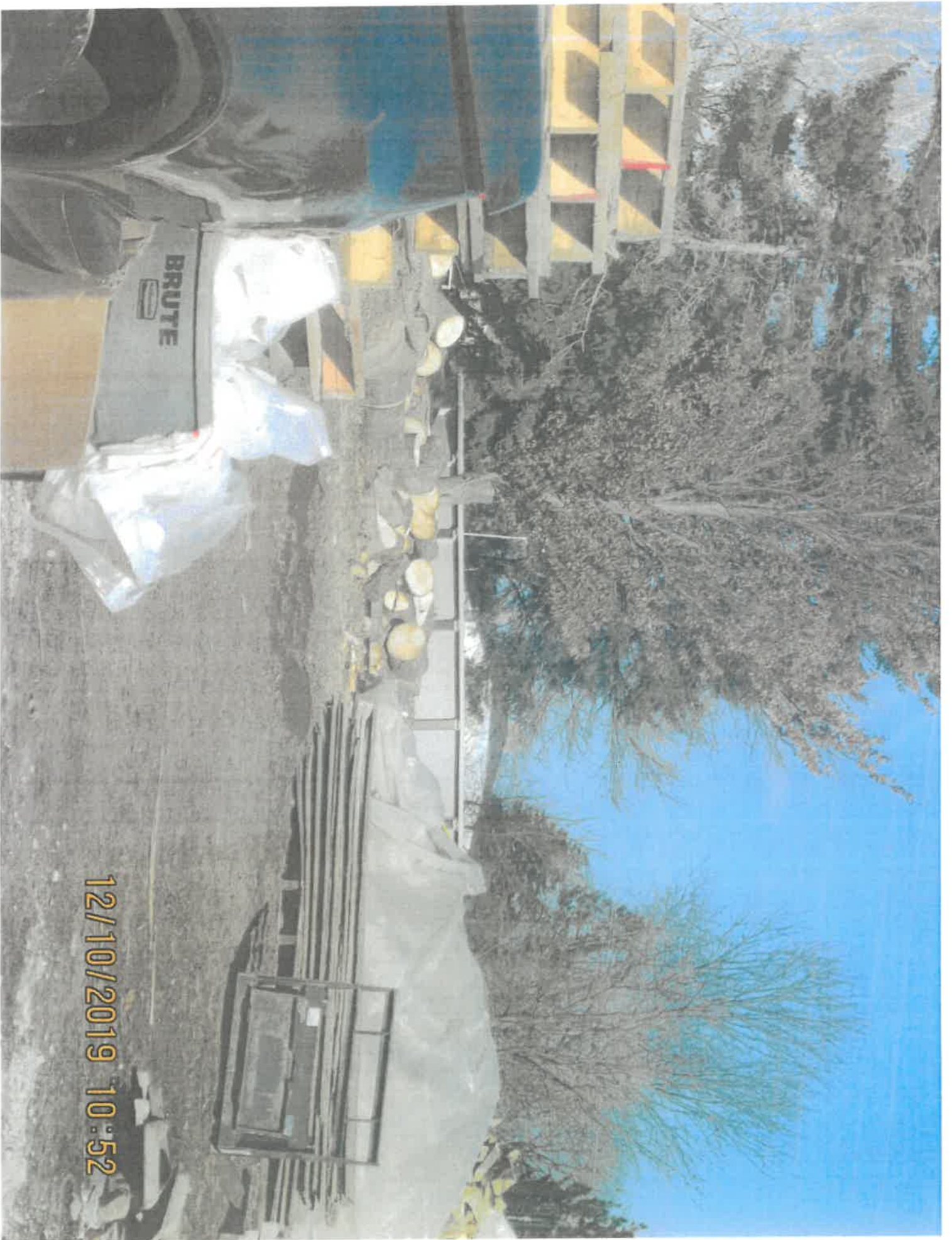


12/10/2019 10:52



12/10/2019 10:52

930-131



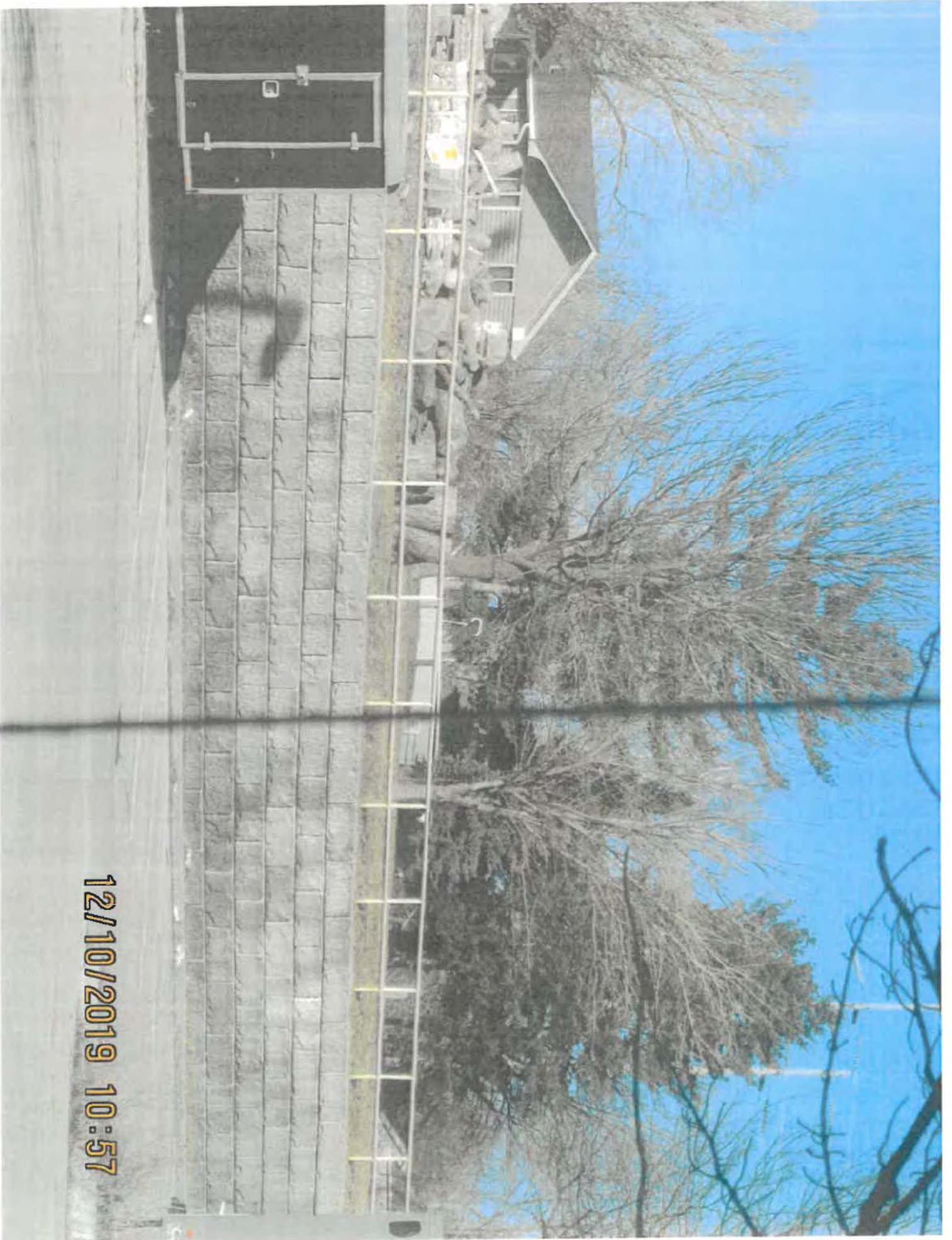
12/10/2019 10:52



12/10/2019 10:52



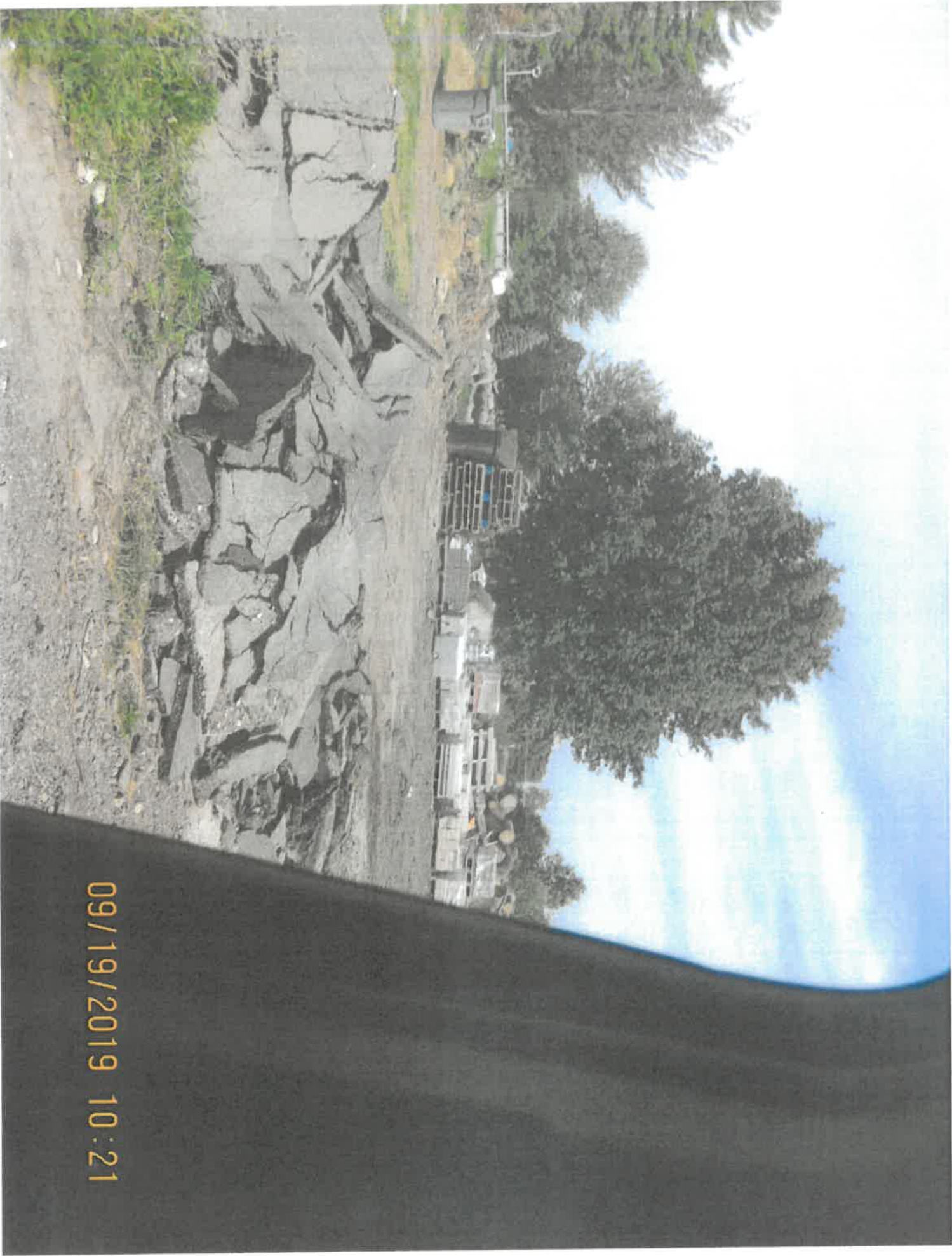
12/10/2019 10:54



12/10/2019 10:57



12/10/2019 10:56



09/19/2019 10:21



09/19/2019 10:21



09/19/2019 10:19



09/19/2019 10:19



09/19/2019 10:17



08/01/2019 08:51



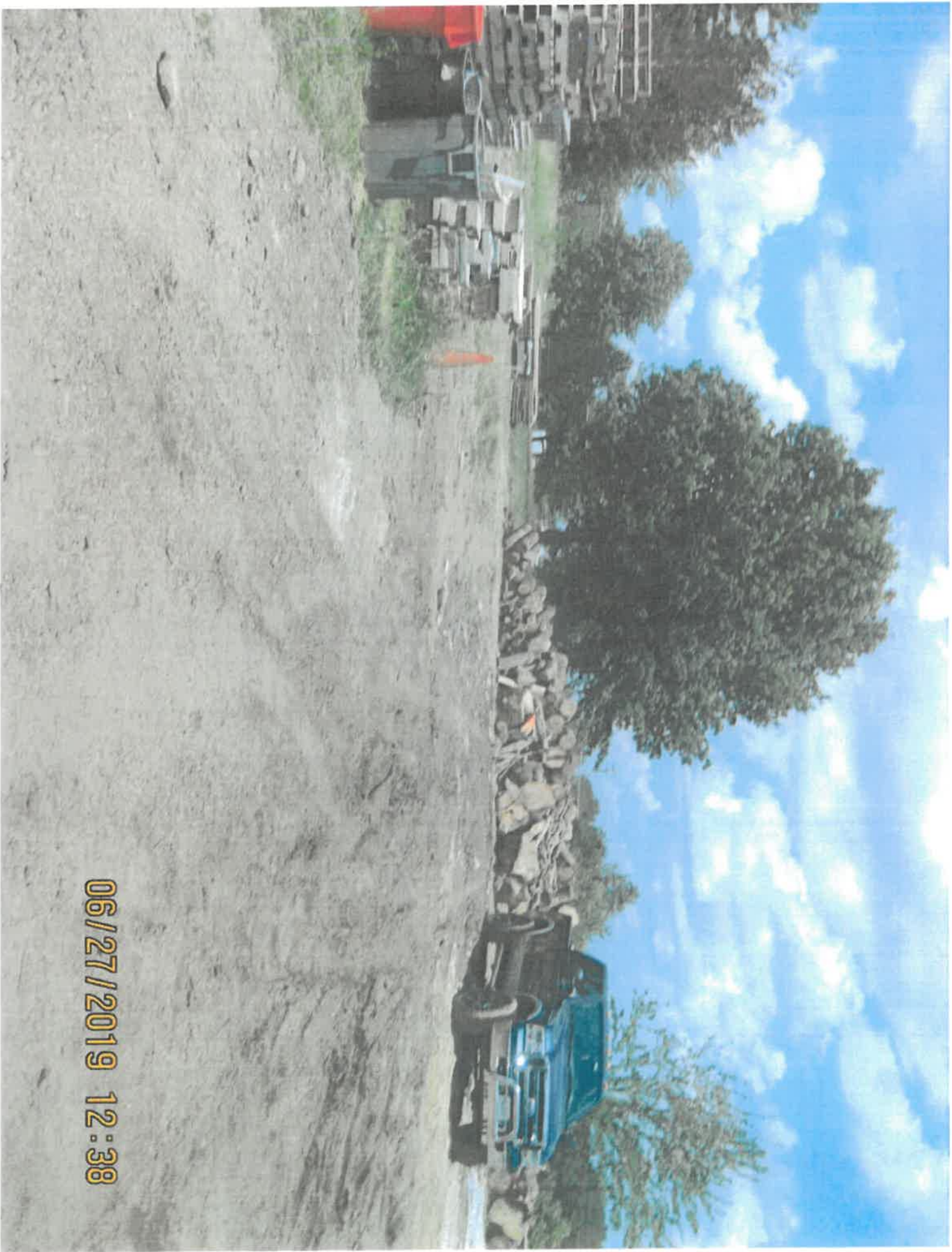
08/01/2019 08:51



08/01/2019 08:51



08/01/2019 08:51



06/27/2019 12:38



06/27/2019 12:38



06/27/2019 12:38



06/27/2019 12:38



06/27/2019 12:38

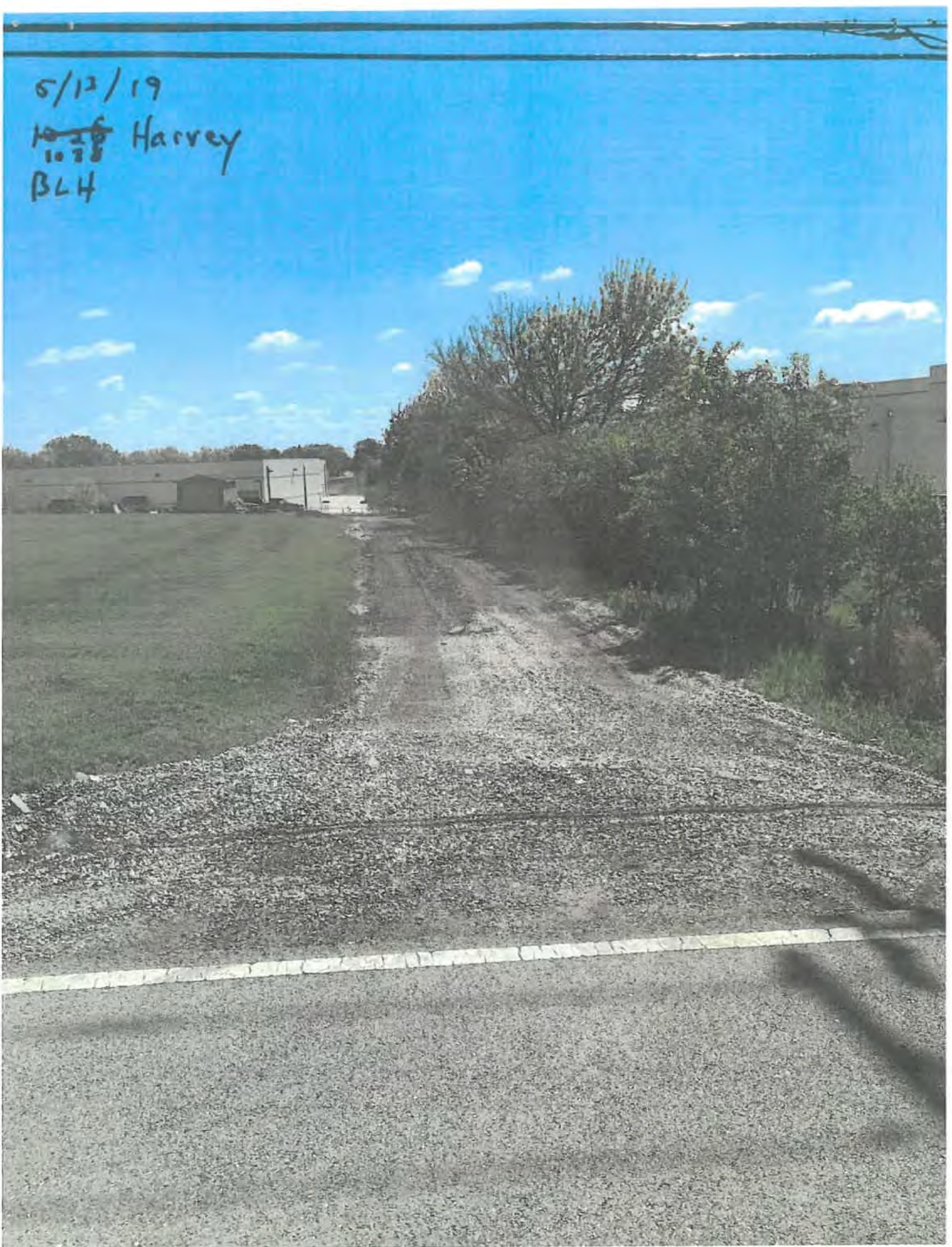


06/27/2019 12:39

5/12/19

~~10-26~~ Harvey

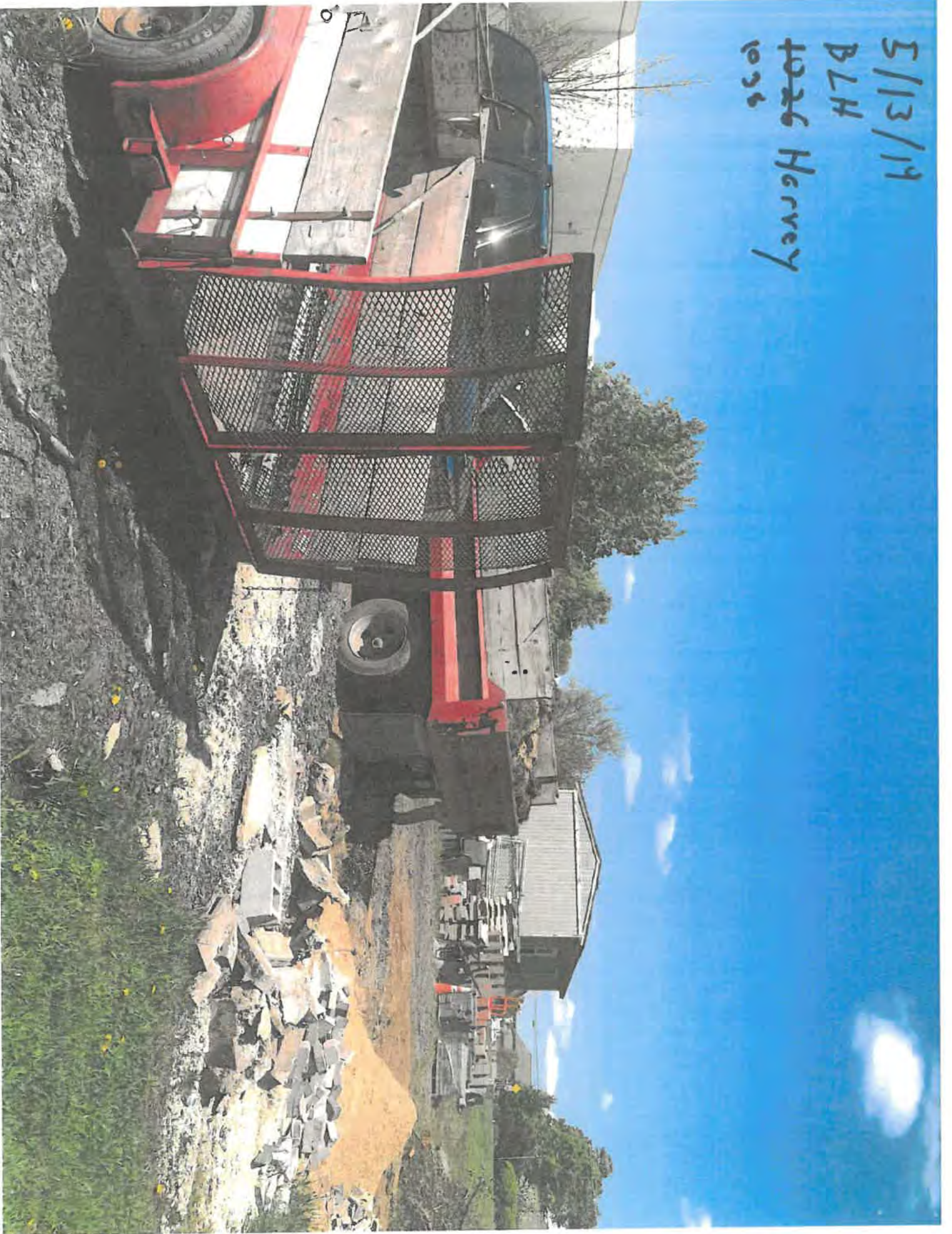
BLH



5/13/19

BLH

1026 Hervey
1096



5/12/19
RLH
4026 Harvey
10924



5/12/19

1038 ~~1026~~ Henry
RCH



F-150
2018-2019

NATURAL WORLD
LANDSCAPING
Ornamental
Specialties
630-731-7067
WWW.NATURALWORLDLANDSCAPING.COM

5/13/19
1038 1026 Hervey
BLH



5/13/19

1038 ~~1026~~ Harvey

BLH



Kendall County Planning, Building and Zoning

(630) 553-4141

05/15/2019

MARTINEZ JOSE A & SILVIA
1038 HARVEY RD
OSWEGO, IL 60543-

Violation # 19049

Parcel # 03-12-100-004
1038 HARVEY RD
OSWEGO, IL 60543 -

It is often easy in our busy schedule to overlook the condition of our property. We sometimes do not even realize that an ordinance requiring safety procedures may be in effect.

In an effort to prevent problems, your County Board Members have passed ordinances which require certain procedures to be followed in an effort to protect the well being and health of the citizens of Kendall County. An Inspection of your property conducted as of this date revealed the following violation:

MULTIPLE ZONING VIOLATIONS:

DRIVEWAY AND PARKING AREA - NO PERMIT - ORDINANCE 2014-07
LANDSCAPE BUSINESS PROHIBITED IN A-1 ZONING - ORDINANCE 7.01
SPECIAL USE PERMIT REQUIRED

Since most residents are not aware of such code violations, the County allows the property owner a fourteen (14) day period in which to correct this situation. Please contact our office by Wednesday, May 29, 2019.

