



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

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

AGENDA

July 31, 2023 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

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

MINUTES: Approval of Minutes from the May 1, 2023, Zoning Board of Appeals Hearing/Meeting (Pages 2-26)

PETITION:

1. **Petition 23 – 24 – Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner) (Pages 27-70)**
- Request: Renew the Special Use Permit Granted by Ordinance 2004-43 and Renewed by Ordinance 2021-17 Allowing the Placement of an Outdoor Advertising Sign (Billboard) at the Subject Property
- PIN: 03-01-127-006
- Location: Northeast Corner of the Intersection of U.S. Route 34 and Hafenrichter (Farnsworth) in Oswego Township
- Purpose: Petitioner Wishes to Renew Special Use Permit for Billboard; Property is Zoned M-2

NEW BUSINESS/ OLD BUSINESS

1. None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 23-05 Subdivision Ordinance Amendments Related to Phone Numbers
2. Petition 23-06 Subdivision Ordinance Amendments Related to County Stormwater Engineer
3. Petition 23-07 Subdivision Ordinance Amendments Related to Dead Links
4. Petition 23-08 Zoning Ordinance Amendments Related to the Definitions of Brew Pub and Micro Brewery
5. Petition 23-09 Zoning Ordinance Amendments Related to the Definition of Tent
6. Petition 23-10 Zoning Ordinance Amendments Related to the Illinois Mobile Home Safety Act
7. Petition 23-11 Incorporating Procedures for Closing Petitions Due to Inactivity into the Zoning Ordinance
8. Petition 23-12 Zoning Ordinance Amendments Related to Commercial Wind and Solar Regulations
9. Petition 23-13 Zoning Ordinance Amendments Related to Kennels
10. Petition 23-17 Zoning Ordinance Amendments Related to Chickens
11. Petition 23-19 Special Use Permit and Related Variances Allowing a Landscaping Business at 5022 Route 126

PUBLIC COMMENT:

ADJOURN ZONING BOARD OF APPEALS- Next hearing/meeting on August 28, 2023

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

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
May 1, 2023 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox (arrived at 7:05 p.m.), Tom LeCuyer, Randy Mohr, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: None

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

Others Present: Mark Daniel and Rebecca Wintczak

MINUTES:

Member LeCuyer made a motion, seconded by Member Cherry, to approve the minutes of the March 27, 2023, hearing/meeting.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

The Zoning Board of Appeals started their review of Petition 23-01 at 7:00 p.m.

Petition 23 – 01 – Kendall County Planning, Building and Zoning Committee

Request: Involuntary Revocation of a Special Use Permit for a Specialty Gift Store Granted by Ordinance 2009-25

PINs: 02-14-452-005

Location: 7275 Route 34, Oswego in Bristol Township

Purpose: Petitioners Want to Revoke the Special Use Permit for Inactivity and Non-Compliance; Property is Zoned R-3 with a Special Use Permit

Mr. Asselmeier summarized the request.

On July 21, 2009, the Kendall County Board granted a special use permit for a specialty gift store at 7275 Route 34, Oswego. Restriction 1 of the special use permit stated that the special use permit shall be inspected yearly. Ordinance 2009-25 was provided.

Per information found on Facebook, Jo Ric Gift and Home Décor operated at the subject property for several years, but a retirement sale occurred in 2020 and the business closed in January 2021. This information was provided.

The Planning, Building and Zoning Department attempted to conduct an inspection in August 2021 and the property was described as vacant. The email related to this inspection was provided.

In the summer of 2022, the Planning, Building and Zoning Department again attempted to conduct an inspection, but the property was vacant. Following this attempt, the Planning, Building and Zoning Department attempted to send letters to the property owner asking if they would like to revoke the special use permit. The covers of these letters were provided. The Planning, Building and Zoning Department did not receive any response to these letters.

In addition to the letters, a picture from Google from 2018 and a picture from Google from 2021 were also provided.

The property sold in November 2021.

