



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

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

AGENDA

December 19, 2022 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

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

MINUTES: Approval of Minutes from the October 31, 2022, Zoning Board of Appeals Hearing/Meeting (Pages 2-23)

PETITIONS:

1. **Petition 22 – 24 – Raymond Gonzalez as Beneficiary of Merchants National Bank Under Trust Agreement Dated February 24, 1997 as Trust Number 5191 (Pages 24-60)**

Request: Special Use Permit for a Dwelling Unit for a Watchman and Their Immediate Family and a Special Use Permit for Outdoor Storage

PIN: 03-18-403-015

Location: 5375 Route 34 in Oswego Township

Purpose: Petitioner Wishes to Rent a Unit of the Southern Building to a Watchmen and Have Outdoor Storage North of the Buildings Presently Located on the Property; Property is Zoned B-2

NEW BUSINESS/ OLD BUSINESS

1. None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 22-19 Map Amendment for Property South of 2735 Route 52 in Seward Township
2. Petition 22-20 Major Amendment to Special Use Permit for the Yogi Bear Campground

PUBLIC COMMENT:

ADJOURN ZONING BOARD OF APPEALS- Next hearing/meeting on January 30, 2023

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

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
October 31, 2022 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:02 p.m.

ROLL CALL:

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

Members Absent: Scott Cherry and Jillian Prodehl

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

Others Present: Boyd Ingemunson, Seth Wormley, Eric Carlson, and Don Smith

MINUTES:

Member LeCuyer made a motion, seconded by Member Fox to approve the minutes of the October 3, 2022, hearing/meeting.

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

PETITIONS

The Zoning Board of Appeals started their review of Petition 22-20 at 7:03 p.m.

Petition 22 – 20 – Stephanie Olson on Behalf of Sun Jelly Chicago RV LLC

Request: Special Use Permit for a Recreational Camp and Recreational Vehicle Park, Variance to Section 7:01.D.46.g of the Kendall County Zoning Ordinance Pertaining to Fence Requirements, and Repealing the Development Agreement Dated September 24, 2008, Pertaining to the Development of the Yogi Bear Campground
PINs: 04-15-300-001, 04-15-100-005, and 04-16-276-001
Location: 8574 Millbrook Road, Newark, Inside the Village of Millbrook
Purpose: Petitioner Wishes to Replace Existing Development Plans and Replace with New Plans; Property is Zoned A-1 With a Court Ordered Special Use Permit

Mr. Asselmeier summarized the request.

The operators of Yogi Bear’s Jellystone Park Camp and Resort would like to make several changes to the layout of their existing facility.

The layout of the property and operations of the campground was governed by two (2) court orders that were incorporated into the annexation agreement with the Village of Millbrook in 2008 which were provided. In June 2022, the court relinquished jurisdiction of the land use and zoning of the property to the Village of Millbrook; the relinquishment document was provided. The County and Village of

Millbrook have an intergovernmental agreement by which Millbrook follows the Kendall County Zoning Ordinance and the County administers the Zoning Ordinance within Millbrook.

As described in the provided application materials and visually depicted on the proposed master plan, the proposed changes are follows:

1. Ranger station renovations – Welcome center and camp store renovations to upgrade cosmetics, add another office, relocate the restroom, add, and relocate snack bar appliances. Some exterior cosmetic improvements will also be a part of this renovation.
2. Amphitheater – A new band-shell style outdoor amphitheater will be built for multi-purpose use. The new AV system will enable movie watching during the day as well as at night, and the stage will be home to many skits, contests, and entertainment.
3. Garage – An approximate twenty-five by fifty (25x50) pole garage for storage of equipment and supplies.

Chairman Mohr requested to know if the buildings will be new or renovated. Mr. Asselmeier responded the garage is new and the amphitheater is new. The existing stage will be removed.

4. Pickleball courts – Two (2) pickleball courts will be added for an additional amenity. These will be enclosed by fencing and have lighting as well.
5. Playground – New playground will be installed in addition to the two (2) playsets already on site.
6. Pools – Pool #1 will be demolished for the raising of the Amphitheater. Pool #2 with spa and kiddie pool will be improved/repared for the 2023 season and then replaced with a new, larger pool and spa for the 2024 camping season.
7. Bathhouse – With the construction of the new pool for 2024, a new bath house will be built to service the pool and add more restroom facilities.
8. Ranger station patio improvements – With the change of the pool #2 layout will come changes in the patio design. It will extend to encompass a wider area of the amenity core to convey a more pedestrian friendly atmosphere and include a community fire pit.
9. Activity Center renovation – The renovation of the activity center will include cosmetic upgrades, both inside and out. A service window and roll up door will be installed for better guest/staff accessibility. A lean-to addition will also be built for storage purposes.
10. Court Sport Patio improvements – Cleanup of court sport areas in and around the amenity core.
11. Gaga Ball Pits – Will be relocated when amenity core changes take place.

12. Round Court - One (1) current basketball court will be replaced with a new and improved round court, and both courts receiving new poles, backboards, and nets.
13. Jump Pad – Amenity is being relocated to the old movie theater area.
14. Dog Park improvements – A new dog park will be added to the facilities. The dog park will be fenced in and offer seating and refuse receptacles.
15. Refuse collection points – Construction of four (4) refuse dumpster enclosures for guest trash disposal.
16. New septic systems – A projected addition of three (3) new septic systems to support the upgrade of all sites to allow sewer use.
17. Rustic Cabin Renovations – Cosmetic and minor mechanical renovations to the rustic cabins, may also include adding concrete sidewalks and patios with firepits.
18. Electrical Upgrades at Individual Sites – Upgrade all 30-amp service sites to 50-amp service sites.
19. Reconfiguration of sites – They intend to reconfigure sites, losing site numbers, but increasing the size of some sites to accommodate today’s larger RV’s. The estimated site number change will go from three hundred ninety-four (394) sites to approximately three hundred (300) sites. The reconfiguration will coincide with the electrical upgrades and septic installations.
20. Automatic gate – The installation of automatic gates for the security and safety of the guests. They propose to install six (6) gates within the park to allow for controlled access.
21. Site control fencing – Installation of fencing to control access and visibility to maintenance and refuse collection area.
22. Reconfigured parking area – The addition of parking spaces when designing the Ranger Station patio improvements in the amenity core.
23. Demolition of vacant residence and garage – Removal of vacant residence and garage for safety reasons and to allow and better maintenance access.
24. Demolition of Pool #1 and old comfort station to allow for the construction of the outdoor amphitheater.
25. Directional signage – Placement of directional and site marking signage.
26. Bridge – Install a bridge over the creek for pedestrian/cart access.

27. Small comfort station/playground – Addition of small comfort station and playground on far side of the creek for close guest access.

28. Installation of internet tower for better internet service. The tower is eighty feet (80') in height.

29. Add storm water detention site for new work.

As noted in the phasing plan contained in the master plan, improvements in the amenity core area and southwest of the amenity core area will occur in Phase I. Improvements in the area west of the amenity area will occur in Phase II. Improvements around the Internet Tower will occur in Phase III. No information was provided regarding the start or completion of the individual Phases.

In addition to the above changes, the Petitioners were requesting a variance to the requirement that the entire periphery of the park, with the exception of access roads be fenced. As noted on the landscaping plan contained in the master plan, the Petitioners do not want to place a fence along the front (west) side of the property.

The application materials, annexation agreement, court order relinquishing jurisdiction, proposed master plan, plat of the property, topographic survey and stormwater exhibit were provided.

The property is located at 8574 Millbrook Road inside the Village of Millbrook.

The property is approximately sixty-two (62) acres in size.

The existing use is wooded and a campground.

The property is zoned A-1 with a court ordered special use permit.

The adjacent land uses are agricultural, farmstead, and wooded.

The adjacent properties are zoned A-1 and A-1 BP in the County and A-1 inside the Village of Millbrook.

The County's Land Resource Management Plan calls for the area to be Rural Estate Residential, Countryside Residential, and Open Space. The Village of Millbrook's Plan calls for the area to be Commercial, Low Density Residential, and Open Space.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, A-1 BP, and R-1 in the County. The A-1 SU to the east of the subject property is for a landscaping business. The Hollenback Sugarbush Forest Preserve is located near the subject property. Within one half (1/2) of a mile of this property, properties inside the Village of Millbrook are zoned A-1, R-3, B-2, B-3, and M-1.

EcoCat submitted and consultation was terminated.

The LESA Score was 150 indicating a low level of protection. The NRI was provided.

Fox Township was emailed information on September 23, 2022. No comments received.

As required by Section 7:01.D.46 of the Kendall County Zoning Ordinance, the Petitioner submitted an email to the Little Rock-Fox Fire Protection District on August 23, 2022, which was provided. Additional information was emailed on September 23, 2022. No comments received.

The Village of Millbrook was emailed information on September 23, 2022. It was Staff's understanding that the Village Board reviewed information related to the Petition prior to application submittal.

ZPAC reviewed the proposal at their meeting on October 4, 2022. The number of caretakers was set at two (2). The Kendall County Forest Preserve District agreed to work with the Petitioner regarding landscaping. The Kendall County Health Department discussed the Illinois Department of Public Health's role in licensing campgrounds. Discussion also occurred regarding securing appropriate permits for the planned upgrades to the septic systems and the concession area. Condition 18 was amended to replace the Planning, Building and Zoning Committee with the Millbrook Village Board. The number of employees mentioned in Condition 32 was deleted and replaced with the number of campground caretakers. ZPAC recommended approval of the proposal with the two (2) previously listed amendments 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 reviewed this proposal at their meeting on October 26, 2022. The Commission agreed to clarify Condition 11 to say that the submitted landscaping plan met the requirement outlined in the Zoning Ordinance. Several Commissioners commended the Petitioner for their work in improving the property and the overall quality of the proposal. Discussion occurred about the Village of Millbrook collecting hotel/motel tax and sales tax from the property; the Petitioner was open to discussing these items. Neighbor Gerard Dieter felt the proposal was good; he had concerns regarding litter that was visible from Budd Road. The Petitioner clarified that patrons would not stay at the property year-round, but recreational vehicles could be parked at the property year-round. The Commission decided not to regulate the hours of operation of the onsite swimming pools; the hours of operation had been regulated previously in one (1) of the court orders. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the previously listed amendment to Condition 11 by a vote of nine (9) in favor and zero (0) in opposition with 1 member absent. The minutes of the meeting were provided.