Kendall County can only continue to prosper through its citizen's positive attitude towards home, neighborhood, and community. Your prompt attention and cooperation in this matter would be appreciated. Should you have any questions, please contact this office at the above number.

If said violation is not corrected, this matter will be forwarded to the Kendall County States Attorney's Office for prosecution and the possible imposition of fines.

Sincerely,



Kendall County Planning, Building & Zoning

Kendall County Planning, Building and Zoning

(630) 553-4141

06/04/2019

MARTINEZ JOSE A & SILVIA
1038 HARVEY RD
OSWEGO, IL 60543-

Violation # 19049

Parcel # 03-12-100-004
1038 HARVEY RD
OSWEGO, IL 60543 -

The attached letter was sent to you recently. As of today's date, the following violation still exists:

**MULTIPLE ZONING VIOLATIONS:
DRIVEWAY AND PARKING AREA - NO PERMIT - ORDINANCE #2014-07
LANDSCAPE BUSINESS PROHIBITED IN A-1 ZONING - ORDINANCE #7.01
SPECIAL USE PERMIT REQUIRED
JUNK & DEBRIS VIOLATION - ORDINANCE #19-12**

Failure to correct this violation will require us to refer this violation to the Kendall County States Attorney's Office for the appropriate legal action. Please contact our office on or before Friday, June 14, 2019.

Sincerely,



Kendall County Planning, Building & Zoning



PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET - ROCKFORD, ILLINOIS 61101-1495
630.553.4134 • FAX 630.553.4170

June 18, 2019

Jose A and Silvia Martinez

1038 Harvey Road

Oswego IL 60543

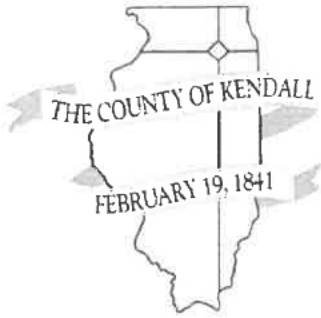
RE: Final Notice of Violations #19-049 and #18-077

Please call (630)553-4134 to schedule an inspection or a request for prosecution will be sent to the Kendall County Planning, Building and Zoning Committee.

Respectfully,

Brian Holdiman

Kendall County Code Official



PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET - ROOM 203 YORKVILLE, ILLINOIS 60560-1498

630-553-4141 • FAX 630-553-4179

October 23, 2019

Jose and Silvia Martinez
1038 Harvey Road
Oswego, IL. 60543

Re: Violation #: V19-049
Parcel #: 03-12-100-004

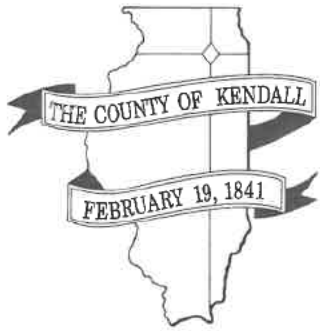