At their meeting on January 9, 2023, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit. Following the January Planning, Building and Zoning Committee, Staff attempted again to contact the property, including placing a hearing sign on the property. The property owner originally verbally said they would evaluate their options and let the Department know which course of action they would take. Other than one (1) phone call in January 2023, the property owner has not initiated conversations with the Department. Emails with the property owner were provided. After the lack of communication from the property owner, Staff decided to exercise the authority granted by the Planning, Building and Zoning Committee to revoke the special use permit.

The subject properties are zoned R-3. If the special use permit is revoked, the properties will retain their R-3 zoning classification.

The proposed findings of fact were as follows:

In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the fact that the existing business closed in January 2021 and that no business has operated at the subject property since the previous business closed, the special use has been discontinued for a continuous period of two (2) years.

Staff recommended approval of the proposed special use permit revocation.

In addition, Staff provided an email dated April 3, 2023, from the Oswego Fire Protection District stated the property went back to being residential in 2021 and had not been inspected since that time.

Member Fox arrived at this time (7:05 p.m.)

Chairman Mohr opened the public hearing at 7:05 p.m.

Chairman Mohr swore in Mark Daniel and Rebecca Wintczak at this time.

No members of the public testified at the public hearing.

Chairman Mohr closed the public hearing at 7:05 p.m.

Member Whitfield made a motion, seconded by Member Cherry, to approve the findings of fact and recommend approval of the revocation of the special use permit.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

The proposal goes to the Planning, Building and Zoning Committee on May 8, 2023.

The Zoning Board of Appeals completed their review of Petition 23-01 at 7:06 p.m.

The Zoning Board of Appeals started their review of Petition 23-17 at 7:06 p.m.

Petition 23 – 17 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Kendall County Zoning Ordinance Pertaining to Chickens on
Residentially Zoned Property

Mr. Asselmeier summarized the request.

In 2010, through Ordinance 2010-21, Kendall County legalized the keeping of a maximum of twelve (12) hens on properties zoned R-1, R-2, and R-3, provided the property was at least one (1) acre in size. A copy of this ordinance was provided.

Prior to the 2023 Kendall County Regional Planning Commission’s Annual Meeting, the County received a request from a resident in Boulder Hill to allow hens on properties zoned R-6. The resident and several other residents of Boulder Hill presented information at the Kendall County Regional Planning Commission Annual Meeting on the subject and Staff was directed to explore a text amendment on the matter.

After researching the regulations in other, nearby communities, Staff prepared the provided proposal.

In summary, the proposal would be as follows:

1. Allow the keeping of a maximum of six (6) hens on any lot zoned and used for single family residential purposes.

2. Lots one (1) acre or larger in size may have a maximum of twelve (12) hens.
3. The keeping of roosters would not be allowed on residentially zoned property, except by special use permit in the RPD Districts (this is already allowed in the Zoning Ordinance).
4. No other poultry would be allowed.
5. Confinements would have to be a maximum of ten feet (10') from residential lot lines.
6. Uncovered fence enclosure must be at least four feet (4') in height.
7. The sale of chickens or eggs would not be allowed.

A redlined version of the proposal was provided.

At their meeting on March 13, 2023, the Planning, Building and Zoning Committee voted three (3) in favor, one (1) in opposition, and one (1) absent to initiate this amendment.

The comparison table of local chicken regulations, the original request for backyard hens, and a map of the County showing areas zoned R-4, R-5, R-6, and R-7 were provided.

Petition information was emailed to the townships on March 27, 2023. To date, no comments have been received.

Greg Chismark reviewed the proposal from a stormwater quality perspective and expressed no concerns. His email was provided.