Per Section 7:01.D.46 of the Kendall County Zoning Ordinance, recreational camps and recreational parks can be special uses on A-1 zone property subject to the following conditions:

- a. All applications for a permit to operate a recreational vehicle park or campground shall contain the following:
 1. Name, address and telephone number of applicant.
 2. Percentage of interest of the applicant and/or owners in the proposed campground.
 3. Name and address of all persons holding an interest or having an interest in the proposed campground.
 4. Location, address and legal description of the entire proposed campground.
 5. Existing zoning of subject property and all adjacent properties.
 6. Complete engineering plans and specifications of the proposed campground showing:

- i. The area and dimensions of the entire tract of land;
 - ii. The number, location and size of all lots intended for use by recreational vehicles or tents;
 - iii. The number, location and size of all unimproved, partially improved and fully improved lots;
 - iv. The location, right-of-way and surfaced roadway width and surfacing materials of roadways and walkways;
 - v. The location of proposed interior vehicular and pedestrian circulation patterns;
 - vi. The location of service buildings, sanitary stations and any other existing or proposed structures;
 - vii. The location of water and sewer lines;
 - viii. Plans and specifications of all buildings constructed or to be constructed within the campground;
 - ix. Plans and specifications of the water supply, refuse and sewage disposal facilities, pet exercise and sanitation areas;
 - x. The location and details of lighting and electrical systems;
 - xi. The location of fire hydrants, if provided;
 - xii. Location of all drainage easements to comply with County drainage plans.
 - xiii. Quantity and point or area of departure of storm water runoff prior to and subsequent to construction of the proposed RV park.
 - xiv. Erosion control and landscaping plans;
 - xv. Kendall County Soil and Water Conservation District soils report;
 - xvi. The calendar months of the year during which the applicant will operate the proposed campground.
- b. Where a campground development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.
- c. Every application for the construction, operation, maintenance and occupancy for a campground shall be accompanied with plans and specifications, fully setting out the trailer spaces, the position of each RV, motor vehicle parking spaces, the driveway giving access thereto and a plan of landscaping. Before any permit is issued for a campground and the use thereof, the plans and specifications shall first be approved by the PBZ Department and the Kendall County Health Department, taking into account all the provisions as set out herein, as well as such special conditions as may be imposed by the Kendall County Board or its specified subcommittee, and provided further that said plans and specifications are in accordance with State regulations governing campgrounds.
- d. After completing the necessary zoning requirements and when upon review of the application, the PBZ Department has determined that the proposed plan meets all requirements of this Ordinance, a permit shall be issued.
- e. The minimum parcel size must be twenty (20) acres.

- f. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or Honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred feet (300').
- g. The periphery of the park or campground, except at designated access roads, must be completely enclosed and maintained by a fence which will not permit people or farm animals to pass through it;
- h. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands.
- i. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.
- j. All lands classified as floodplains shall remain in permanent open space.
- k. No more than twenty percent (20%) of any forest shall be cleared or developed and the remaining eighty percent (80%) shall be retained in permanent open space or a tree study with a tree mitigation plan approved by the PBZ Committee may be submitted. General maintenance shall be exempt from the requirements of this section and this provision does not apply to the clearing of invasive species. Invasive species shall be defined by the Illinois Department of Natural Resources.
- l. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted.
- m. Storm water runoff shall be limited to the rate which would occur under natural conditions.
- n. All ponds, wetlands, and watercourses are to be protected from erosion and sedimentation in accordance with the Kendall County Stormwater Management Ordinance.
- o. Areas with slopes greater than fifteen percent (15%) are to be retained in permanent open space.
- p. Scenic views from public highways or adjoining lands must be maintained.
- q. The park or campground should provide separate circulation systems for vehicles and pedestrians.
- r. Access to the park must be safe and convenient.
- s. To insure adequate open space and protection of resource areas, lots within the park or campground should be clustered.
- t. Internal roads, except one main collector road, should be one way and no wider than eighteen feet (18').

- u. Collector roads should be no wider than twenty-four feet (24').
- v. Recreation facilities within the park should be in proportion to the maximum park population.
- w. Recreational space within the park should be in proportion to the maximum park population and may include up to sixty percent (60%) of the park or campground.
- x. Water supply and waste disposal facilities shall be designed, constructed and maintained in accordance with Health Department regulations.
- y. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
- z. No parking is permitted on interior roads.
- aa. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance.
- bb. All accessory uses should be limited to park residents.
- cc. There shall be no indication of retail accessory uses visible from any public road or street.
- dd. Lots in the park or campground must be at least one thousand five hundred (1500) square feet and clearly marked on the ground with landmarks on the lot corners and lot signage approved by the local fire protection district.
- ee. Trailers and accessory structures must be separated from one another by at least ten feet (10') in all directions.
- ff. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements.
- gg. Demands for public water or sanitary waste disposal must not overburden current facilities.
- hh. No recreational vehicle, tent, or location within a recreational vehicle park or campground shall be used as a permanent place of abode. If the address of the recreational vehicle park or campground is listed as a person's address on any government issued document, including, but not limited to, any government roll or registry (such as a voter roll or registry), or any application or enrollment information for a public, private, or parochial educational institution, the recreational vehicle park or campground shall be considered that person's permanent place of abode, regardless of the length of that person's occupancy. This provision shall not apply to campground caretakers.
- ii. Inspections
 - a. The PBZ Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory

compliance with this Ordinance, but in no case shall such inspection take place less than once per year.

- b. The PBZ Department and the Health Department shall have the power to enter at reasonable times and upon reasonable notice upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
 - c. The owner of the recreational vehicle park or campground, or his agent or employee, shall be required to maintain a register containing a record of all campers, picnickers, and visitors registered in the park or campground. The PBZ Department, Health Department, law enforcement agency with jurisdiction, and the local fire protection district shall have the power to inspect the register upon request. The register shall be updated daily at minimum.
 - d. It shall be the duty of the park management to give the PBZ Department and the Health Department free access to all lots and other areas at reasonable times and upon reasonable notice for the purpose of inspection.
 - e. It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and to facilitate inspections.
- jj. All standards of the Health Department shall be met.
- kk. Must seek approval from the fire and police departments at the time of application submittal for the special use permit.
- ll. Adequate directional signage must be throughout the property, including street signs. All trails shall be marked at their beginnings and ends.
- mm. A map of the recreational vehicle park or campground shall be supplied to KenCom. At minimum, the map shall show the location and names or numbers of all lots and trails in the recreational vehicle park or campground and the location and names of all streets and trails. Changes to the map or any identification information on the map shall be reported to KenCom within thirty (30) days of the change.

If the Village Board approves the variance related to fences, the other conditions have been met or could be included as conditions in the special use permit.

The Petitioner submitted the current layout of the property to KenCom; KenCom was satisfied with this map. KenCom's email was provided.

Per the information provided in the business overview, the camp has been at the subject property for approximately thirty (30) years. They are open for rentals from April 15th to October 31st yearly. They have three hundred ninety-four (394) sites. They offer space for personal recreational vehicles, trailers, tents, and onsite cabins. They offer standard water and electricity for tents and recreational vehicles and premium full hook-ups for recreational vehicles, deluxe cabin rentals, and rustic cabin rentals. Amenities include a swimming pool, jump pad, playgrounds, basketball court, recreational center, camp store, and other outdoor activities. During the operating season, the maximum number of employees is

thirty-six (36) and during the non-operating season, the maximum number of full-time employees is three (3).

The master plan calls for the construction of several new buildings and renovations to other facilities. Applicable building permits will be required as these structures are constructed and renovated.

Per the master plan, new construction will match existing design. All structures will be one (1) story. The bathhouses will have masonry exterior walls, wood truss hip roofs, asphalt shingles, and wood privacy fences at the openings. The garage, amphitheater, and other buildings will be wood frame structures with wood truss gable roofs, asphalt shingles, either vinyl or composite wood siding.

As noted previously, the Internet tower will be eighty feet (80') in height.

The structures shown for demolition would also require permits.

The subject property is served by well and septic. Information about the water system was provided in master plan. Information about the septic systems was also provided in the master plan.

The Petitioner has submitted a topographic survey and stormwater exhibit and a stormwater management permit application. As of the date of this hearing, these items are under review.

As shown on the master plan, the property has one (1) access point off of Millbrook Road. There are five (5) gates on the roads near the entrance of the property.

Per the master plan, there are thirteen (13) named streets within the property and several minor roads.

There are twenty-eight (28) parking spaces, including two (2) handicapped accessible spaces.

No information was provided regarding lights.

Several directional signs are presently located on the property. None of the existing signs are illuminated. One (1) identification sign is located on the west side of Millbrook Road across from the subject property; this sign was allowed per court order.

Per the master plan four (4) new direction signs are proposed for the property. Some of these signs might be illuminated.

Each camp site would also have its own sign.

Signs would be metal, vinyl, and painted wood.

Pictures and descriptions of signs can be found in the master plan.

The master plan shows five (5) gates near the entrance to the property. The landscaping portion of the master plan shows a weld wire mesh fence across the northern, eastern, and southern perimeter of the property. Numerous trees and scrub plantings also are located along the northern, eastern, and southern perimeter of the property.

The master plan also calls for a chain link fence around the dog park, pool deck, and owner's residence.

The landscaping portion of the master plan notes the number of existing trees on the property. No tree clearing outside of the amenity core area is planned except for maintenance purposes and the removal of invasive species. Native shrubs are planned in the landscaping beds. More specific landscaping plans will be submitted as the project progresses.

No information was provided regarding noise control.

No information was provided regarding odor control.

The master plan calls for four (4) refuse dumpster enclosures. Per the master plan, each refuse location will include two (2) dumpsters surrounded by a wood privacy fence on three (3) sides. The fences would be six feet (6') in height. The dumpsters would be on asphalt pads. The enclosures would be approximately fourteen feet (14') wide and slightly over six feet (6') in depth. Three (3) of the four (4) dumpster enclosures are planned in Phase I of the project.

As of the date of this hearing, there are four (4) active recreational camp and recreational park special use permits in unincorporated Kendall County. The above figure does not include the subject property. The property where Camp Quarryledge was previously located is pending annexation into the Village of Oswego.

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. The operation of the property as a recreational vehicle park and campground has occurred since the early 1980s. Restrictions, such as requiring the site to be developed in accordance to the submitted site plan, may be placed in the special use permit to ensure the public health, safety, moral, comfort, and general welfare are protected.

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. No evidence exists showing that the use of the property has substantially injured the use to other properties or caused the diminishment of property values. The proposed site plan addressing buffering, screening, fencing, and open space preservation. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to season of operation and noise within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner's master plan addresses utilities, access

roads, and other necessary facilities. A stormwater management permit will be required to implement some of the projects shown on the master plan.

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 issued for the fence regulations along the west side of the property, this is true.

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 Village of Millbrook's Comprehensive Plan identifies this property as a campground and as open space. Further, the Village Comprehensive Plan states on page 13, "Locate open space amenities such as parks and recreation activities along the Fox River and the Hollenback Creek corridor."

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

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Millbrook Road creates a natural barrier which makes the requirement unnecessary. The property has been used as a campground since the mid-1980s and no such regulation was required when the campground was originally established.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Only four (4) other campgrounds presently operate in unincorporated Kendall County on A-1 zoned property. None of the other campgrounds have this requirement. It is unknown if future campgrounds will require a similar variance in the future.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The fencing requirement came into existence after the campground originally opened.

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. As the campground has operated at the subject property since the 1980s and no evidence has been presented that the current use harmed the public welfare or other properties, the lack of fencing along Millbrook Road in the future will not be detrimental to the public or neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values.