You were notified on 5/15/2019, 6/4/2019 and 6/18/2019 of the following violations on your property:

- Driveway and Parking pad installed without required permit
- Above ground swimming pool installed without required permit
- Storage of Junk & Debris
- Landscape Business operating on site without a Special Use Permit

This matter has been referred to the Kendall County Planning, Building and Zoning Committee with request to the Kendall County States' Attorney for prosecution and collection of fines and/or penalties. We will notify you of the date of the meeting that this issue will be discussed. If you want to achieve compliance voluntarily, please contact our office and apply for required permits.

Respectfully,


Brian Holdiman
Kendall County Code Official



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

January 8, 2020

Jose and Silvia Martinez
1038 Harvey Road
Oswego, IL 60543

Dear Property Owners,

The Kendall County Planning, Building and Zoning Committee will be discussing an alleged violation to the County's Zoning Ordinance on your property at 1038 Harvey Road at their meeting on January 13, 2020, at 6:30 p.m., in the County Board Room at 111 W. Fox Street in Yorkville. The Committee could refer this matter to the Kendall County State's Attorney's Office for further legal action.

You can avoid additional action on this case by resolving the violations stated in the October 23, 2019, June 18, 2019, June 4, 2019, and May 5, 2019, letters to you.

Please direct any correspondence on this matter to me at 630-553-4139 or masselmeier@co.kendall.il.us. Thank you in advance for your cooperation in this matter.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning Department

1/13/20 PBZ Minutes

Approval to Forward to the State's Attorney's Office Violations of the Building Code (Driveway and Parking Pad Installed Without a Permit and Above Ground Swimming Pool Installed Without a Permit) and Violation of the Zoning Ordinance (Operating a Landscaping Business on A-1 Zoned Property Without a Special Use Permit) at 1038 Harvey Road (PIN 03-12-100-004) in Oswego Township

Mr. Asselmeier provided information on this case.