ZPAC reviewed the proposal at their meeting on April 4, 2023. Discussion occurred regarding complaints about chickens and concerns about potential health issues by having chickens on smaller lots. Three (3) residents expressed support for the proposal. One (1) resident expressed opposition to the proposal. Discussion occurred regarding code enforcement procedures. The consensus at ZPAC was this proposal was more of a policy decision and not a technical decision. For this reason, ZPAC issued a neutral recommendation by a vote of six (6) in favor, one (1) in opposition, and three (3) members absent. Member Guritz voted no because he wanted an opinion from someone that raises chickens on the impact of the proposal on residential neighborhoods and public health. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 26, 2023. Discussion occurred about setting a higher minimum lot size, adding regulations pertaining to using extension cords, and adding a regulation pertaining to rodent proof containers. The consensus of the Commission was that having a higher minimum lot size would defeat the purpose of the intent of the proposal (allowing hens in Boulder Hill in certain circumstances) and adding additional regulations would be difficult to enforce. The consensus of the Commission was, if the proposal is adopted and needs to be amended in the future, the Zoning Ordinance could be amended to address unforeseen

problems. The Kendall County Regional Planning Commission voted to forward the proposal to the Kendall County Zoning Board of Appeals by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

Chairman Mohr asked what would happen if avian flu broke out in an area of small lots. Mr. Asselmeier responded that the Illinois Department of Agricultural would have to take the chickens within the impacted area. No definition of impacted area was provided. Discussion occurred regarding the size of the impacted area.

Chairman Mohr opened the public hearing at 7:12 p.m.

Rebecca Wintczak, resident that submitted the original request, stated that she has chickens. She has hens for the eggs to feed her family. She described the area where she kept her chickens.

Member Cherry asked Ms. Wintczak the size of her lot. Ms. Wintczak responded just under one quarter (1/4) of an acre.

Having hens is presently illegal in Boulder Hill.

Member Cherry favored a one (1) acre minimum lot size because chickens will impact varmints that will negatively impact the neighboring properties.

Chairman Mohr favored a policy similar to the right to farm clause that protects people from agricultural interests if they move to a more dense development like Boulder Hill. What recourse does the County have if chickens are allowed on tiny lots? Ms. Wintczak favored finding a compromise on a minimum lot size. She compared having hens to having dogs as it relates to noise. She favored an eight thousand (8,000) square foot lot minimum.

Chairman Mohr asked Ms. Wintczak the distance of her chicken coop from the neighboring property. Ms. Wintczak responded approximately five feet (5') for the run and the coop was seventeen feet (17'). She has no neighbors behind her property.

Member Thompson asked Ms. Wintczak if she was comfortable with the United States Department of Agriculture eliminating chickens in the event of an avian flu outbreak. Ms. Wintczak responded yes because she takes public safety very seriously.

Member LeCuyer asked Ms. Wintczak how many chickens she had. Ms. Wintczak responded four (4) grown chickens and four (4) chicks. Some of the chicks probably will not survive to laying stage.

Member Prodehl asked about the maintenance aspect of having chickens. She has chickens and they destroy the grass in the area where they are kept. She asked if Ms. Wintczak had any rodent issues. Ms. Wintczak responded that her house had mice before she acquired chickens. She has not had rodents since she acquired chickens. She kept her chicken feed in a rodent proof container. She has not observed rats, opossums, or foxes.

Member Fox described a situation in Newark where someone was using their trampoline as a chicken coop. Some people also have roosters and ducks. He suggested having the chicken owners get together in an association to assist the County on compliance.

Chairman Mohr asked if Ms. Wintczak had been reported for having chickens. Mr. Asselmeier responded someone had complained about Ms. Wintczak having chickens. Ms. Wintczak explained that her neighbor complained that she had chickens after a chicken was reported on the loose in Boulder Hill.

Mr. Asselmeier noted that all chicken investigations were on hold. Chairman Mohr asked how many open investigations existed. Mr. Asselmeier responded six (6) at the most.

Chairman Mohr closed the public hearing at 7:23 p.m.

Chairman Mohr asked about the recourse the County would have if people used trampolines as chicken coops. Mr. Asselmeier responded that chicken coops would need to get building permits, but not every chicken is kept in a dedicated structure. The coops would need to meet the setbacks; the number of chickens would also be counted. Mr. Asselmeier explained the enforcement procedures.

Member Whitfield asked if, besides dogs and cats, were any other animals allowed outdoors in Boulder Hill. Mr. Asselmeier responded no.