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

1. All previously approved development plans for subject property are repealed.
2. The site shall be developed substantially in accordance with the submitted master plan.
3. One (1) identification sign with a maximum thirteen feet (13') in width and twelve feet (12') feet in height may be placed on the property presently identified by parcel identification number 04-16-400-001 and located on the west side of Millbrook Road. This sign may not be illuminated.
4. Additional signage may be installed on the subject property as outlined and described in the submitted master plan. This signage may be illuminated. Adequate directional signage must be throughout the property, including street signs. All trails shall be marked at their beginnings and ends.
5. A variance to Section 7:01.D.46.g is granted to not require fencing along the west side of the property as shown in the submitted master plan.
6. The operating season shall be between April 15th and October 31st yearly. No campers may be on the property during the non-operating season. The Millbrook Village Board may extend the operating season upon request of the property owner and after notification to the Kendall County Planning, Building and Zoning Department regarding the extension.
7. None of the structures or signs placed on the subject property shall be considered agricultural structures and shall secure proper permits for construction, demolition, or renovation.
8. 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.
9. 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.
10. The minimum parcel size must be twenty (20) acres.
11. The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or Honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of three hundred feet (300'). The landscaping plan including in the submitted master plan meets this condition. (Amended at RPC).
12. The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands.
13. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
14. Traffic from the park or campground must not seriously impair the movement of or cause hazard to agricultural and vehicular traffic.
15. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements.
16. All lands classified as floodplains shall remain in permanent open space.

17. Areas with slopes greater than fifteen percent (15%) are to be retained in permanent open space.
18. No more than twenty percent (20%) of any forest shall be cleared or developed and the remaining eighty percent (80%) shall be retained in permanent open space or a tree study with a tree mitigation plan approved by the Millbrook Village Board may be submitted. General maintenance shall be exempt from the requirements of this section and this provision does not apply to the clearing of invasive species. Invasive species shall be defined by the Illinois Department of Natural Resources. (Amended at ZPAC).
19. All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted.
20. Stormwater runoff shall be limited to the rate which would occur under natural conditions and shall be governed by the stormwater management permit.
21. The park or campground should provide separate circulation systems for vehicles and pedestrians.
22. Internal roads, except one (1) main collector road, should be one way and no wider than eighteen feet (18').
23. Collector roads should be no wider than twenty-four feet (24').
24. No parking is permitted on interior roads.
25. Recreational space within the park should be in proportion to the maximum park population and may include up to sixty percent (60%) of the park or campground.
26. All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance.
27. All accessory uses should be limited to park residents.
28. There shall be no indication of retail accessory uses visible from any public road or street.
29. Lots in the park or campground must be at least one thousand five hundred (1500) square feet and clearly marked on the ground with landmarks on the lot corners and lot signage approved by the local fire protection district.
30. Trailers and accessory structures must be separated from one another by at least ten feet (10') in all directions.
31. No recreational vehicle, tent, or location within a recreational vehicle park or campground shall be used as a permanent place of abode. If the address of the recreational vehicle park or campground is listed as a person's address on any government issued document, including, but not limited to, any government roll or registry (such as a voter roll or registry), or any application or enrollment information for a public, private, or parochial educational institution, the recreational vehicle park or campground shall be considered that person's permanent place of abode, regardless of the length of that person's occupancy. This provision shall not apply to campground caretakers or the immediate families of campground caretakers (Amended after ZPAC).
32. The maximum number of campground caretakers shall be two (2) (Amended at ZPAC).

33. Inspections

- a. The Planning, Building and Zoning Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance, but in no case shall such inspection take place less than once per year.
- b. The Planning, Building and Zoning Department and the Health Department shall have the power to enter at reasonable times and upon reasonable notice upon any private property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- c. The owner of the recreational vehicle park or campground, or his agent or employee, shall be required to maintain a register containing a record of all campers, picnickers, and visitors registered in the park or campground. The Planning, Building and Zoning Department, Health Department, law enforcement agency with jurisdiction, and the local fire protection district shall have the power to inspect the register upon request. The register shall be updated daily at minimum.
- d. It shall be the duty of the park management to give the Planning, Building and Zoning Department and the Health Department free access to all lots and other areas at reasonable times and upon reasonable notice for the purpose of inspection.
- e. It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this special use permit and to facilitate inspections.

34. A map of the recreational vehicle park or campground shall be supplied to KenCom. At minimum, the map shall show the location and names or numbers of all lots and trails in the recreational vehicle park or campground and the location and names of all streets and trails. Changes to the map or any identification information on the map shall be reported to KenCom within thirty (30) days of the change.

35. 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.

36. The property owner and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
37. 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.
38. Failure to comply with one or more of the above conditions could result in the amendment or revocation of the special use permit.
39. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
40. This special use permit and variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Chairman Mohr asked about the timing for the individual phases. Mr. Asselmeier responded that the start and concluding times for the individual phases would occur.

Chairman Mohr asked about the number of ingresses. Mr. Asselmeier responded that the property has one (1) main entrance and exit.

Chairman Mohr asked about fire protection. Mr. Asselmeier responded that the Little Rock-Fox Fire Protection District was notified about the proposal in August and sent updated information in September and, to date, no comments have been provided.

Member Thompson requested clarification on the number of campground caretakers. Mr. Asselmeier responded the maximum number of employees in the off-season is three (3) and the maximum number of campground caretakers is two (2). Staff would be open to increasing the number of campground caretakers.

Member Whitfield asked if the buildings were off of roadways. Mr. Asselmeier responded yes.

Member Whitfield noted that the Petitioner was required to notify KenCom. Mr. Asselmeier stated that KenCom has been provided the existing layout of the property and the Petitioner is required to notify KenCom of the new layout if the special use permit amendment is approved.

Chairman Mohr opened the public hearing at 7:29 p.m.

Chairman Mohr swore in Boyd Ingemunson, Seth Wormley, Eric Carlson, and Don Smith.

Chairman Mohr asked about the timing of the various phases.

Boyd Ingemunson, Attorney for the Petitioner, was not opposed to setting deadlines for the phases. He believed the Petitioner would work diligently to complete the phases.

Chairman Mohr asked if trucks had access to service the dumpsters. It was noted that the dumpsters were located along roads.

Chairman Mohr asked about uses at the amphitheater. Mr. Ingemunson responded the uses would be the same as events currently held at the property. It was noted that the noise regulations were included in the special use permit.

Chairman Mohr asked if the tower would be fenced. Mr. Ingemunson responded the tower would be fenced. Chairman Mohr was concerned about having only one (1) main road entrance. Member Whitfield said the area around the tower has access to Millbrook Road.

Chairman Mohr closed the public hearing at 7:33 p.m.

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

The votes were as follows:

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

The motion passed.

Chairman Mohr asked if any issues related to campgrounds had not been addressed. Mr. Asselmeier responded that the proposal followed the ordinance that was adopted to address concerns raised by another campground that was annexed to another municipality and everything seemed to be addressed. Member Whitfield noted that the proposal seemed thorough.

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

The votes were as follows:

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

The motion passed.

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

Member Fox asked if residents could stay all summer. Mr. Asselmeier responded yes. Residency was

not determined by number days. Discussion occurred regarding the operating season as outlined in Condition 6. The trailers can remain on the property.

The votes were as follows:

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

The motion passed.

The proposal goes to the Village of Millbrook on November 22, 2022.

The Zoning Board of Appeals completed their review of Petition 22-20 at 7:40 p.m.

The Zoning Board of Appeals started their review of Petition 22-21 at 7:40 p.m.

Petition 22 – 21 – Donald Smith

Request: Variance to Section 8:07.E.1 of the Kendall County Zoning Ordinance Reducing the Front Yard Setback from Fifty Feet to Thirty Feet
PIN: 02-33-201-001
Location: 505 E. Spring Street, Yorkville, Bristol Township
Purpose: Petitioner Wishes to Construct an Addition Including an Attached Garage; Property is Zoned R-3

Mr. Asselmeier summarized the request.

The Petitioner would like to construct an approximately one thousand one hundred fifty-seven (1,157) square foot garage addition at the subject property. The garage would encroach twenty feet (20') into the front yard setback, thus reducing the setback from fifty feet (50') to thirty feet (30'). Per Section 8:07.E.1 of Kendall County Zoning Ordinance, the required front yard for this property is fifty feet (50').

The application materials, site plan, floor plan and elevations, a picture of the subject property, topographic survey of the property, aerial showing the zoning of properties inside the United City of Yorkville, and the aerial showing the zoning of properties in the unincorporated area were provided.

The subject property is approximately three quarters (3/4) of an acre in size.

The current land use is single-family residential.

The County's plan calls for the property to be Suburban Residential (1.00 DU/Acre Max). Yorkville's plan calls for the property to be Suburban Neighborhoods.

East Spring Street is maintained by Yorkville. There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are single-family residential.

The adjacent properties are zoned R-3 in the County and R-2 inside Yorkville.

The County's plan calls for the area to be Suburban Residential (1.00 DU/Acre Max). Yorkville's plan calls for the area to be Suburban Neighborhoods.

The subject parcel was created in March 1967.

The subject parcel has been zoned R-3 since 1974. The subject parcel is less than the required forty-five thousand square (45,000) feet for R-3 zoned property.

The house on the property was constructed in 1974. The house is approximately one thousand three hundred five (1,305) square feet in size.

Per the site plan, the Petitioner plans to construct one (1) six hundred fifty (650) square foot addition on the west side of the house, one (1) one hundred thirty-six (136) square foot addition on the north side of the house, and one (1) one thousand one hundred fifty-seven (1,157) square foot addition on the east and south side of the house. Per the floor plans and elevations, the addition on the east and south sides of the house will consist of a mud room, one (1) two (2) car garage, additional storage, and one (1) one (1) car garage.

As noted in the picture of the house, the existing garage is located on the southeast corner of the house; the addition would be adjacent to the existing garage.

As noted in the site plan, the existing septic field is located on the north side of the house.

Per the United City of Yorkville, the properties to the south are zoned R-2. The front yard setback for R-2 zoned properties inside the United City of Yorkville is thirty feet (30').

Bristol Township was emailed this proposal on October 4, 2022. No comments were received.

The Bristol-Kendall Fire Protection District was emailed this proposal on October 4, 2022. No comments were received.

The United City of Yorkville was emailed this proposal on October 4, 2022. They will be reviewing the proposal in November.

The proposed Findings of Fact were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject parcel was platted in 1967 and the existing house was constructed in 1974. The existing septic field is located north of the house. The existing garage is located on the southeast corner of the house with an existing driveway between the garage and E. Spring Street. The proposed addition, including the two (2) new garage areas, is logically placed on the property. The proposed addition could not be constructed on the property in the size proposed without

encroaching into the front (south) yard property because of the configuration of the property and the location of the house on the property.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The number of properties zoned R-3, platted in the 1960s, not meeting the current minimum lot square footage requirement, with the type of configuration of house location in relation to a septic system and an existing garage is unknown.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owner did not plat the lot, construct the existing house, or install the existing septic system. The current owner does wish to construct the proposed addition.

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

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values. Provided the addition is constructed following applicable building codes, the variance will not increase the danger of fire or negatively impact public safety.

Staff recommended approval of the requested variance subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan, proposed elevation, and no part of the primary structure shall encroach within thirty feet (30') of the front (south) property line.
2. The owner of the property shall comply with all applicable federal, state, and local laws with regards to constructing and/or renovating the structure(s) on the subject property.
3. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

Chairman Mohr noted that the request would be consistent with the area.

Chairman Mohr opened the public hearing at 7:45 p.m.

Eric Carlson, Petitioner's Architect, stated he was in attendance to answer questions.