Member Gilmour made a motion, seconded by Member Kellogg, to approve forwarding the case to the State's Attorney's Office. With a voice vote of four (4) ayes, the motion carried.

Update on 45 Cheyenne Court

The Committee reviewed updated pictures of the property and requested Staff to push the State's Attorney's Office for enforcement on this case.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier stated the Historic Preservation Commission was accepting nominations for historic preservation awards and the Commission would hold a meeting with other historic preservation groups on February 19th at Chapel on the Green. The Commission continues to review the Historic Preservation Ordinance.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

Mr. Asselmeier reported that the United City of Yorkville was considering changing their Future Land Use Map for properties along Eldamain Road.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Kellogg made a motion, seconded by Member Gengler, to adjourn. With a voice vote of four (4) ayes, the motion carried. Chairman Prochaska adjourned the meeting at 7:28 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

COUNTY OF KENDALL, ILLINOIS,

Plaintiff,

vs.

Gen. No. 20 CV 3

JOSE A. MARTINEZ and SILVIA MARTINEZ,
Defendants.

COMPLAINT &
NOTICE TO APPEAR

ORDINANCE VIOLATION CHARGING DOCUMENT

- 1. **Prosecuting Entity:** Kendall County State's Attorney Office.
- 2. **Defendant Information:**

Name:	Jose A. Martinez and Silvia Martinez			
Address:	Street	City	State	Zip
	1038 Harvey Road	Oswego	IL	60543

- 3. **Time and Location of Violation:**

Location:	Street	City	State	Zip
	1038 Harvey Road	Oswego	IL	60543
Property P.I.N.: (if applicable)	03-12-100-004	Date(s) of Violation:	5/13/2019-2/26/2020	
	03-12-100-013			

- 4. **Ordinance Violation:**

Alleged Violation:	Constructing a driveway and parking area without obtaining the required permit	Ordinance Citation:	Kendall County, Ill. Building Code Ordinance 2014-07
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- 5. **Factual Allegations:**

On or about May 13, 2019 and February 26, 2020, the Kendall County Planning, Building, and Zoning Department ("Department") conducted an inspection of the above-identified property. At that time, the Department discovered a violation of the above- identified Ordinance ("Violation"). Specifically, the Department observed the following:

Defendants allowed the construction of a driveway and parking area on their property without obtaining a permit from the Department.

- 6. **Prayer for Relief:** Wherefore, the County of Kendall prays for the following:

- a. Defendant be found Guilty of the above-identified ordinance violation;
- b. A judgment be entered in an amount up to \$1,000.00 for the initial violation and up to \$1,000.00 for each day the violation continues beyond the initial violation, plus all applicable court costs and fees; and
- c. All other relief the Court deems just and proper.

- 7. **Notice to Defendant:**

You are required to **APPEAR IN COURT** on March 24, 2020, at 8:30 a.m. in courtroom 114 of the Kendall County Courthouse, 807 W. John Street, Yorkville, Illinois 60560. You may demand a jury trial by filing a jury demand and paying a jury demand fee when entering your appearance, plea, answer to the charge, or other responsive pleading. A **default judgment** in the amount up to \$1,000.00 for the initial violation and up to \$1,000.00 for each day the violation continues beyond the initial violation may be entered in the event you fail to appear in court or answer the charge made on the date set for your court appearance or any date to which the case is continued. An **arrest warrant** may issue if you fail to appear at any hearing.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


 Brian Holdiman
 Code Official
 Kendall County Planning, Building, and Zoning Department

Date: 2/27/20

FILED
 FEB 28 2020
 COURT CLERK KENDALL CO

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

COUNTY OF KENDALL, ILLINOIS,

Plaintiff,

vs.

Gen. No. 20 CV 4

JOSE A. MARTINEZ and SILVIA MARTINEZ,

Defendants.

COMPLAINT &

NOTICE TO APPEAR

ORDINANCE VIOLATION CHARGING DOCUMENT1. **Prosecuting Entity:** Kendall County State's Attorney Office.2. **Defendant Information:**

Name:	Jose A. Martinez and Silvia Martinez			
Address:	Street 1038 Harvey Road	City Oswego	State IL	Zip 60543

3. **Time and Location of Violation:**

Location:	Street 1038 Harvey Road	City Oswego	State IL	Zip 60543
Property P.I.N.: (If applicable)	03-12-100-004 03-12-100-013	Date(s) of Violation:	5/13/2019-2/26/2020	

4. **Ordinance Violation:**

Alleged Violation:	Operating a landscaping business in Agricultural zoned property without a special use permit in violation of the Kendall County Zoning Ordinance	Ordinance Citation:	Kendall County, Ill. Zoning Ordinance Section 7.01D
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5. **Factual Allegations:**

On or about May 13, 2019 and February 26, 2020, the Kendall County Planning, Building, and Zoning Department ("Department") conducted an inspection of the above-identified property. At that time, the Department discovered a violation of the above-identified Ordinance ("Violation"). Specifically, the Department observed the following:
At all relevant times, Defendants' property has been located in a district zoned Agricultural. Defendants allowed the operation of a landscaping business and the storage of related equipment on the property without obtaining a special use permit.

FEB 28 2020

ROBERT INGLETON
CIRCUIT CLERK KENDALL CO.6. **Prayer for Relief:** Wherefore, the County of Kendall prays for the following:

- Defendant be found Guilty of the above-identified ordinance violation;
- A judgment be entered in an amount up to \$500.00 for the initial violation and up to \$500.00 for each week the violation continues beyond the initial violation, plus all applicable court costs and fees; and
- All other relief the Court deems just and proper.

7. **Notice to Defendant:**

You are required to **APPEAR IN COURT** on March 24, 2020, at 8:30 a.m. in courtroom 114 of the Kendall County Courthouse, 807 W. John Street, Yorkville, Illinois 60560. You may demand a jury trial by filing a jury demand and paying a jury demand fee when entering your appearance, plea, answer to the charge, or other responsive pleading. A **default judgment** in the amount up to \$500.00 for the initial violation and up to \$500.00 for each week the violation continues beyond the initial violation may be entered in the event you fail to appear in court or answer the charge made on the date set for your court appearance or any date to which the case is continued. An **arrest warrant** may issue if you fail to appear at any hearing.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


 Brian Holdiman

Code Official

Kendall County Planning, Building, and Zoning Department

Date: 2/27/20

Brian Holdiman

From: James Webb
Sent: Wednesday, February 24, 2021 8:35 AM
To: Brian Holdiman
Cc: Scott Koeppel; Matt Asselmeier
Subject: RE: OV19-049 Martinez

The fines imposed were \$32,800 (\$9,350 for the driveway, \$9,350 for junk and debris, \$14,000 for the special use violation, and \$100 court costs). Because the sentence was imposed by default (i.e., Mr. Martinez failed to appear in court), he has 30 days to ask the court to vacate the fines and conduct a new sentencing hearing. Therefore, our office won't consider further collection action until that 30-day window has lapsed.

James A. Webb
Assistant State's Attorney
Kendall County, Illinois
807 W. John Street
Yorkville, Illinois 60560
630-553-4157

This e-mail message, including any attachments, contains information that is confidential, may be protected by the attorney/client or other applicable privileges, and may constitute non-public information. This message is intended to be conveyed only to the designated recipients. If you are not the intended recipient of this message, do not read it; please immediately notify the sender that you have received this message in error and delete this message. Unauthorized use, disclosure, dissemination, distribution or reproduction of this message or the information contained in this message or the taking of any action in reliance on it is strictly prohibited and may be unlawful. Thank you for your cooperation.

From: Brian Holdiman
Sent: Wednesday, February 24, 2021 7:33 AM
To: James Webb <jwebb@co.kendall.il.us>
Cc: Scott Koeppel <skoeppel@co.kendall.il.us>; Matt Asselmeier <masselmeier@co.kendall.il.us>
Subject: OV19-049 Martinez

Jim,

I plan to close this ordinance violation case and then reinvestigate in 30 days if the owner has not applied for the driveway permit, special use permit or removed the junk and debris. Will you please send me the amount of the fines that were levied yesterday?

Respectfully,

Brian Holdiman

*Code Official - The County of Kendall - Planning, Building & Zoning - 111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

Matt Asselmeier

From: andrew doyle <adoyle@troyfpd.com>
Sent: Wednesday, February 16, 2022 2:03 PM
To: Matt Asselmeier
Cc: Patrick Moore
Subject: Re: [External]RE: February 23rd Kendall County Regional Planning Commission Meeting

We are working on the agreement with Shorewood however, we cannot officially enter into an agreement till we are the owners of the property. Once we close on the property, we will then officially enter into an annexation agreement with Shorewood.

Andy
Sent from my iPhone

On Feb 16, 2022, at 12:52 PM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

What is the status of the annexation agreement with Shorewood?

What is the status of the escrow with Joliet?

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: andrew doyle [mailto:adoyle@troyfpd.com]
Sent: Wednesday, February 16, 2022 12:41 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: Patrick Moore <PatrickMoore@fgmarchitects.com>
Subject: [External]RE: February 23rd Kendall County Regional Planning Commission Meeting

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Matt! I also wanted to let you know, I will not be attending the Regional Planning Commission meeting on February 23rd. Lieutenant Russell Kamp and our Board President Robert Schwartz will be attending in my place. I will be out of town next week on vacation. If you need anything from me during my time out of the office, you can reach me by email and I'll have my cell phone for phone calls.

Thanks,
Andy

Andrew Doyle

Matt Asselmeier

From: andrew doyle <adoyle@troyfpd.com>
Sent: Thursday, February 17, 2022 1:35 PM
To: Matt Asselmeier
Cc: Patrick Moore
Subject: RE: [External]RE: February 23rd Kendall County Regional Planning Commission Meeting

Matt,

I spoke to Mike Todorovic who is the Deputy Director for the City of Joliet Public Works Department. They are still unsure if Grace Bible Church provided contributions to them as part of the earlier process from 2004/2006. They stated "We have no knowledge of anything provided by Grace Bible. Unless our team (Troy FPD) can produce any documents as part of our closing with the Church, they (Joliet) will have to default to the position nothing was ever provided to the City".