Chairman Mohr favored a minimum lot size under one (1) acre. Discussion occurred regarding minimum lot size and the size of lots in Boulder Hill.

Member Prodehl asked how the sex of chicks was determined and how early the sex would be known. She was concerned about dumped roosters. Ms. Wintczak explained how and when the sex can be determined.

Chairman Mohr suggested moving the coops further away from the lot line.

Chairman Mohr noted the four foot (4') fence will not stop predators.

Chairman Mohr suggested setting the minimum lot size at twelve thousand (12,000) square feet.

Member Whitfield said that Boulder Hill was not an agricultural based community. He expressed concerns about adding issues to Boulder Hill.

The consensus of the Board was to have a minimum lot size of a quarter (1/4) and rounding it up to eleven thousand (11,000) square feet, which would match Yorkville's requirements.

Member Prodehl made a motion, seconded by Member Fox, to amend the Petition by setting a minimum lot size of eleven thousand (11,000) square feet.

The votes were as follows:

Ayes (6): Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (1): Cherry
Abstain (0): None
Absent (0): None

The motion passed.

Member LeCuyer made a motion, seconded by Member Prodehl, to recommend approval of the text amendment as amended.

The votes were as follows:

Ayes (6): Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (1): Cherry
Abstain (0): None
Absent (0): None

The motion passed.

Member Cherry voted no because chickens will attract additional animals which will negatively impact neighbors. Allowing chickens will add to the problems in Boulder Hill.

The townships will be notified of the results of the public hearing.

The proposal goes to the Planning, Building and Zoning Committee on June 12, 2023.

The Zoning Board of Appeals completed their review of Petition 23-17 at 7:38 p.m.

The Zoning Board of Appeals started their review of Petition 23-19 and Petition 23-20 at 7:38 p.m.

Petition 23 – 19 – Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant)

Request: Special Use Permit for a Landscaping Business, Including Outdoor Storage, Variance to Section 4:05.B and Section 11:02.F.7 of the Kendall County Zoning Ordinance Allowing Parking and Loading No Closer Than Twenty-Five Feet from the Right-of-Way Line of Route 126 and to Allow the Handicapped Accessible Parking Space No Closer than Sixty-Nine Feet of the Right-Of-Way Line of Route 126, Variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance to Allow Parking Spaces at a Depth of Eighteen Feet With a Two Foot Overhang, and a Variance to Section 4:09.A of the Kendall County Zoning Ordinance to Allow the Driveway Off of Grove Road to be less than Twenty Feet in Width Until Such Time as the Driveway is Replaced

PINs: 06-18-200-011 and 06-18-200-013

Location: 5022 Route 126, Yorkville in Na-Au-Say Township

Purpose: Petitioners Want to Operate a Landscaping Business at the Subject Property, Property is Zoned A-1

Petition 23 – 20 – Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant)

Request: Variance to Section 7:01.G.2.a of the Kendall County Zoning Ordinance to Allow the Existing House To Be No Closer than Seventy-Three Feet South of the Right-of-Way Line of Route 126 and No Closer than Twenty-One Feet West of the Right-of-Way Line of Grove Road and a Variance to Section 7:01.G.2.b of the Kendall County Zoning Ordinance to Allow Accessory Structures No Closer than Fifty-Seven Feet South of the Right-of-Way line of Route 126 and No Closer than Fifty-Three Feet West of the Right-of-Way Line of Grove Road

PINs: 06-18-200-011 and 06-18-200-013

Location: 5022 Route 126, Yorkville in Na-Au-Say Township

Purpose: Petitioners Want to Remove the Lawful Non-Conformities by Securing Applicable Variances A-1

Mr. Asselmeier summarized the requests.

In October 2022, the Planning, Building and Zoning Department received a complaint regarding a landscaping business operating at 5022 Route 126 without a special use permit. In the intervening months, the property owner and business owner worked with an attorney and engineer to submit an application for a special use permit.