No encroachment would occur into the side yard setback.

Discussion occurred regarding the size of the adjacent lot. No house would be located within two hundred feet (200') of the property.

Don Smith, Petitioner, said that he talked to almost all of the neighbors.

It was noted that the front yard setbacks for the properties inside Yorkville was thirty feet (30').

Chairman Mohr closed the public hearing at 7:47 p.m.

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

The votes were as follows:

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

The motion passed.

Member Whitfield made a motion, seconded by Member LeCuyer, to approve the variance with the conditions proposed by Staff.

The votes were as follows:

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

The motion passed.

The United City of Yorkville and Bristol Township will be notified of the results of the public hearing.

The Zoning Board of Appeals completed their review of Petition 22-21 at 7:48 p.m.

NEW BUSINESS/OLD BUSINESS

October 21, 2022 Illinois Association of County Zoning Officials Training

Mr. Asselmeier said the recording from the meeting is available. Member LeCuyer felt the meeting was informative.

Chairman Mohr discussed the possibility of amending the Zoning Ordinance pertaining to solar panels on properties larger than twenty (20) acres. Discussion occurred about taxes, services, and potential locations for solar panels.

Chairman Mohr discussed creating a new land use zone or classification for agricultural conservation residential development around the Aux Sable Creek in Seward Township. A new district or classification could apply to additional townships.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petition 22-01 was denied at the County Board.

PUBLIC COMMENTS

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 8:04 p.m.

The next regularly scheduled hearing/meeting will be on December 19, 2022.

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

Exhibits

1. Memo on Petition 22-20 Dated October 28, 2022
2. Certificate of Publication and Certified Mail Receipts for Petition 22-20 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 22-21 Dated October 4, 2022
4. Certificate of Publication and Certified Mail Receipts for Petition 22-21 (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 22-24

**Raymond Gonzalez as Beneficiary of Merchants National Bank
Under Trust Agreement Dated February 24, 1997 as Trust Number 5191
Special Use Permit for Dwelling Unit for Watchman and
Special Use Permit Outdoor Storage**

INTRODUCTION

The Petitioner would like to provide housing for a watchman in one (1) of the units on the first floor of the southern, mixed use building on the subject property.

Also, the Petitioner would also like to store boats, recreational vehicles, and granite outdoors at the subject property north of the garage building.

The southern, mixed use building was constructed in 1960. The subject property has been zoned B-2 since 1976. The existing dwelling units on the second floor are lawfully non-conforming.

The application materials are included as Attachment 1. The site plan is included as Attachment 2. A picture of the mixed use building is included as Attachment 3. A picture of the garage is included as Attachment 4. A picture of the western fence is included as Attachment 5. A picture of the eastern fence is included as Attachment 6. A picture of the existing monument sign is included as Attachment 7.

SITE INFORMATION

PETITIONER: Raymond Gonzalez as Beneficiary of Merchants National Bank Under Trust Agreement Dated February 24, 1997 as Trust Number 5191

ADDRESS: 5375 Route 34, Oswego

LOCATION: Approximately 0.1 Miles East of the Intersection of Cherry Drive and Route 34 on the North Side of Route 34



TOWNSHIP: Oswego

PARCEL #: 03-18-403-015

LOT SIZE: 1.63 Acres

EXISTING LAND USE: Improved Commercial

ZONING: B-2 General Business District

LRMP:	Future Land Use	Suburban Residential (Max 1 DU/Acre) (County) Downtown (Village of Oswego)
	Roads	Route 34 is an Arterial Road Maintained by the Illinois Department of Transportation.
	Trails	The Village of Oswego has a Trail Planned Along Route 34 in this Area.
	Floodplain/Wetlands	None

REQUESTED ACTION: Special Use Permits for a Dwelling Unit for a Watchman and Their Immediate Family and Outdoor Storage

APPLICABLE REGULATIONS: Section 13:08 – Special Use Procedures

Section 9:02.C.9 (B-2 Special Uses) – Dwelling Units for Watchmen and Families Including a Caretaker

Section 9.02.C.20 (B-2 Special Uses) – Outdoor Storage Provided Such Storage is Screened from Adjacent and Surrounding Properties

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family Residential	R-3	Suburban Residential (Max 1 DU/Acre) (County) Residential (Oswego)	R-3 (County) R-2, R-4, and B-2 (Oswego)
South	Single-Family Residential and Vocational School	R-3 and B-3	Suburban Residential (County) Downtown (Oswego)	R-3, B-3, and B-3 SU (County-North of the Fox River) B-2 (Oswego)
East	Vacant	B-2	Suburban Residential (County) Downtown (Oswego)	R-3 and R-3 SU (County)
West	Parking Lot	B-2	Suburban Residential (County) Downtown (Oswego)	A-1, A-1 SU, B-1, and B-3 (County) R-2 and R-3 (Oswego)

The R-3 special use to the east is for a church sign. The B-3 special use to south is for outside storage. The A-1 special use to west is for a riding stable, including an apartment.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report not required because the property was not zoned A-1.

NATURAL RESOURCES INVENTORY

The NRI application was submitted on November 16, 2022, see Attachment 1, Page 5. The LESA Score was 133 indicating a low level of protection. The NRI Report is included as Attachment 9.

ACTION SUMMARY

OSWEGO TOWNSHIP

Oswego Township was emailed Petition information on November 21, 2022.

VILLAGE OF OSWEGO

The Village of Oswego was emailed Petition information on November 21, 2022.

OSWEGO FIRE PROTECTION DISTRICT

The Oswego Fire Protection District was emailed Petition information on November 21, 2022. They requested that condition 2 be clarified to remove the possibility that the watchman might live off-premises. This email is included as Attachment 10.

ZPAC

ZPAC reviewed this proposal at their meeting on December 6, 2022. Mr. Rybski noted that the existing septic system was located near the front monument sign. The septic system was designed in 1987 for seven (7) bedrooms. Discussion occurred regarding the definition of Downtown Use in the Village of Oswego's plan. The Petitioner's Attorney said the Petitioner was agreeable to the proposed conditions, but may request clarification on the documents required for annual submittal as outlined in condition 2. ZPAC recommended approval of the proposal with the conditions proposed by Staff by a vote of five (5) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting are included as Attachment 11.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 14, 2022. Discussion occurred regarding the special use permits following the land or ceasing when the property was sold. Discussion occurred regarding limiting outdoor storage to certain items. Discussion occurred regarding which unit would be converted to watchman's quarters; this would likely be the easternmost unit. Only one (1) watchman's quarters would be allowed on the first floor. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the addition of a condition restricting outdoor storage to certain items by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting are included as Attachment 12.

BUSINESS OPERATION

According to the submitted information, there are four (4) commercial tenants housed on the first floor of the mixed use building (see Attachment 3).

The outside storage would consist of cars, boats, trailers, recreational vehicles, granite, and other materials related to businesses housed on the property. No information was provided regarding the number or amount of items parked or stored outdoors on the premises. The materials would be stored outdoors within the fenced area north of the garage (see Attachments 5 and 6).

BUILDING AND BUILDING CODES

One (1) two (2) story approximately three thousand eight hundred (3,800) square foot masonry and frame mixed use building is located on the property; this building was constructed in 1960 (see Attachment 3). One (1) approximately three thousand seven hundred fifty (3,750) square foot detached garage is located on the property north of the mixed use building (see Attachment 4).

ENVIRONMENTAL HEALTH

The property is served by well and septic.

PARKING AND INTERNAL TRAFFIC CIRCULATION

The driving area perpendicular and south of the garage is asphalt paved.

The site plan (Attachment 2) shows twenty-three (23) parking spaces around the mixed use building. One (1) parking space is marked onsite as a handicapped accessible parking space.

The storage area within the fence north of the garage is gravel.

ROAD ACCESS

The property fronts Route 34.

On November 17, 2022, Staff emailed the Illinois Department of Transportation for comments regarding this proposal. The Illinois Department of Transportation responded saying they had no concerns regarding the proposal, but an access permit would be required if changes to the access point were made; these emails are included as Attachment 8.

STORMWATER

According to the submitted materials, no additional impervious surface is planned.

LIGHTING

No information was provided regarding lights.

SIGNAGE

One (1) existing monument sign was shown on the site plan (Attachment 2). A picture of the sign was included as Attachment 7. The sign is approximately nine feet (9') in width and seven feet (7') in height with a small shake roof. No plans exist to illuminate the sign. Each tenant in the mixed use building has one (1) sign attached to the building (see Attachment 3). No information was provided regarding whether the storage business would have a sign or the placement of the sign.

SECURITY

No information was provided regarding security of the outdoor storage area. There is one (1) eight foot (8') tall cedar privacy fence around the outdoor storage area (see Attachments 5 and 6).

LANDSCAPING AND SCREENING

In addition to the cedar privacy fence, there is one (1) white vinyl fence located east of the mixed use building (see Attachments 3 and 6).

According to the site plan (Attachment 2), there are two (2) landscape planters located at the southern end of the property. One (1) of these planters is located in the middle of the access from Route 34 and the other planter is located around the monument sign.

NOISE CONTROL

No information was provided regarding noise control.

REFUSE PLAN

The site plan (Attachment 2) shows one (1) dumpster located east of the garage. The dumpster area is six foot by eight foot (6'X8'). The dumpster is visible in the picture of the eastern fence (Attachment 6).

RELATION TO OTHER SPECIAL USES

If approved, this would be the second (2nd) active special use permit for a dwelling unit for a watchman on non A-1 zoned property in unincorporated Kendall County.

If approved, this would be the third (3rd) active special use permit for a storage facility on non A-1 zoned property in unincorporated Kendall County.

FINDINGS OF FACT

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

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided the site is developed in accordance with the submitted site plan, including the maintenance of the existing vinyl and cedar fences, and the business allowed by the special use permit follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances, the special use permit will not be detrimental to the public health, safety, morals, comfort, or general welfare.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted. The same is true with allowing a watchman and their immediate family to reside on the premises.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The proposed uses will be low utility users. Adequate utilities exist for the site. Adequate access exists for the site. Because no additional impervious surfaces are planned, drainage should not be an issue.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **This is true, provided the screening created by the vinyl and cedar fences are maintained.***

*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. **This is true for both proposed uses. The operation of an outdoor storage facility and allowing a dwelling unit for a watchman 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.” Allowing a dwelling unit for a watchman at the property should help ensure that the building continues to be maintained in a manner that attracts and retains quality tenants.***

RECOMMENDATION

Staff recommends approval of the special use permits subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 2). Except for loading and unloading, outside storage of materials shall be restricted to the fenced area north of the frame garage shown on the attached site plan.
2. Items stored outdoors are limited to cars, boats, trailers, recreational vehicles, granite, and other materials related to businesses housed on the property. No junk or debris, as defined by the Kendall County Junk and Debris Ordinance, shall be stored outdoors on the property. (**Added at RPC**).
3. The owner of the property shall submit information to the Kendall County Planning, Building and Zoning Department annually confirming that the tenants of the apartment are employed as a watchman of a business operating on the subject property or are immediate family members of the watchman (**Amended at ZPAC**). Only one (1) watchman and the family of the one (1) watchman may reside on the first floor of southern, mixed use building shown in the attached picture (Attachment 3). (**Clarified at RPC**).