So, once we have the closing, we will ask Grace Bible Church to see if they have any documentation showing they provided escrow to Joliet. We will continue to work with Joliet on this matter.

Andrew Doyle

Andrew Doyle, Fire Chief
Troy Fire Protection District
700 Cottage St.
Shorewood, IL 60404
815-725-2149 Main Line
815-651-2102 Direct Line
815-725-0772 Fax Line
815-791-0391 Cell Phone
www.troyfirepd.com



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From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Wednesday, February 16, 2022 2:31 PM
To: andrew doyle <adoyle@troyfpd.com>
Cc: Patrick Moore <PatrickMoore@fgmarchitects.com>
Subject: RE: [External]RE: February 23rd Kendall County Regional Planning Commission Meeting

What about the Joliet escrow?

Matthew H. Asselmeier, AICP, CFM

John & Laura Gay

3601 Plainfield Road, Oswego

Presented by:

Patti A. Bernhard

Rosanova & Whitaker, Ltd.

127 Aurora Avenue

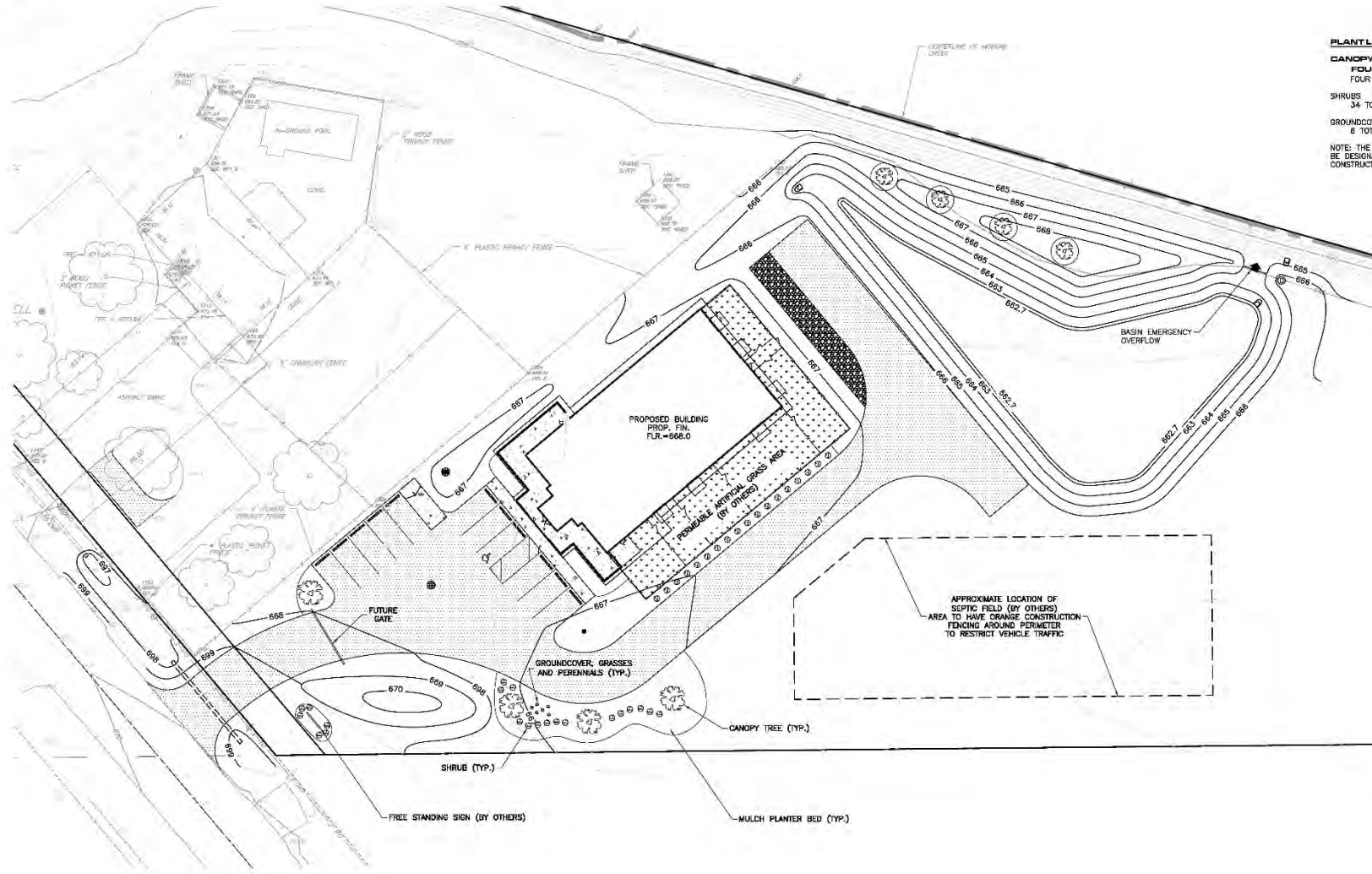
Naperville, IL 60540



Requests:

Approve a major amendment to an existing special use to make the following improvements:

- Building orientation shifted, no change to building size;
- Access to the Special Use shifted slightly southeast to provide separation between the residence and business (drive eliminated);
- Moved designated parking area to the southwest side of the building, no change to the number of parking spaces; and
- Emergency access road has been modified to include 100% concrete surface and a hammer-head turn around.



PLANTLIST
CANOPY TREES - 8 TOTAL
 FOUR (4) - 3" CALIPER
 FOUR (4) - 2" CALIPER
SHRUBS
 34 TOTAL - 18"-24" SIZE
GROUNDCOVERS, GRASSES, AND PERENNIALS
 8 TOTAL - 1 GALLON
 NOTE: THE EXACT LOCATION AND THE SPECIES TYPE WILL BE DESIGNATED ON THE FINAL LANDSCAPING PLANS FOR CONSTRUCTION BY THE LANDSCAPE DESIGN PROFESSIONAL.

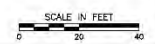
REVISION RECORD	
NO.	DATE

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 Civil & Environmental Consultants, Inc.
 1230 East Diehl Road, Suite 200 - Naperville, IL 60563
 (630) 963-6026 - 877-983-8026
 www.cecinc.com

LINBLAD CONSTRUCTION CO. OF JOILET, INC
THE PETS HOME PET RESORT & SPA
 3601 PLAINFIELD ROAD
 OSWEGO, ILLINOIS 60543

LANDSCAPING PLAN
 DATE: 01/18/2022 (DRAWN BY: NIA)
 PROJECT NO: 11-2-20 (CHECKED BY: TUG)
 PROJECT NO: 313-SAR
 DRAWN BY: TUG

RECEIVED JAN 19, 2022
 LINBLAD CONSTRUCTION CO.
 COMPANY OF JCI-B-T, INC.



PROJECT NO: LS-1.0
 SHEET 1 OF 10



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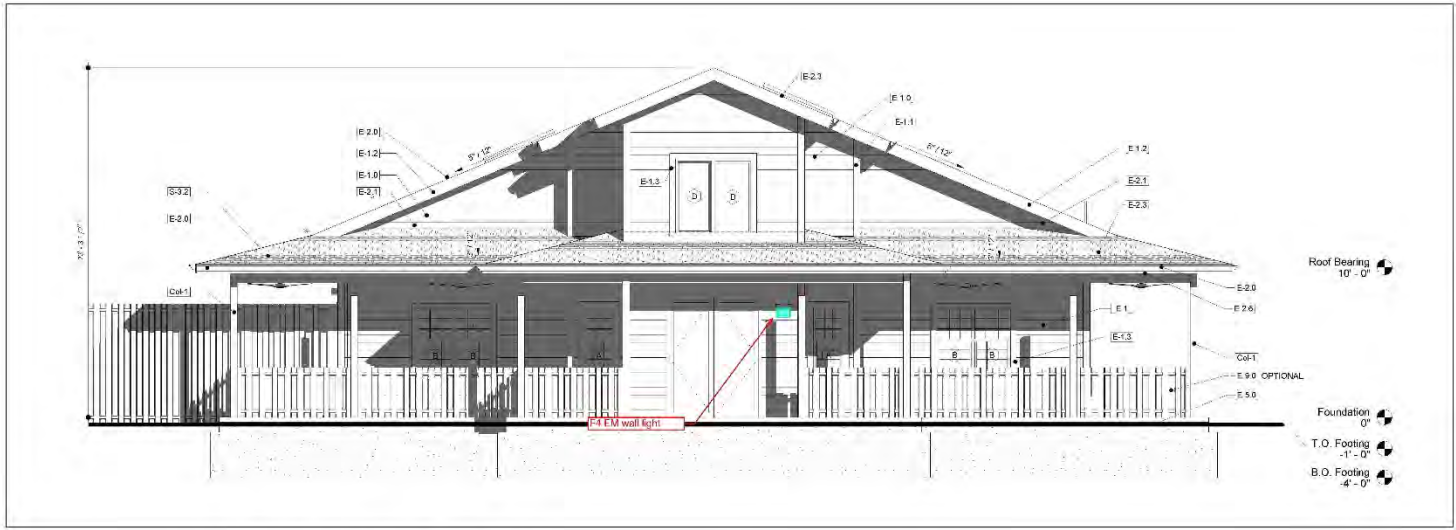
gregory e. lyons, architect
625 Duster Drive
Scott AFB, IL 62415
615-634-4726
615-634-3400 office
615-364-0389 after
615-210-8089 cell
gregory.lyons@icgglobal.net

