

**MINUTES**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)  
YORKVILLE, IL 60560  
**December 19, 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, and Dick Whitfield

Members Absent: Scott Cherry, Dick Thompson, and Jillian Prodehl

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

Others Present: Boyd Ingemunson

Chairman Mohr asked what would have occurred if no quorum was present. Mr. Asselmeier responded that the hearing would need to be rescheduled and the hearing would need to be re-noticed at the County's expense. Discussion occurred about not having hearings in the future in December. The number of petitions in December was usually small.

**MINUTES:**

Member Fox made a motion, seconded by Member LeCuyer to approve the minutes of the October 31, 2022, hearing/meeting.

With a voice vote of four (4) ayes, the motion carried.

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 22-24 at 7:06 p.m.

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

**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

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.

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 were 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 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.

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 (2<sup>nd</sup>) 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 (3<sup>rd</sup>) 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. 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 submitted picture. **(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 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.

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.

Chairman Mohr asked about the conditions imposed on other special use permits for watchman's quarters. Mr. Asselmeier responded that few conditions existed on non A-1 zoned properties for watchman's quarters. Mr. Asselmeier noted the proposed condition requiring documentation be submitted annually showing the unit was rented to a watchman. Chairman Mohr asked how that documentation was defined. Mr. Asselmeier discussed another special use permit for a mobile home involving agricultural labor housing with a similar condition. Chairman Mohr asked how the County would prove that the tenant was a watchman. Discussion occurred about proof of compensation. It was noted that renting the space for a residential use would generate less revenue than renting the space to a commercial tenant. A new occupancy permit would be required to change the unit to a residential use and to change the unit back to commercial use.

Chairman Mohr opened the public hearing at 7:20 p.m.

Chairman Mohr swore in Boyd Ingemunson.

Boyd Ingemunson, Attorney for the Petitioner, noted that no improvements were planned for the property and the current owner has owned the property for a number of years.

Chairman Mohr closed the public hearing at 7:21 p.m.

Chairman Mohr requested that Mr. Asselmeier check to see if the current special use for the agricultural laborer is verified for employment. Discussion occurred regarding the eviction process for an employee.

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

The votes were as follows:

Ayes (4): Fox, LeCuyer, Mohr, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (3): Cherry, Prodehl, and Thompson

The motion passed.

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

The votes were as follows:

Ayes (4): Fox, LeCuyer, Mohr, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (3): Cherry, Prodehl, and Thompson

The motion passed.

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

The votes were as follows:

Ayes (4): Fox, LeCuyer, Mohr, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (3): Cherry, Prodehl, and Thompson

The motion passed.

The proposal goes to the Planning, Building and Zoning Committee on January 9, 2023.

The Zoning Board of Appeals completed their review of Petition 22-24 at 7:26 p.m.

**NEW BUSINESS/OLD BUSINESS**

None

**REVIEW OF PETITIONS THAT WENT TO THE 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.

**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 four (4) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:26 p.m.

The next regularly scheduled hearing/meeting will be on January 30, 2023.

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

Exhibits

1. Memo on Petition 22-24 Dated December 15, 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)





---

---

**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 (2<sup>nd</sup>) 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 (3<sup>rd</sup>) 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 #: \_\_\_\_\_

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

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

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

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

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. DUPLICATION \$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] [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	\$	_____
<b>Total NRI Fee</b>	<b>\$</b>	<b><u>375.00</u></b>

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

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

\_\_\_\_\_  
 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 existing 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