4. The operator(s) of the business allowed by this special use permit shall ensure that the existing fences shown in the attached pictures (Attachments 5 and 6) are maintained in good order to provide screening of the outdoor storage area from adjacent and surrounding properties. The operator(s) of the business allowed by this special use permit may alter the materials used to create the fences, but shall not decrease the screening created by the fences that existed at the time of the issuance of the special use permit.
5. None of the vehicles or items parked or stored on premises shall be considered agricultural equipment as they relate to the businesses allowed by these special use permits.
6. All of the vehicles or items stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
7. The owners of the business allowed by these special use permits shall diligently monitor the property for leaks from vehicles and items stored on the premises and shall promptly clean up the site if leaks occur.
8. The operator(s) of the business allowed by these special use permits acknowledge and agree to follow Kendall County's Right to Farm Clause.
9. The operator(s) of the business allowed by these special use permits shall follow all applicable Federal, State, and Local laws related to the operation of this type of business, including but not limited to the sign regulations contained in the Kendall County Zoning Ordinance.
10. The property owner shall follow all applicable Federal, State, and Local laws related to renting the property to a watchman and the family of the watchman.
11. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permits.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
13. These special use permits shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

ATTACHMENTS

1. Application Materials
2. Site Plan
3. Mixed Use Building Picture
4. Garage Picture
5. Western Fence Picture
6. Eastern Fence Picture
7. Monument Sign
8. November 17, 2022 and November 30, 2022 Emails to and from the Illinois Department of Transportation
9. NRI Report
10. November 22, 2022 Email from the Oswego Fire Protection District
11. December 6, 2022 ZPAC Meeting Minutes
12. December 14, 2022 Kendall County Regional Planning Commission Minutes



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME Ray Gonzalez Special Uses FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name) Ray Gonzalez		
CURRENT LANDOWNER/NAME(s) Merchants National Bank under Trust Agreement dated February 24, 1997 as Trust Number 5191		
SITE INFORMATION ACRES 1.63	SITE ADDRESS OR LOCATION 5375 Route 34	ASSESSOR'S ID NUMBER (PIN) 03-18-403-015
EXISTING LAND USE Commercial	CURRENT ZONING B2	LAND CLASSIFICATION ON LRMP Commercial
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT Boyd Ingemunson	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER #(Cell, etc.) [REDACTED]
ENGINEER CONTACT n/a	ENGINEER MAILING ADDRESS n/a	ENGINEER EMAIL n/a
ENGINEER PHONE # n/a	ENGINEER FAX # n/a	ENGINEER OTHER # (Cell, etc.) n/a
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT [REDACTED]		DATE 11/15/2022

FEE PAID: \$ 11/17/22
 CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

Date Stamp Here If Checklist Is Complete

PROPOSED SPECIAL USES

Applicant is seeking issuance of two special use permits on the 1.63 acre parcel he currently owns located at 5375 Route 34, Oswego, IL. There are two existing buildings on the parcel and a large parking area in the rear of the lot.

1. Special Use permit for a dwelling unit for a night watchman and family in the existing commercial unit.
2. Special Use permit for outdoor storage in the vacant rear portion of parcel.

597

TRUSTEE'S DEED

9702341 03/12/1997 01:04P 1 of 3
Paul Anderson, Kendall County, IL Recorder

THIS INDENTURE, made this
27th day of February
A.D. 1997, between THE OLD
SECOND NATIONAL BANK OF AU-
RORA, a national banking corpo-
ration having its place of business
in the City of Aurora, Kane County,
Illinois, not individually but as
Trustee under Trust Agreement
dated

and known as Trust No. 2985, grantor, and Merchants National Bank under
Trust Agreement dated February 24, 1997 as Trust Number 5191

of Aurora, IL, grantee.

WITNESS, That the grantor, in consideration of the sum of Ten Dollars (\$10.00) and
other good and valuable considerations, receipt which is acknowledged, and in pursuance
of the power and authority vested in the Grantor as said Trustee, does CONVEY and
QUIT CLAIM unto the Grantee, the following described real estate, situated in the County
of Kendall and State of Illinois, to wit:

Lot 3 of Silver Wheel Subdivision in Township of Oswego
Kendall County, Illinois.

Exempt under provisions of
Paragraph 6, Section 4.

Dated: Seller

Common Address: 5375 Route 34, Oswego, IL

Parcel Number: 03-18-403-015

WITNESS, the grantor, as Trustee, has caused this Trustee's Deed to be signed by its
Trust Officer and attested by its
the day and year above written.

ATTEST: THE OLD SECOND NATIONAL BANK OF AURORA
not individually
Trust Officer

This instrument prepared by:
Attorney Darrell L. Jordan

Future Tax Bills to:
Mr. and Mrs. Raymond Gonzalez

After recordation return to: Attorney Darrell L. Jordan

Grantees address:

5375 Route 34
Oswego, IL 60543

CHARGE C.T.I.C. DUPLICATE \$700.00

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Raymond Gonzalez
Address [REDACTED]
City Sugar Grove State IL Zip 60554

2. Nature of Benefit Sought Special Use Permit

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

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

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

NAME	ADDRESS	INTEREST
Raymond Gonzalez	[REDACTED]	100%

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

Boyd Ingemunsor [REDACTED]

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

Subscribed and sworn to before me this 15 day of Nov, A.D. 2022

(seal)

Notary Public



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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Raymond Gonzalez Contact Person: Boyd Ingemunson
 Address: [Redacted] _____
 City, State, Zip: [Redacted] _____
 Phone Number: [Redacted] _____
 Email: [Redacted] _____

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

Site Location & Proposed Use

Township Name OSwego Township 37 N, Range 8 E, Section(s) 18
 Parcel Index Number(s) 03-18-43-015
 Project or Subdivision Name Gonzalez Special Use Number of Acres 1.63
 Current Use of Site Commerical Proposed Use Commercial
 Proposed Number of Lots 1 Proposed Number of Structures 2 (already existing)
 Proposed Water Supply well (existing) Proposed type of Wastewater Treatment septic (existing)
 Proposed type of Storm Water Management n/a

Type of Request

- Change in Zoning from _____ to _____
- Variance (Please describe fully on separate page)
- Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: Kendall County

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

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

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

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

Fee for first five acres and under	\$	<u>375.00</u>
_____ Additional Acres at \$18.00 each	\$	_____
Total NRI Fee	\$	<u>375.00</u>

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

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after _____

 Petitioner or Authorized Agent

11/15/2022
 Date

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

FOR OFFICE USE ONLY

NRI# 2218 Date initially rec'd 11/16/22 Date all rec'd 11/16/22 Board Meeting Dec. 12 2022
 Fee Due \$ _____ Fee Paid \$ 375.00 Check # [Redacted] Over/Under Payment _____ Refund Due _____

Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. the special use will not endanger the public health, safety, morals, or general welfare

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

the special use will not be injurious to surrounding properties; property on the east and west of the subject parcel are vacant lots; property to the north has sufficient buffering by fence and existng landscaping

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

all utilities and points of ingress and egress are existing and adequate for proposed special use

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

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. special use is consistent with LRMP

Vicinity Map
Not to Scale

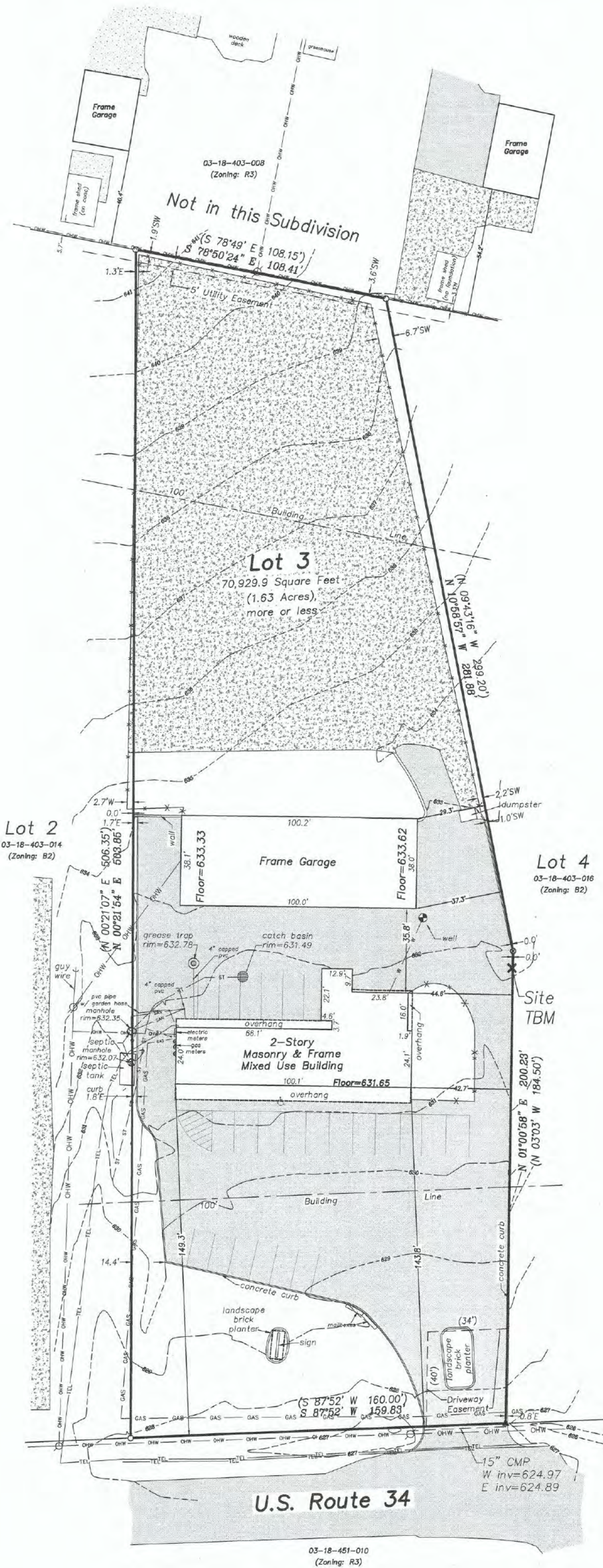


Subject Property

PLAT OF SURVEY & TOPOGRAPHIC EXHIBIT

LOT 3 OF SILVER WHEEL SUBDIVISION, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 5375 ROUTE 34, OSWEGO, ILLINOIS.



BENCHMARKS:

SOURCE BENCHMARK:
Village of Oswego Geodetic Control Network - Station # 0001 - Oswego Orchard.
Elevation= 608.92 (NAVD 88)

SITE BENCHMARK (SITE TBM)
Cross cut in top of curb adjacent to the Easterly property Line. (Location as noted)
Elevation= 632.89 (NAVD 88)

SURVEYOR'S NOTE:

THE LOCATIONS OF THE UNDERGROUND UTILITIES AS DEPICTED HEREON ARE BASED UPON MARKINGS BY TRI-COUNTY LOCATORS

- GAS — = gas line
- ST — = storm line
- SAN — = septic/sanitary line
- TEL — = tele-communications line
- OHW — = overhead wires
- W — = water line

SURVEYOR'S NOTE:

THE LOCATIONS OF THE UNDERGROUND UTILITIES AS DEPICTED HEREON ARE BASED UPON MARKINGS BY TRI-COUNTY LOCATORS

Kendall County Zoning Designations:

- B2 = General Business
- R3 = One Family Residential - 45,000 Sq Ft

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON NOVEMBER 16, 2022.