**NEW PET BOARDING FACILITY for:
THE PETS HOME PET RESORT and SPA
3601 PLAINFIELD, OSWEGO, ILLINOIS 60543**

project no. 2151
date 12/13/2021
issued for Permit

Exterior Rendering

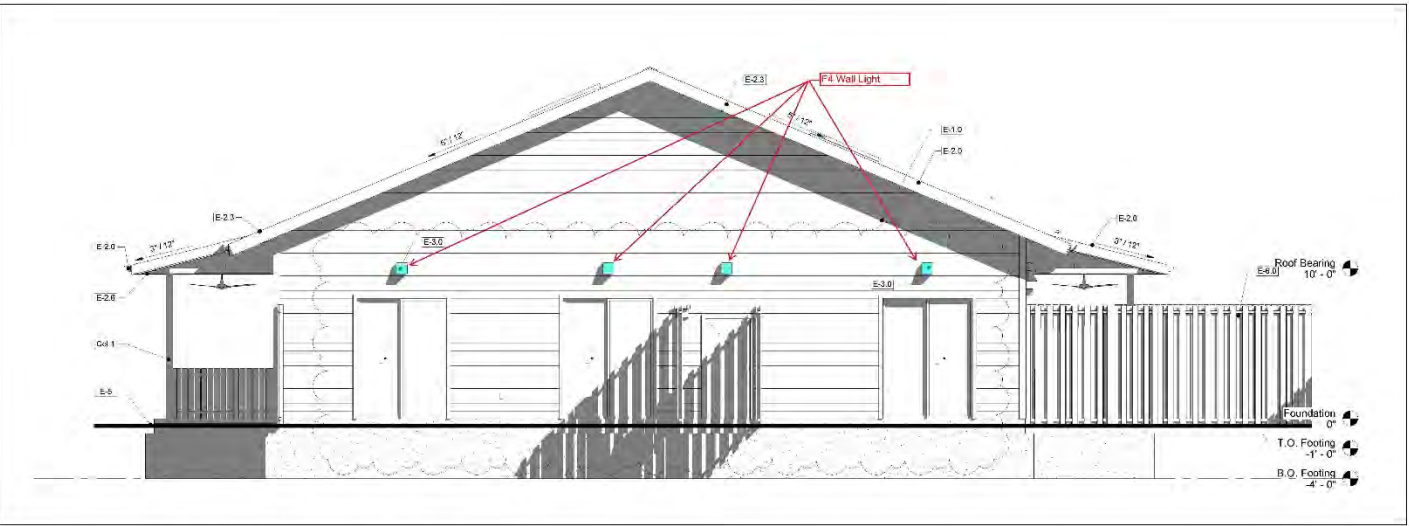
A0.00



FRONT ELEVATION (Reversed)
SCALE: 1/4" = 1'-0"

ELEVATION'S KEYNOTE LEGEND	
KEY MARK	KEY DESCRIPTION
COL-1	4x4 TREATED WOOD POST w/ SIMPSON STRONG-TIE BASE AND CAP CONN.
E-1.0	HARDE BOARD - VINYL LAP SIDING (BRIGHT RED)
E-1.1	VINYL 2x6 CORNER BOARDS (WHITE)
E-1.2	VINYL 2x6 FASCIA BOARD (WHITE)
E-1.3	VINYL 2x6 TRIM BOARD (WHITE)
E-2.0	PREFINISHED ALUMINUM GUTTER AND DOWNSPOUTS (WHITE)
E-2.1	CONCEALED METAL FLASHING
E-2.2	-
E-2.3	30-YEAR COMPOSITE ASPHALT SHINGLES (FAINTER GREEN)
E-2.4	-
E-2.5	CONTINUOUS RIDGE VENT (COLOR TO MATCH ROOFING)
E-2.6	VENTED VINYL GUTTER (WHITE)
E-3.0	EXTERIOR LED LIGHT FIXTURE
E-4.0	-
E-5.0	FINISH GRADE - SEE CIVIL DRAWINGS FOR GRADING PLAN
E-6.0	VINYL PRIVACY FENCE (WHITE)
E-1.0	-
E-8.0	-
E-9.0	WHITE PVC FENCE (OPTIONAL)

NOTES:
1. FOR GENERAL NOTES AND DRAWING LIST SEE DRAWINGS GROUP AND GROUPS.



REAR ELEVATION (Reversed)
SCALE: 1/4" = 1'-0"

**NEW PET BOARDING FACILITY for:
THE PETS HOME PET RESORT and SPA
3601 PLAINFIELD, OSWEGO, ILLINOIS 60543**

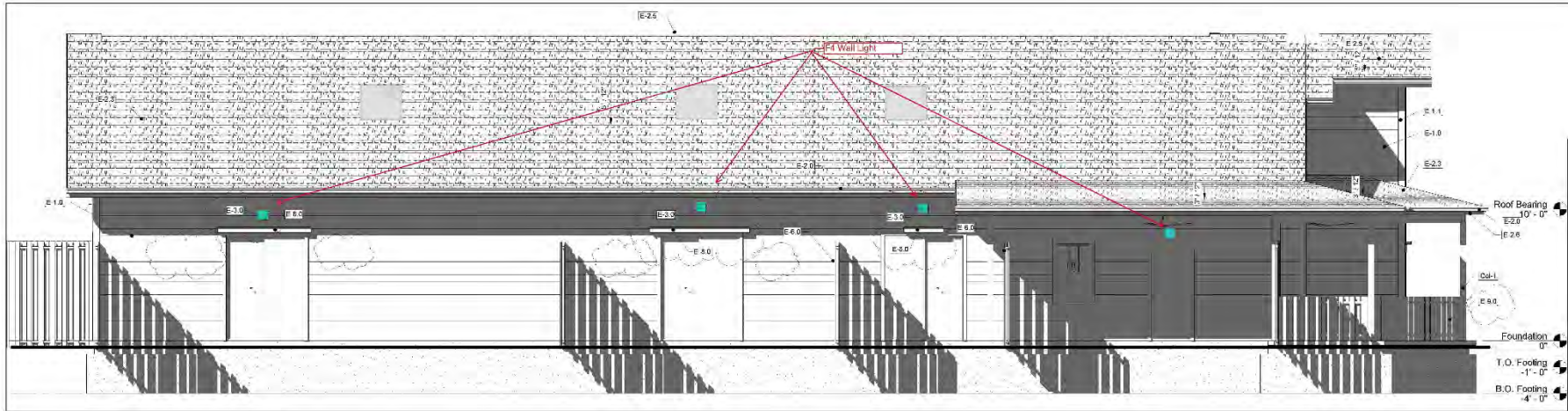
project no. 2151
date 12/13/2021
issued for Permit

Exterior Elevations

A2.00

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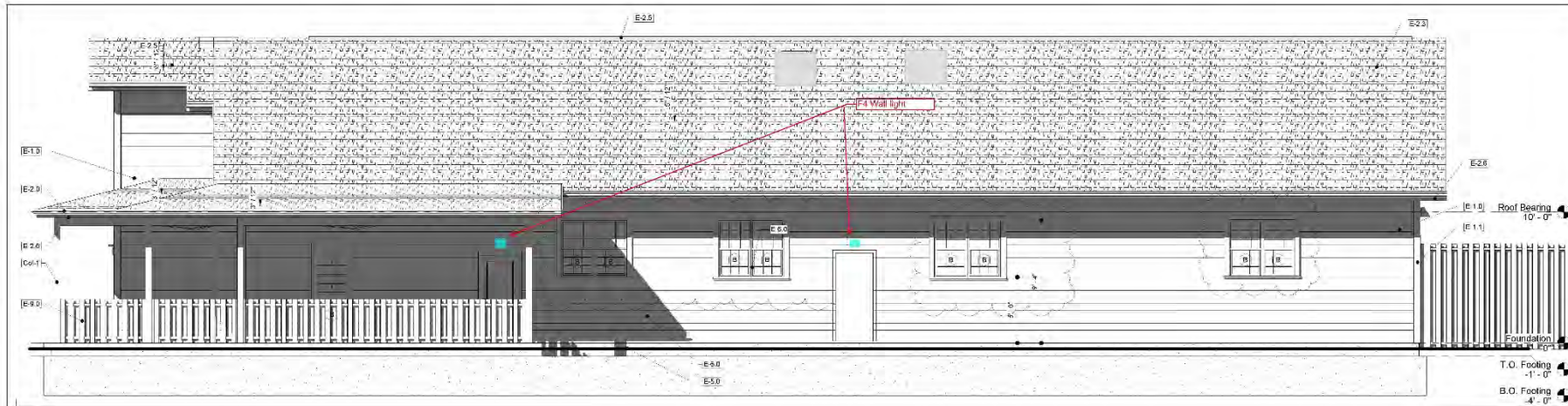
gregory e. lyons, architect
835 Dieter Drive
rook city, il 60416
615-634-4726
615-634-3400 office
615-364-0399 cell
615-210-8999 call
gregorye@aglobal.net



RIGHT ELEVATION (Reversed)
SCALE: 1/4" = 1'-0"

NOTES:

1. FOR GENERAL NOTES AND DRAWING LIST SEE DRAWINGS C6100 AND C6200.
2. FOR ELEVATION KEYNOTE LEGEND SEE DRAWING A2100.



LEFT ELEVATION (Reversed)
SCALE: 1/4" = 1'-0"