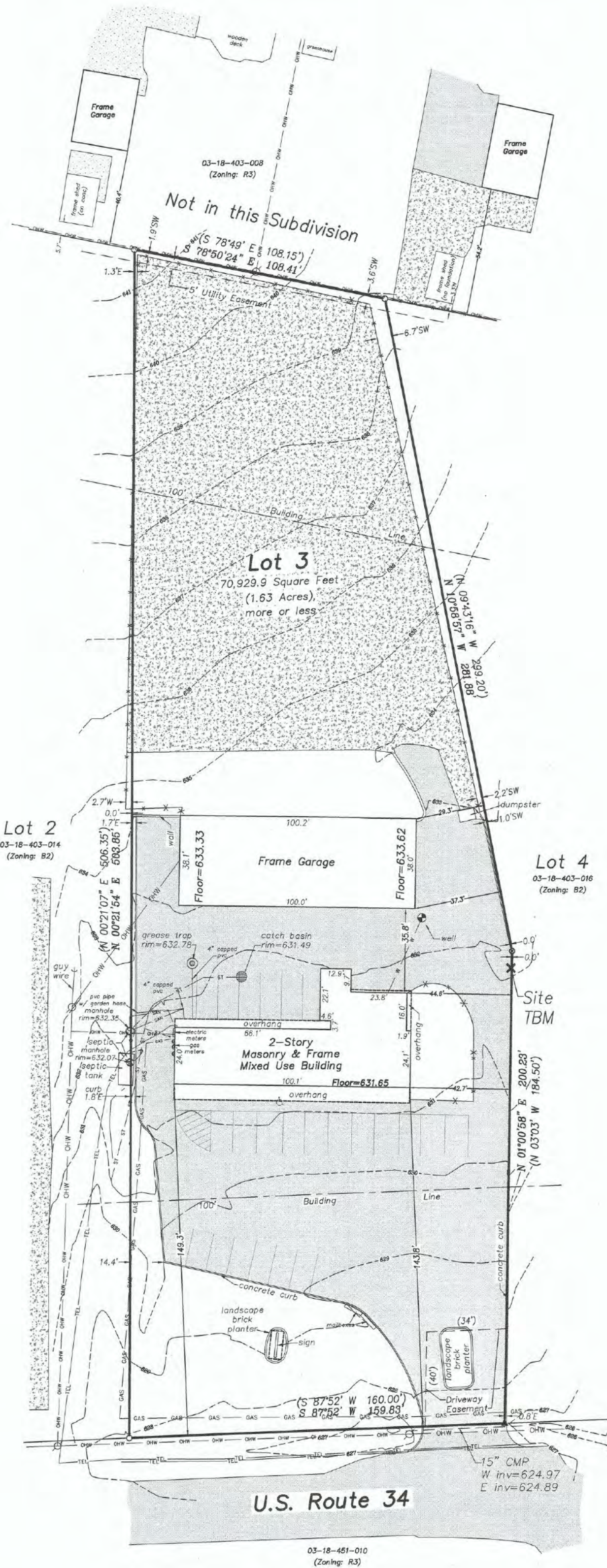
**Kendall County Zoning Designations:**

- 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.



**Scale: 1" = 40'**

- = Found 3/4" Dia. Iron Pipe
- ⊗ = Found 1/2" Dia. Iron Pipe
- ▲ = Found PK Nail
- N = North E = East
- S = South W = West
- (XX.XX)' = Record Distance
- XX.XX' = Measured Distance
- Fence = —x—x—x—
- = Concrete
- ▨ = Asphalt
- = Gravel
- = Utility Pole

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: Ingemunson 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	

Attachment 3 Mixed Use Building



11/17/2022 13:40

Attachment 4 Garage



11/17/2022 13:43



11/17/2022 13:43





11/17/2022 13:46

**RIVER HEIGHTS**  
BUSINESS PARK

**MASSAGE**  
630-465-3764

**Seattle Sutton's**  
HEALTHY EATING  
630-554-3438

**ALEX GRANITE & MARBLE**  
630.998.6900  
331.250.4297  
- Kitchens - Vanities  
- Jacuzzis - Bars and More  
alexgranitemarble.com

**TKO**  
ROOFING & SIDING  
630-675-8858

**ROOFING & SIDING COMPANY**  
tko-roofing.com

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

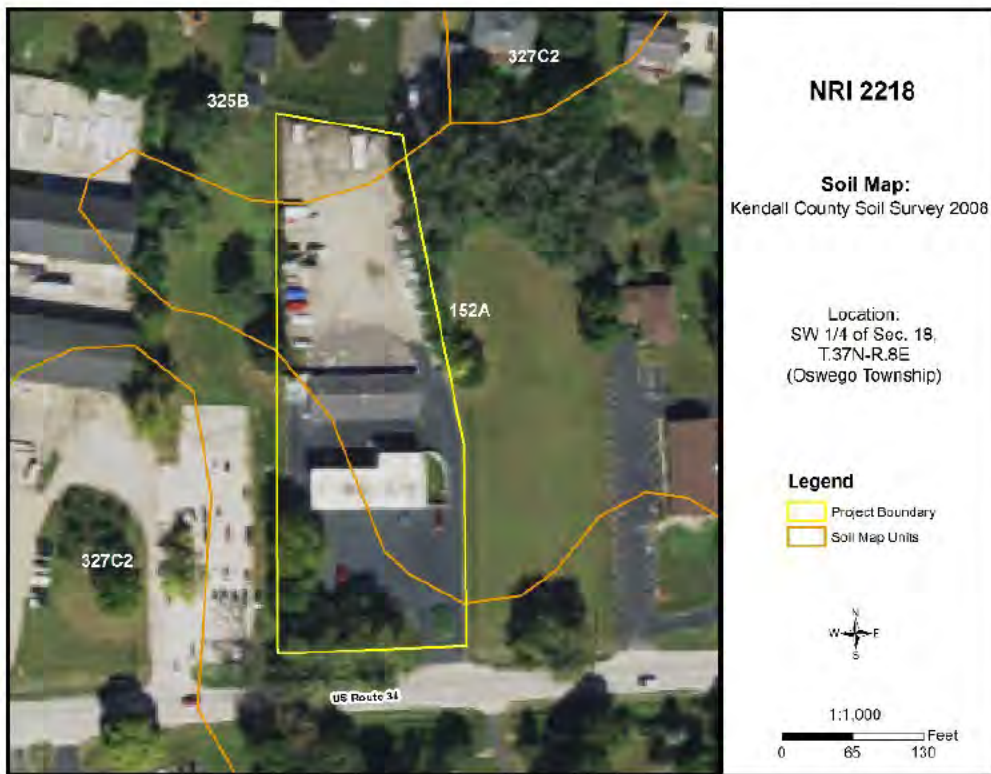
Raymond Gonzalez  
[REDACTED]

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 3<sup>rd</sup> 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
<b>Totals</b>			<b>1.6</b>	<b>145.3</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) 145.3 / 1.6 = 90.8	
<b>LE Score</b>			<b>LE = 91</b>	

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
	<b>Site Assessment Score:</b>	<b>42</b>

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

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.

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.

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 (2<sup>nd</sup>) 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 (3<sup>rd</sup>) 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 (2<sup>nd</sup>) 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 (3<sup>rd</sup>) 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