Michel C. Ensalaco, P.L.S. 2768, Exp. 11/30/2024
Eric C. Pokorny, P.L.S. 3818, Exp. 11/30/2024

TODD SURVEYING

Professional Land Surveying Services
"Cornerstone Surveying PC"
759 John Street, Suite D
Yorkville, IL 60560
Phone: 630-892-1309 Fax: 630-892-5544

Survey is only valid if original seal is shown in red.

Client: Ingemunsun Law Offices, Ltd.

Book # 2169 Drawn By: JG.JH/Plat # 312

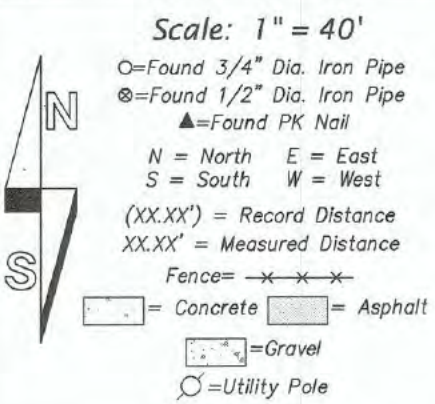
Reference: 2016-0509 FB2169

Field Work Completed: 10/27/2022

Rev. Date	Rev. Description
11/16/22	added topography

Project Number:

2022-1141





11/17/2022 13:40



11/17/2022 13:43



11/17/2022 13:43



11/17/2022 13:46



11/17/2022 13:40

From: [Matt Asselmeier](#)
To: [Short, Michael A](#); [Rod Zinner \(rzenner@oswegoil.org\)](mailto:rzenner@oswegoil.org)
Cc: [Scott Koeppel](#); [Scott Gengler](#); [Fran Klaas](#)
Subject: 5375 Route 34, Oswego
Date: Thursday, November 17, 2022 8:56:00 AM

Mike and Rod:

Kendall County is likely to receive a request for special use permits for a watchman's quarters and outdoor storage at this property.

Does IDOT or the Village of Oswego want a ROW dedication for a trail as a condition of the special use permit?

Does either entity have any concerns with the proposed uses occurring at the subject property?

Thanks,

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

Matt Asselmeier

From: Short, Michael A <Michael.Short@illinois.gov>
Sent: Wednesday, November 30, 2022 11:34 AM
To: Matt Asselmeier; Rod Zinner (rzenner@oswegoil.org)
Cc: Scott Koeppel; Scott Gengler; Fran Klaas
Subject: [External]RE: 5375 Route 34, Oswego

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.

Matt,

While future traffic volumes may warrant an expansion of US 34 at the subject location, IDOT currently has no plans to expand US 34 between Orchard Road and IL 31. IDOT will not be requesting a dedication as a condition for a special use permit at this location.

IDOT has no concerns with the proposed uses at this property. However, the property owner will need to request a Highway Access Permit to install or modify any entrances to the property.

If you need additional information, please contact me.

Sincerely,

Michael Short

Program Development Engineer
Illinois Department of Transportation, District 3
700 East Norris Drive
Ottawa, IL 61350
Michael.Short@Illinois.gov
815-434-8450



**Kendall County Soil & Water
Conservation District**

November 29, 2022

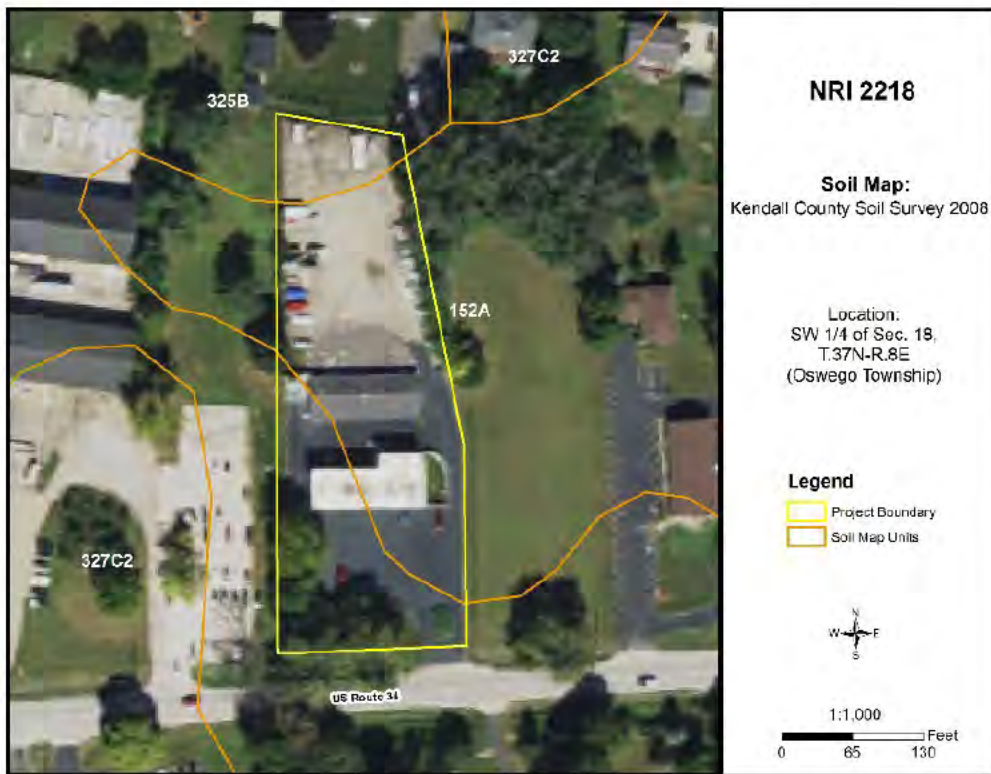
Raymond Gonzalez
[REDACTED]

Dear Mr. Gonzalez,

The Kendall County Soil & Water Conservation District (SWCD) received a Natural Resources Information Report (NRI) Application for two special use permit petitions on parcel 03-18-403-015 filed with Kendall County. One for a dwelling unit of an existing commercial building to be utilized by a night watchman and family. One for outdoor storage of boats, recreational vehicles, and granite in the northern, gravel portion of the parcel. The proposed project site is located at 5375 Route 34, Oswego, IL 60543 in the southwest quarter of Section 18, Township 37N (Oswego Township), Range 8E of the 3rd Principal Meridian. The site is zoned B-2 General Business District. After reviewing the application and supporting documents, it was determined that a *full NRI Report is not necessary at this time* for the proposed project. The soils have been previously disturbed, and the site plan is not proposing any grading, land disturbance, addition of buildings, or building expansions.

The Kendall County SWCD has reviewed the 1.63-acre project site and would like to note the following natural resource considerations:

- The site currently contains a two-story, mixed-use building; a detached garage; an asphalt parking lot south of the garage; and a gravel lot north of the garage.



- The 2008 Soil Survey for Kendall County as maintained by the United States Department of Agriculture – Natural Resource Conservation Service (USDA-NRCS) contains soil maps and descriptions for soil types throughout the county. The exhibit above shows the soil map, and the table below shows the soil map units that are present within the project site.

Soil Map Unit	Acreage	Percent of Parcel
152A Drummer silty clay loam, 0-2% slopes	0.9	58.1%
325B Dresden silt loam, 2-4% slopes	0.7	41.9%

- Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. They are based on the soil properties that directly influence the specified use of the soil. Each soil map unit has limitations for a variety of land uses such as buildings with basements, buildings without basements, small commercial buildings, shallow excavations, onsite sewage disposal, and lawns/landscaping. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.
- The information provided in the table below provides further detail regarding the following:
 - Drainage Class: Refers to the frequency and duration of wet periods under similar conditions to those under which the soil formed.
 - Hydrologic Soil Groups: Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas. Group A soils have a high infiltration rate, low runoff potential and high rate of water transmission. Group B soils have a moderate infiltration rate and rate of water transmission. Group C soils have a slow infiltration rate and rate of water transmission. Group D soils have a very slow infiltration rate, high runoff potential and a very slow rate of water transmission.
 - Hydric Soils: A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape.

Map Unit	Drainage Class	Hydrologic Group	Hydric Designation
152A	Poorly Drained	B/D	Hydric
325B	Well Drained	B	Non-Hydric

- This site is located on slopes of approximately 0-4%. The site lies within the Fox River Watershed (Oswego/Fox River sub watershed). Topographic maps indicate that the site drains predominantly to the south/southeast.
- Based on an in-office review of the Federal Emergency Management Agency’s (FEMA) Digital Flood Insurance Rate Map (DFIRM) for Kendall County, Community Panel No. 17093C0065H (effective date January 8, 2014), it does not appear that this parcel is located within the 100-year floodplain. It is mapped as Zone X, an area of minimal flood hazard. Additionally, based upon review of the U.S. Fish & Wildlife Service’s National Wetlands Inventory Map, wetlands do not appear to be identified on the project site.
- If construction is to occur onsite in the future, a soil erosion and sediment control plan should be prepared and implemented in accordance with both Kendall County and Illinois EPA requirements. The Illinois Urban Manual

can be used as a reference for proper selection and implementation of onsite soil erosion and sediment control practices to ensure that soil is properly maintained onsite from project initiation to completion.

- The Land Evaluation Site Assessment (LESA) system, a land use planning tool, assists decision-makers in Kendall County in determining the suitability of a land use change and/or a zoning request. Specifically, the LESA system is designed to facilitate decision making by providing a rational process for assisting local officials in making farmland conversion decisions through the local land use process. It provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land uses, and urban growth factors. The LESA system is a two-step procedure that includes Land Evaluation (LE) and Site Assessment (SA). The Land Evaluation is based on soils of a given area that are rated and placed in groups ranging from the best to worst suited for a stated agriculture use such as cropland and forestland. The best group is assigned a value of 100 and all other groups are assigned lower values (94, 87, 79, etc.). The Land Evaluation is based on data from the USDA Kendall County Soil Survey. The Site Assessment is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The overall score is based on a 300-point rating scale.

Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
152A	1	100	0.9	90
325B	4	79	0.7	55.3
Totals			1.6	145.3
LE Calculation			(Product of relative value / Total Acres) 145.3 / 1.6 = 90.8	
LE Score			LE = 91	

The Land Evaluation score for this site is 91 out of a possible 100 points, indicating that the soils are well-suited for agricultural uses.

Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	0
	2. Current land use adjacent to site. (30-20-15-10-0)	0
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	0
	2. Availability of public water system. (10-8-6-0)	0
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	42

The Site Assessment score for this site is 42 out of a possible 200 points. The Land Evaluation value (91) is added to the Site Assessment value (42) to obtain a LESA Score of 133. The table below shows the level of protection for the proposed project site based on the LESA Score.

LESA Score Summary

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

The overall LESA Score for this site is 133 indicating a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

If you have any questions, please contact our office at (630) 553-5821 extension 3.