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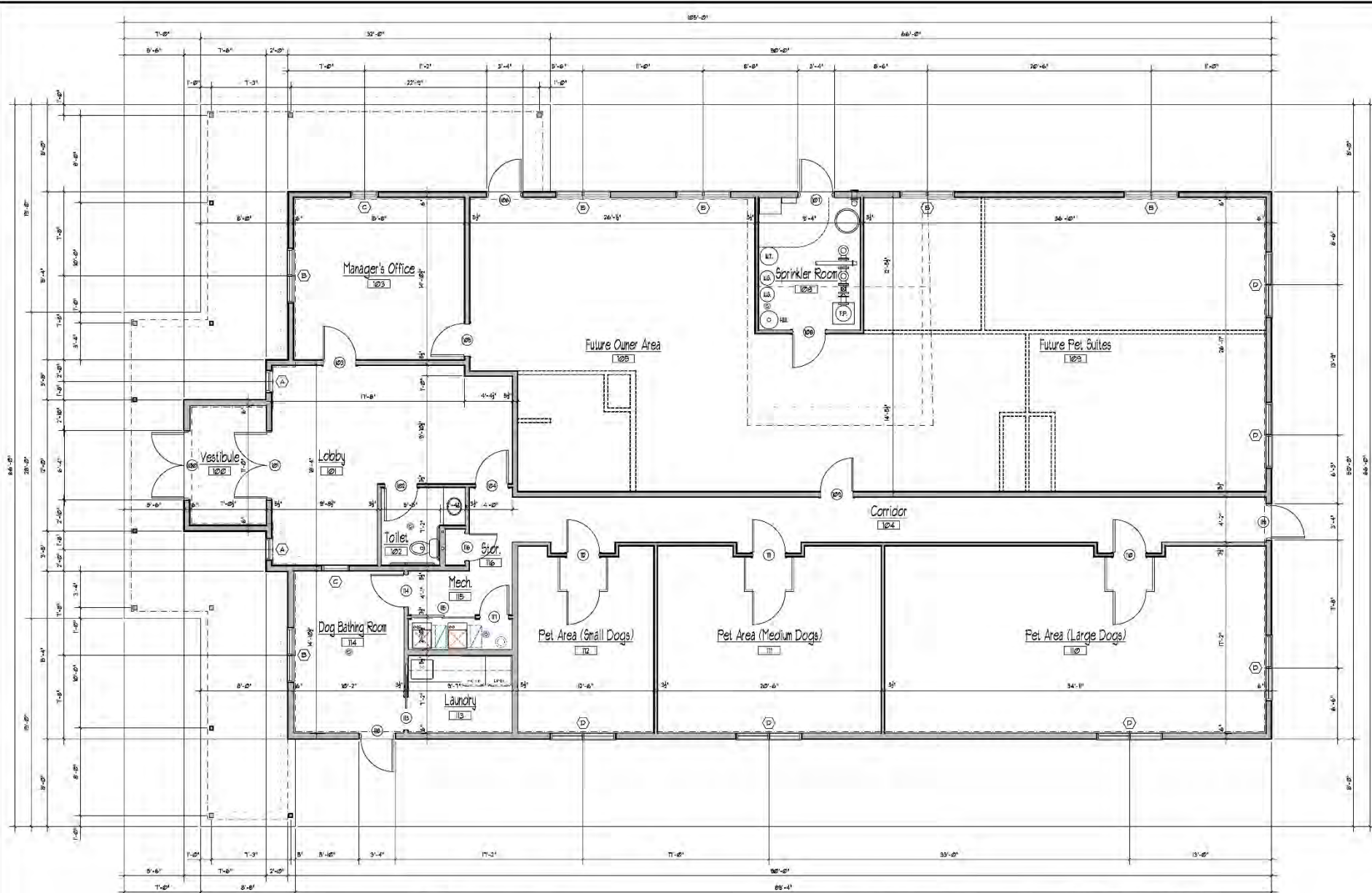
gregory e. lyons, architect
630 Drexler Drive
Wood Dale, IL 60191
815-634-4726
815-634-3400 office
815-644-0358 fax
815-210-6088 cell
gregory@raiblogobd.net

**NEW PET BOARDING FACILITY for:
THE PETS HOME PET RESORT and SPA
3601 PLAINFIELD, OSWEGO, ILLINOIS 60543**

project no. 2151
date 12/13/2021
iss. for Permit

Exterior Elevations

A2.01



FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



NOTES:

- FOR GENERAL NOTES AND DRAWING LIST SEE DRAWINGS C1000 AND C1002
- WINDOWS AND GLIDING PATIO DOORS SHALL BE MANUFACTURED BY ANDERSEN. WINDOWS, DOORS OR APPROVED EQUALS. GLASS SHALL BE INSULATED LOW E AND TEMPERED AS REQUIRED WITH GRILLES AS SHOWN.

WINDOW SCHEDULE

MARK	NO.	SIZE	TYPE	NO. REQ'D.	REMARKS
(A)	2	2'-0" x 4'-6"	SH	2	2046 (NOTE 2)
(B)	6	3'-0" x 4'-6"	TWIN SH	6	2046-7 (NOTE 2)
(C)	7	2'-6" x 4'-6"	SH	7	2046 (NOTE 2)
(D)	1	3'-0" x 3'-0"	TWIN PICTURE	1	2050-2 (NOTE 2)
(D)	0	3'-0" x 8'-0"	GLIDING DOOR	0	6050 (NOTE 2)

WALL TYPE LEGEND:

- EXTERIOR WALLS - VINYL SIDING AS CHOSEN BY OWNER OVER TYVEK HOUSE WRAP ON 1" F11 BWOOD SHEATHING OVER 2x6 WOOD STUDS @ 16" O.C. 1/2" DRYWALL WITH R-38 MINU-KRAFT FIBER GLASS INSULATION AND 1/2" GYPSUM BOARD INTERIOR FINISH.
- INTERIOR PARTITIONS - 1/2" GYPSUM BOARD EACH SIDE OVER 2x4 (3 1/2") OR 2x6 (5 1/2") WOOD STUDS @ 16" O.C. WITH BOUND ATTENUATING INSULATION TO UNDERSIDE OF ROOF TRUSSES (UNCL).
- RUTINE INTERIOR PARTITION WALLS TO BE COMPLETED AT A LATER DATE.

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gregory e. lyons, architect
333 North 57th
Crest Hill, IL 60418
815-634-4726
815-634-2400 office
815-364-0389 email
815-210-8088 cell
gregory_lyons@icgob.net

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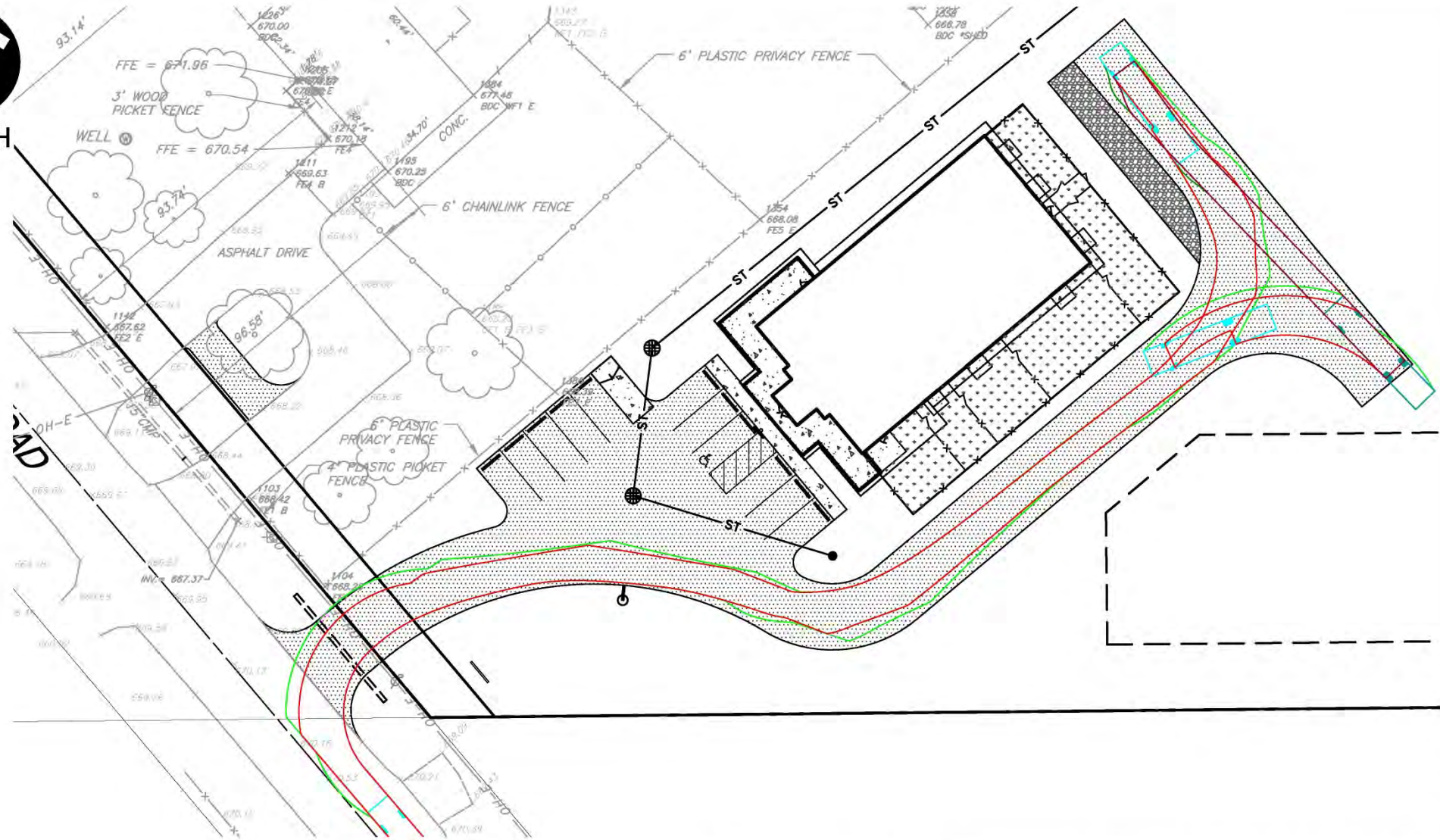
project no. 2151
date 12/13/2021
let. no for Permit

Floor Plan

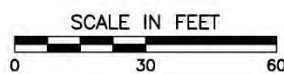
A1.00



NORTH



P:\310-000\313-348\CADD\Draw\CV01-Eng\313348-CV01-Autolum Exhibit.dwg[SHT] LS(1/19/2022 - green) - LP: 1/19/2022 4:04 PM

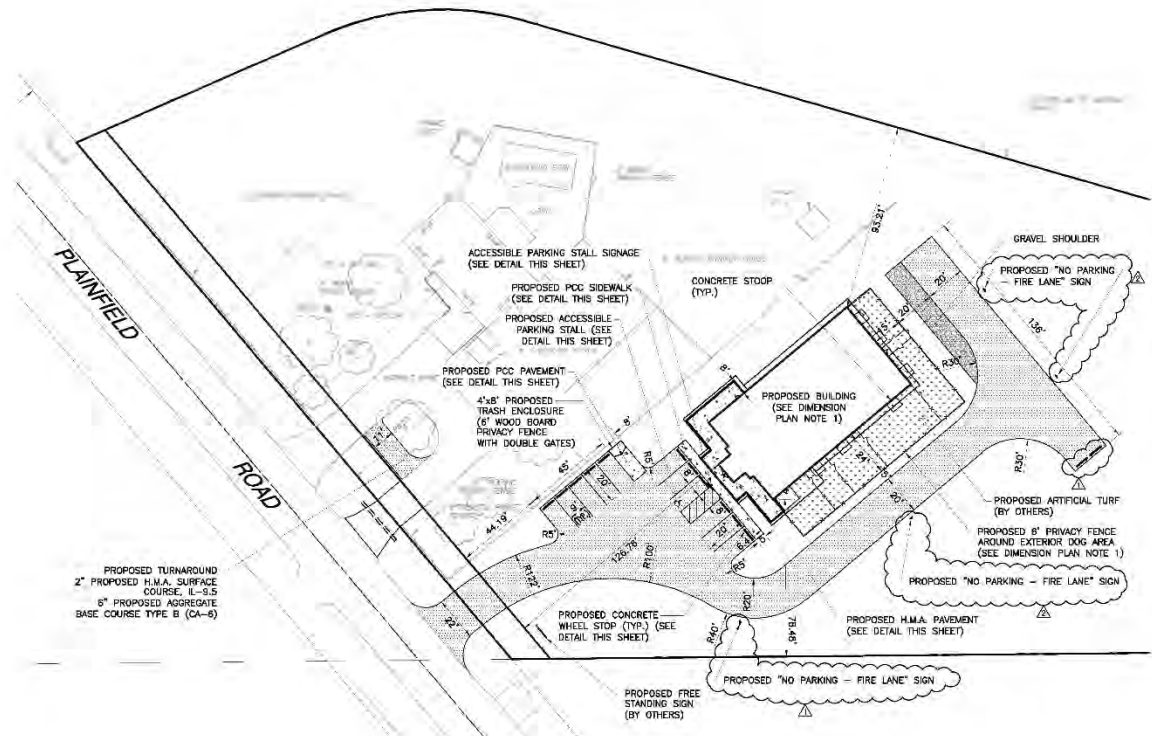


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FIRE TRUCK TURNING EXHIBIT

DRAWN BY: MAJ	CHECKED BY: TJG	APPROVED BY: TJG	EXHIBIT: 1
DATE: JANUARY 19, 2022	DWG SCALE: 1"=20'	PROJECT NO: 313-348	

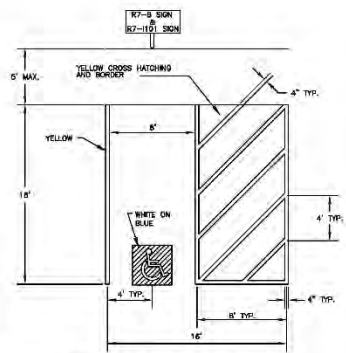


DIMENSION PLAN NOTES:

1. REFER TO THE ARCHITECTURAL PLANS FOR PROPOSED BUILDING INFORMATION (BUILDING/PORCH DIMENSIONS, PRIVACY FENCE DETAILS, ETC.)
2. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE TO PAVEMENT LINES.
3. UNLESS OTHERWISE NOTED, ALL PAVEMENT MARKING MATERIALS SHALL BE YELLOW PAINT, LINES SHALL BE 4 INCHES WIDE.
4. A PROPOSED WOOD TRASH ENCLOSURE HAS BEEN LOCATED SOUTHWEST OF THE BUILDING. SEE ARCHITECTURAL PLANS FOR DETAILS.

SITA DATA

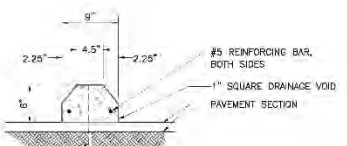
GROSS BOUNDARY:	207,001 S.F. (4.773 AC.)
TS R.O.W. DEDICATION:	5,123 S.F. (0.118 AC.)
NET BOUNDARY:	202,778 S.F. (4.655 AC.)
P.I.N.:	03-26-103-004
EXISTING PERVIOUS AREA:	197,828 S.F. 05.2%
EXISTING IMPERVIOUS AREA:	10,073 S.F. 4.8%
ADDITIONAL IMPERVIOUS AREA (EXISTING + PROPOSED):	31,844 S.F.
DISTURBED AREA:	65,671 S.F. (1.51 AC.)
PARKING REQUIRED (THROUGH SPECIAL USE APPLICATION):	
REGULAR SPACES:	10 SPACES
HANDICAP SPACES:	1 SPACE
TOTAL:	11 SPACES
PARKING PROVIDED:	
REGULAR SPACES:	10 SPACES
HANDICAP SPACES:	1 SPACE
TOTAL SPACES PROVIDED:	11 SPACES
EXCESS/DEFICIENCY IN DURA ADJACENT TO BUILDING:	3,270 S.F.



TOTAL OFF STREET PARKING SPACES REQUIRED	ACCESSIBLE PARKING SPACES REQUIRED	MIN. # OF
1 TO 20	1	1
21 TO 50	2	2
51 TO 75	3	3
76 TO 100	4	4
101 TO 150	5	5
151 TO 200	6	6
201 TO 300	7	7
301 TO 400	8	8
401 TO 500	9	9
501 TO 1000	2% OF TOTAL NUMBER	
OVER 1000	20 PLUS 1 FOR EACH 100 OVER 1000	

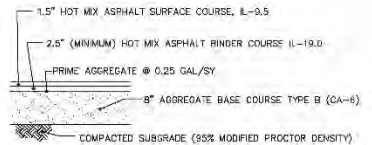
NOTES FOR HANDICAP PARKING SPACES:

1. SIGNS SHALL BE VERTICALLY MOUNTED ON A POST OR A WALL AT THE FRONT CENTER OF THE PARKING SPACE. NO MORE THAN FIVE (5) FEET HORIZONTALLY FROM THE FRONT OF A PARKING SPACE AND SET A MINIMUM OF FIVE (5) FEET FROM THE FINISHED GRADE TO THE BOTTOM OF THE SIGN.
2. HANDICAPPED PARKING SIGNS SHALL ALSO EXHIBIT THE WORDS "\$250.00 FINE".
3. PARKING SPACES DESIGNED FOR PERSONS WITH DISABILITIES AND ACCESSIBLE PASSENGER LOADING ZONES THAT SERVE A PARTICULAR BUILDING SHALL BE LOCATED ON THE SHORTEST POSSIBLE ACCESSIBLE ENTRANCE OF THE BUILDING.
4. IN SEPARATE PARKING STRUCTURES OR LOTS THAT DO NOT SERVE A PARTICULAR BUILDING, PARKING SPACES FOR PERSONS WITH DISABILITIES SHALL BE LOCATED ON THE SHORTEST POSSIBLE CIRCULATION ROUTE TO AN ACCESSIBLE PEDESTRIAN ENTRANCE OF THE PARKING FACILITY.



0.75" DIA. X 18" LONG ANCHOR BOLT 2 MIN. EACH BUMPER.

CONCRETE WHEEL STOP
NOT TO SCALE

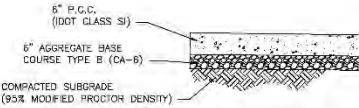


HMA PAVEMENT SECTION
NOT TO SCALE



- NOTES:**
1. PROVIDE 1/2" EXPANSION JOINT FILLER WITH SEALANT WHERE THE CONCRETE SIDEWALK ABUTS THE BUILDING.
 2. PROVIDE MEDIUM BROOM FINISH.
 3. CONCRETE SHALL BE CLASS "A" 4,000 PSI UNLESS OTHERWISE NOTED.

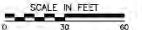
P.C.C. SIDEWALK SLAB SECTION
NOT TO SCALE



- NOTES:**
1. PROVIDE BROOM FINISH.
 2. CONCRETE SHALL BE CLASS "A" 4,000 PSI UNLESS OTHERWISE NOTED.

P.C.C. PAVEMENT/TRASH ENCLOSURE SLAB SECTION
NOT TO SCALE

ACCESSIBLE PARKING STALL SIGNAGE



REVISION RECORD

NO.	DATE	DESCRIPTION

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(630) 953-0028 (630) 953-0028
www.ceeinc.com

LINDBLAD CONSTRUCTION CO. OF JOILET, INC
THE PETS HOME PET RESORT & SPA
3601 PLAINFIELD ROAD
OSWEGO, ILLINOIS 60543

DIMENSION PLAN

DATE:	NO.:	SCALE:	PROJECT NO.:	DATE:
01/19/2022	01	1"=50'	215-348	11/15
DRAWN BY:	CHECKED BY:	PROJECT NO.:	DATE:	

0 WORKING NO. **C400**



MINIMIZE TRAFFIC ON ROUTE 30
Currently most dogs that come daily are transported via the Pet Taxi shuttle service provided by owners.

Thank You