Sincerely,



Alyse Olson
Resource Conservationist

CC Boyd Ingemunson
759 John St.
Yorkville IL 60560

Matt Asselmeier, Kendall County Planning, Building, & Zoning
111 West Fox St.
Yorkville, IL 60560

Joe West, Oswego Township
99 Boulder Hill Pass
Montgomery, IL 60538

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Tuesday, November 22, 2022 12:05 PM
To: Matt Asselmeier
Subject: [External]RE: Kendall County Zoning Petition 22-24

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north of the frame garage shown on the attached site plan.

2. The owner of the property shall submit information to the Kendall County Planning, Building and Zoning Department annually confirming that the tenants of the apartment are either employed as a watchman of a business operating on the subject property or are immediate family members of the watchman.
3. The operator(s) of the business allowed by this special use permit shall ensure that the existing fences shown in the attached pictures (Attachments 5 and 6) are maintained in good order to provide screening

Matt,

I would consider re-wording this a bit. As currently written, the "watchman" can live in Chicago but have his immediate family live here. Don't believe that is what is intended.

Alec

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 6, 2022 – Unapproved Meeting Minutes**

PBZ Senior Planner Matt Asselmeier called the meeting to order at 9:03 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Alyse Olson – Soil and Water Conservation District

Audience:

Boyd Ingemunson

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented.

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

MINUTES

Mr. Rybski made a motion, seconded by Mr. Klaas, to approve the October 4, 2022, meeting minutes.

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

PETITIONS

**Petition 22-24 Raymond Gonzalez as Beneficiary of Merchants National Bank Under Trust Agreement
Dated February 24, 1997 as Trust Number 5191**

Mr. Asselmeier summarized the request.

Mr. Asselmeier provided a correction stating that the housing for the watchman would be on the first floor. The building was constructed in 1960 and rezoned to B-2 in 1976. The dwelling units on the second floor were lawfully non-conforming.

The Petitioner would like to provide housing for a watchman on the first floor of the southern, mixed use building on the subject property at 5375 Route 34 in Oswego Township.

Also, the Petitioner would also like to store boats, recreational vehicles, and granite outdoors at the subject property north of the garage building.

The subject property has been zoned B-2 since 1976.

The application materials, site plan, a picture of the mixed use building, a picture of the garage, a picture of the western fence, a picture of the eastern fence and, a picture of the existing monument sign was provided.

The property is approximately one point six-three (1.63) acres in size.

The existing land use is improved commercial.

The County's Future Land Use Map calls for the property to be Suburban Residential (Max 1 DU/Acre). The Village of Oswego's Future Land Use Map calls for the property to be Downtown.

Route 34 is an Arterial Road maintained by the Illinois Department of Transportation.

The Village of Oswego has a trail planned along Route 34 in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are single-family residential, vocational school, parking lot, and vacant.

ZPAC Meeting Minutes 12.06.22

The adjacent properties are zoned R-3, B-2, and B-3.

The County's Future Land Use Map calls for the area to be Suburban Residential.

The Village of Oswego's Future Land Use Maps calls for the area to be Downtown.

Nearby properties are zoned A-1, A-1 SU, R-3, R-3 SU, B-1, B-3 and B-3 SU in the County and R-2, R-3, R-4, and B-2 inside the Village of Oswego.

The R-3 special use to the east is for a church sign. The B-3 special use to south is for outside storage. The A-1 special use to west is for a riding stable, including an apartment.

EcoCAT Report not required because the property was not zoned A-1.

The NRI application was submitted on November 16, 2022. The LESA Score was 133 indicating a low level of protection. The NRI was provided.

Oswego Township was emailed Petition information on November 21, 2022.

The Village of Oswego was emailed Petition information on November 21, 2022.

The Oswego Fire Protection District was emailed Petition information on November 21, 2022. The Oswego Fire Protection District submitted an email clarifying condition 2 regarding the living situation of the watchman. This email was provided.

According to the submitted information, there are four (4) commercial tenants housed on the first floor of the mixed use building. The specific unit where the watchman and their family would live was not identified.

The outside storage would consist of boats, recreational vehicles, and granite. No information was provided regarding the number of boats and recreational vehicles that would be parked on the premises. No information was provided regarding the amount of granite that would be stored outdoors. The materials would be stored outdoors within the fenced area north of the garage.

One (1) two (2) story approximately three thousand eight hundred (3,800) square foot masonry and frame mixed use building is located on the property; this building was constructed in 1960. One (1) approximately three thousand seven hundred fifty (3,750) square foot detached garage is located on the property north of the mixed use building.

The property is served by well and septic.

The driving area perpendicular and south of the garage is asphalt paved.

The site plan showed twenty-three (23) parking spaces around the mixed use building. One (1) parking space was marked onsite as a handicapped accessible parking space.

The storage area within the fence north of the garage is gravel.

The property fronts Route 34.

On November 17, 2022, Staff emailed the Illinois Department of Transportation for comments regarding this proposal; this email was provided. The Illinois Department of Transportation submitted an email stating they were not requesting a right-of-way dedication for a trail and noted that an access permit would be required, if the property owner changed or added entrances. This email was provided.

According to the submitted materials, no additional impervious surface is planned.

No information was provided regarding lights.

One (1) existing monument sign was shown on the site plan. A picture of the sign was provided. The sign was approximately nine feet (9') in width and seven feet (7') in height with a small shake roof. No plans existed to illuminate the sign. Each tenant in the mixed use building has one (1) sign attached to the building. No information was provided regarding whether the storage business would have a sign or the placement of the sign.

No information was provided regarding security of the outdoor storage area. There is one (1) eight foot (8') tall cedar privacy fence around the outdoor storage area.

In addition to the cedar privacy fence, there is one (1) white vinyl fence located east of the mixed use building.

According to the site plan, there are two (2) landscape planters located at the southern end of the property. One (1) of these planters is located in the middle of the access from Route 34 and the other planter is located around the monument sign.

No information was provided regarding noise control.

The site plan showed one (1) dumpster located east of the garage. The dumpster area is six foot by eight foot (6'X8'). The dumpster was visible in the picture of the eastern fence.

If approved, this would be the second (2nd) active special use permit for a dwelling unit for a watchman on non A-1 zoned property in unincorporated Kendall County.

If approved, this would be the third (3rd) active special use permit for a storage facility on non A-1 zoned property in unincorporated Kendall County.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the site is developed in accordance with the submitted site plan, including the maintenance of the existing vinyl and cedar fences, and the business allowed by the special use permit follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances, the special use permit will not be detrimental to the public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted. The same is true with allowing a watchman and their immediate family to reside on the premises.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposed uses will be low utility users. Adequate utilities exist for the site. Adequate access exists for the site. Because no additional impervious surfaces are planned, drainage should not be an issue.

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

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. This is true for both proposed uses. The operation of an outdoor storage facility and allowing a dwelling unit for a watchman 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." Allowing a dwelling unit for a watchman at the property should help ensure that the building continues to be maintained in a manner that attracts and retains quality tenants.

Before issuing a recommendation, Staff requested comments from ZPAC members, the Illinois Department of Transportation, the Village of Oswego, and the Oswego Fire Protection District. If the special use permits were allowed, Staff suggested the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan. Except for loading and

unloading, outside storage of materials shall be restricted to the fenced area north of the frame garage shown on the submitted site plan.

2. The owner of the property shall submit information to the Kendall County Planning, Building and Zoning Department annually confirming that the tenants of the apartment are either employed as a watchman of a business operating on the subject property or are immediate family members of the watchman.
3. The operator(s) of the business allowed by this special use permit shall ensure that the existing fences shown in the submitted pictures are maintained in good order to provide screening of the outdoor storage area from adjacent and surrounding properties. The operator(s) of the business allowed by this special use permit may alter the materials used to create the fences, but shall not decrease the screening created by the fences that existed at the time of the issuance of the special use permit.
4. None of the vehicles or items parked or stored on premises shall be considered agricultural equipment as they relate to the businesses allowed by these special use permits.
5. All of the vehicles or items stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
6. The owners of the business allowed by these special use permits shall diligently monitor the property for leaks from vehicles and items stored on the premises and shall promptly clean up the site if leaks occur.
7. The operator(s) of the business allowed by these special use permits acknowledge and agree to follow Kendall County's Right to Farm Clause.
8. The operator(s) of the business allowed by these special use permits shall follow all applicable Federal, State, and Local laws related to the operation of this type of business, including but not limited to the sign regulations contained in the Kendall County Zoning Ordinance.
9. The property owner shall follow all applicable Federal, State, and Local laws related to renting the property to a watchman and the family of the watchman.
10. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permits.
11. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
12. These special use permits shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Mr. Rybski asked if any construction would take place. Boyd Ingemunson, Attorney for the Petitioner, responded no.

Mr. Rybski noted that the existing septic system was located in the front near the sign. The existing septic sign was designed for seven (7) bedrooms in 1987. The Health Department would be notified if any construction occurred, if the sign was removed, or if the number of bedrooms changed.

Mr. Klaas asked what Downtown use was in the Village of Oswego's Plan. Mr. Asselmeier responded that his guess was mixed use building with residential and small office and small retail. The proposed use probably would fit with Oswego's plans.

There have been no complaints regarding the property or proposed use.

Mr. Asselmeier asked if the Petitioner was agreeable to proposed conditions. Mr. Ingemunson responded generally yes. There was a concern regarding providing information to the County yearly as outlined in condition 2.

Mr. Asselmeier emphasized the importance of storing items in the fenced area in order to be in compliance with the Zoning Ordinance and to prevent the property from looking bad.

Mr. Rybski made a motion, seconded by Ms. Briganti, to recommend approval of the proposal with the conditions proposed by Staff.

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

The proposal goes to the Kendall County Regional Planning Commission on December 14, 2022.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 22-01 was denied by the County Board. Petition 22-19 was approved by the County Board. Petition 22-20 was approved by the Millbrook Village Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

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

The ZPAC, at 9:19 a.m., adjourned.

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

Attachment 12, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of December 14, 2022 - 7:00 p.m.

Secretary Larry Nelson called the meeting to order at 7:02 p.m.

ROLL CALL

Members Present: Eric Bernacki, Tom Casey, Karin McCarthy-Lange, Larry Nelson, Bob Stewart, Claire Wilson, and Seth Wormley

Members Absent: Bill Ashton, Dave Hamman, and Ruben Rodriguez

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Boyd Ingemunson and Brooke Shanley

APPROVAL OF AGENDA

Member McCarthy-Lange made a motion, seconded by Member Stewart, to approve the agenda. With a voice vote of seven (7) ayes, the motion carried.

APPROVAL OF MINUTES

Member Wilson made a motion, seconded by Member Stewart, to approve the minutes of the of the October 26, 2022, meeting. Mr. Asselmeier noted that the landscaping business at the corner of Route 126 and Grove Road, referenced in the minutes, plans to submit an application for a special use permit by the January 2023 application deadline. With a voice vote of seven (7) ayes, the motion carried.

PETITION

Petition 22-24 Raymond Gonzalez as Beneficiary of Merchants National Bank Under Trust Agreement Dated February 24, 1997 as Trust Number 5191

Mr. Asselmeier summarized the request.

The Petitioner would like to provide housing for a watchman in one (1) of the units on the first floor of the southern, mixed use building on the subject property.

Also, the Petitioner would also like to store boats, recreational vehicles, and granite outdoors at the subject property north of the garage building.

The southern, mixed use building was constructed in 1960. The subject property has been zoned B-2 since 1976. The existing dwelling units on the second floor are lawfully non-conforming.

The application materials, site plan, a picture of the mixed use building, a picture of the garage, a picture of the western fence, a picture of the eastern fence and, a picture of the existing monument sign was provided.

The property is approximately one point six-three (1.63) acres in size.

The existing land use is improved commercial.

The County's Future Land Use Map calls for the property to be Suburban Residential (Max 1 DU/Acre). The Village of Oswego's Future Land Use Map calls for the property to be Downtown.

Route 34 is an Arterial Road maintained by the Illinois Department of Transportation.

The Village of Oswego has a trail planned along Route 34 in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are single-family residential, vocational school, parking lot, and vacant.

The adjacent properties are zoned R-3, B-2, and B-3.

The County's Future Land Use Map calls for the area to be Suburban Residential.

The Village of Oswego's Future Land Use Maps calls for the area to be Downtown.

Nearby properties are zoned A-1, A-1 SU, R-3, R-3 SU, B-1, B-3 and B-3 SU in the County and R-2, R-3, R-4, and B-2 inside the Village of Oswego.

The R-3 special use to the east is for a church sign. The B-3 special use to south is for outside storage. The A-1 special use to west is for a riding stable, including an apartment.

EcoCAT Report not required because the property was not zoned A-1.

The NRI application was submitted on November 16, 2022. The LESA Score was 133 indicating a low level of protection. The NRI was provided.

Oswego Township was emailed Petition information on November 21, 2022.

The Village of Oswego was emailed Petition information on November 21, 2022.

The Oswego Fire Protection District was emailed Petition information on November 21, 2022. The Oswego Fire Protection District submitted an email clarifying condition 2 regarding the living situation of the watchman. This email was provided.

ZPAC reviewed this proposal at their meeting on December 6, 2022. Mr. Rybski noted that the existing septic system was located near the front monument sign. The septic system was designed in 1987 for seven (7) bedrooms. Discussion occurred regarding the definition of Downtown Use in the Village of Oswego's plan. The Petitioner's Attorney said the Petitioner was agreeable to the proposed conditions, but may request clarification on the documents required for annual submittal as outlined in condition 2. ZPAC recommended approval of the proposal with the conditions proposed by Staff by a vote of five (5) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

According the submitted information, there are four (4) commercial tenants housed on the first floor of the mixed use building. The specific unit where the watchman and their family would live was not identified.

The outside storage would consist of boats, recreational vehicles, and granite. No information was provided regarding the number of boats and recreational vehicles that would be parked on the premises. No information was provided regarding the amount of granite that would be stored outdoors. The materials would be stored outdoors within the fenced area north of the garage.

One (1) two (2) story approximately three thousand eight hundred (3,800) square foot masonry and frame mixed use building is located on the property; this building was constructed in 1960. One (1) approximately three thousand seven hundred fifty (3,750) square foot detached garage is located on the property north of the mixed use building.

The property is served by well and septic.

The driving area perpendicular and south of the garage is asphalt paved.

The site plan showed twenty-three (23) parking spaces around the mixed use building. One (1) parking space was marked onsite as a handicapped accessible parking space.

The storage area within the fence north of the garage is gravel.

The property fronts Route 34.

On November 17, 2022, Staff emailed the Illinois Department of Transportation for comments regarding this proposal; this email was provided. The Illinois Department of Transportation submitted an email stating they were not requesting a right-of-way dedication for a trail and noted that an access permit would be required, if the property owner changed or added entrances. This email was provided.

According to the submitted materials, no additional impervious surface is planned.

No information was provided regarding lights.

One (1) existing monument sign was shown on the site plan. A picture of the sign was provided. The sign was approximately nine feet (9') in width and seven feet (7') in height with a small shake roof. No plans existed to illuminate the sign. Each tenant in the mixed use building has one (1) sign attached to the building. No information was provided regarding whether the storage business would have a sign or the placement of the sign.

No information was provided regarding security of the outdoor storage area. There is one (1) eight foot (8') tall cedar privacy fence around the outdoor storage area.

In addition to the cedar privacy fence, there is one (1) white vinyl fence located east of the mixed use building.

According to the site plan, there are two (2) landscape planters located at the southern end of the property. One (1) of these planters is located in the middle of the access from Route 34 and the other planter is located around the monument sign.

No information was provided regarding noise control.

The site plan showed one (1) dumpster located east of the garage. The dumpster area is six foot by eight foot (6'X8'). The dumpster was visible in the picture of the eastern fence.

If approved, this would be the second (2nd) active special use permit for a dwelling unit for a watchman on non A-1 zoned property in unincorporated Kendall County.

If approved, this would be the third (3rd) active special use permit for a storage facility on non A-1 zoned property in unincorporated Kendall County.

The proposed Findings of Fact were as follows:

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

by the special use permit follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances, the special use permit will not be detrimental to the public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted. The same is true with allowing a watchman and their immediate family to reside on the premises.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposed uses will be low utility users. Adequate utilities exist for the site. Adequate access exists for the site. Because no additional impervious surfaces are planned, drainage should not be an issue.

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

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. This is true for both proposed uses. The operation of an outdoor storage facility and allowing a dwelling unit for a watchman 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.” Allowing a dwelling unit for a watchman at the property should help ensure that the building continues to be maintained in a manner that attracts and retains quality tenants.

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

1. The site shall be developed substantially in accordance with the submitted site plan. Except for loading and unloading, outside storage of materials shall be restricted to the fenced area north of the frame garage shown on the submitted site plan.
2. The owner of the property shall submit information to the Kendall County Planning, Building and Zoning Department annually confirming that the tenants of the apartment are employed as a watchman of a business operating on the subject property or are immediate family members of the watchman. **(Amended at ZPAC).**
3. The operator(s) of the business allowed by this special use permit shall ensure that the existing fences shown in the submitted pictures are maintained in good order to provide screening of the outdoor storage area from adjacent and surrounding properties. The operator(s) of the business allowed by this special use permit may alter the materials used to create the fences, but shall not decrease the screening created by the fences that existed at the time of the issuance of the special use permit.

4. None of the vehicles or items parked or stored on premises shall be considered agricultural equipment as they relate to the businesses allowed by these special use permits.
5. All of the vehicles or items stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
6. The owners of the business allowed by these special use permits shall diligently monitor the property for leaks from vehicles and items stored on the premises and shall promptly clean up the site if leaks occur.
7. The operator(s) of the business allowed by these special use permits acknowledge and agree to follow Kendall County's Right to Farm Clause.
8. The operator(s) of the business allowed by these special use permits shall follow all applicable Federal, State, and Local laws related to the operation of this type of business, including but not limited to the sign regulations contained in the Kendall County Zoning Ordinance.
9. The property owner shall follow all applicable Federal, State, and Local laws related to renting the property to a watchman and the family of the watchman.
10. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permits.
11. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
12. These special use permits shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Boyd Ingemunson, Attorney for the Petitioner, explained that one (1) tenant would like to store granite at the property and the owner would like to have a watchman reside in one (1) of the units on the first floor. Mr. Ingemunson noted that the property is fenced and he felt the property was appropriately screened from neighboring properties.

Member Wilson asked if people were living in the upstairs apartments. Mr. Ingemunson responded yes; the apartments are legally non-conforming. The watchman would reside on the first floor.

Member Bernacki asked if the vinyl fence would be extended further north. The response was the fence would not be extended north because such an extension would impact access to the area between the two (2) existing buildings.

Member Wormley asked where the other non A-1 zoned outdoor storage areas were located. Mr. Asselmeier responded that one (1) of the properties was located in Seward Township next to the Go Pro Sports facility and another one (1) was located near the subject property. Member Nelson noted there were additional outdoor storage special uses on A-1 zoned properties.

Member Wormley expressed concerns about the special use permit passing to a future owner. Mr. Asselmeier noted that a petition should be evaluated based on the merits of the request and not a specific petitioner. Member Nelson noted the importance of having strong conditions on the special use permit in the event the property was sold. Member Wilson felt that, even if the property were sold, the tenant operating the granite business might not be removed from the property.

Member Wormley asked why this request occurred. Mr. Asselmeier responded that the owner wanted to rent out a space to a watchman and obtain proper approval for outdoor storage.

Member Bernacki asked about possible uses of the vacant lot to the east. Mr. Ingemunson felt that the property to east would not be suitable for development.

The property would likely be annexed into the Village of Oswego, at some point.

Discussion occurred about restricting the type of materials and vehicles stored to specific items. Concerns were raised that the property could be turned into a junk yard. Mr. Ingemunson said that his client would not oppose limiting items to boats, recreational vehicles, trailers cars, granite, and other items owned by tenants of the property. A suggested condition was that items stored outdoors were limited to cars, boats, trailers, recreational vehicles, granite, and other materials related to businesses housed on the property and no junk or debris as defined by the Kendall County Junk and Debris Ordinance shall be stored outdoors on the property. The consensus was not to have landscaping materials on the property, unless a special use permit for a landscaping business was granted in the future.

Member Bernacki asked about the contents of the garage. Mr. Ingemunson responded that tenants store items inside the garage. The garage would need a change of occupancy permit if it were to be converted to something other than a garage.

Discussion occurred regarding which unit would house the watchman. Based on the location of the vinyl fence and the appearance of the property, the eastern most unit would likely be the location for the watchman. The consensus of the discussion was that only one (1) watchman would reside on the property and only one (1) unit on the first floor would be used for a watchman.

Member Wilson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the special use permits and with the conditions proposed by Staff and the addition of the condition related to types of materials stored on the premises.

The votes on were as follows:

Ayes (7): Bernacki, Casey, McCarthy-Lange, Nelson, Stewart, Wilson, and Wormley

Nays (0): None

Absent (3): Ashton, Hamman, and Rodriguez

Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on December 19, 2022.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Review of Invitation List for February 2023 Annual Meeting

Commissioners reviewed the list.

The Annual Meeting is February 4, 2023.

Member Wilson expressed concerns about the definition of watchman's quarters. The intent of the Zoning

Ordinance was to allow family members of an onsite watchman to reside with the watchman on the premises. A watchman could not live offsite while his/her family resided on the premises. The consensus was to review the definition at the beginning of 2023.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 22-19 was approved by the County Board. Petition 22-20 was approved by the Millbrook Village Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the application deadline for the January meeting is December 20, 2022. The kennel/veterinary at the corner of Ridge and Bell Roads was working on a major amendment to the site plan of their special use permit. The Friestad Family was working on three (3) applications for Agricultural Conservation Areas.

Member Nelson asked about the status for collecting the fine for the illegal landscaping business at 1038 Harvey Road. Mr. Asselmeier responded a lien for the amount of the fine has been placed on the property. At an upcoming Planning, Building and Zoning Committee meeting, the question will be asked if the Committee and/or County Board would like to ask the State's Attorney's Office to pursue the fine in another fashion besides the lien.

The owner of 2511 Wildy Road was considering a special use permit for a banquet facility and was working on obtaining compliance with the Kendall County Stormwater Management Ordinance. The next court date for this property is January 10, 2023.

ADJOURNMENT

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

The Kendall County Regional Planning Commission meeting adjourned at 7:47 p.m.

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