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They are also seeking variances to Section 4:05.B and Section 11:02.F.7 to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126; parking is not allowed within the front-yard setback. The Petitioners would like a variance to Section 11:02.F.4 to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2') instead of the twenty foot (20') depth requirement. Finally, they are seeking a variance to Section 4:09.A to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.

The Petitioners also wish to use the existing house and existing accessory structures for their business. Some of these structures pre-date the adoption of the Kendall County Zoning Ordinance. The Petitioners are requesting a variance to Section 7:01.G.2.a to allow the existing house to be no closer than seventy-three feet (73') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than twenty-one feet (21') west of the right-of-way line of Grove Road instead of the required one hundred feet (100'). The Petitioners are also requesting a variance to

Section 7:01.G.2.b to allow accessory structures no closer than fifty-seven feet (57') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than fifty-three feet (53') west of the right of the right-of-way line of Grove Road instead of the required one hundred feet (100'). These requests are part of a separate Petition (Petition 23-20).

Finally, the Petitioners wish to have the opportunity to use the home on the property to house an employee of the landscaping and nursery business. Accordingly, they request a conditional use permit for that purpose, which is a separate Petition (Petition 23-21).

Prior to the Kendall County Regional Planning Commission meeting, the Petitioners submitted a revised site plan. The site plan removed a large amount of the CA-7 and replaced it with gravel. The signs at the entrance to property at Route 126 were moved out of the right-of-way. The revised site plan was provided.

The application materials, stormwater information, existing conditions survey, original site plan, landscaping plan, and pictures of the property were provided.

The property is approximately two point nine (2.9) acres in size.

The County's plan called for the property to be Commercial. Yorkville's plan calls for the property to be Estate Residential.

Route 126 is a State maintained Arterial. Grove Road is a Major Collector maintained by the County.

Yorkville has a trail planned along Route 126 and Grove Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural.

The adjacent properties are zoned A-1.

The County's plan calls for the area to be Commercial. Yorkville's Plan calls for the area to be Estate Residential and Agricultural. Oswego's Plan calls for the area to be Agricultural.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, and RPD-2.

Grove Road is the boundary line between the United City of Yorkville's and the Village of Oswego's planning areas.

The A-1 special use permits to the west are for a golf course.

A cemetery is located near the subject property to the south.

Approximately six (6) houses and the Whitetail Ridge Subdivision are located within one point five (1.5) miles of the subject property.

EcoCAT Report was submitted on February 22, 2023, and consultation was terminated.

The NRI Application was submitted on February 15, 2023. The LESA Score was 231 indicating a high level of protection. The NRI was provided.

Petition information was sent to Na-Au-Say Township on March 27, 2023. To date, no comments received.

Petition information was sent to the United City of Yorkville on March 27, 2023. To date, no comments received.

Petition information was sent to the Bristol Kendall Fire Protection District on March 27, 2023. To date, no comments received.

ZPAC reviewed this proposal at their meeting on April 4, 2023. Discussion occurred regarding the septic system at the property; the property would remain a single-family home, but would have an office component. The Health Department requested the Petitioners to work with the Health Department, should the use become more intense. Discussion also occurred regarding traffic circulation and the potential widening of nearby roads. No additional right-of-way was foreseen. ZPAC recommended approval of the proposal with the addition of a condition stating that, pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan may be adjusted to reflect this access by vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 26, 2023. The Petitioners were agreeable to the conditions. The current owners have owned the property for approximately five (5) years and the landscaping business has been operating at the property since October 2022. Discussion also occurred regarding the noise regulations, if a new house was constructed closer to the subject property. The Kendall County Regional Planning Commission recommended approval of the requested special use permit and variances with the conditions proposed by Staff with an amendment stating that only homes in existence prior to the issuance of the special use permit could file noise complaints by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

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

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.

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

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

As noted in the project narrative, the Petitioners would like to operate R&S Landscaping and Nursery at the subject property. The existing home would be used as the office for the business and would possibly be used as a dwelling in the future for an employee. The northern most barn would be used as a tool shop and meeting space.

No retail activities related to the business would occur at the subject property.

The business would be open from 7:00 a.m. until 7:00 p.m. everyday throughout the year. The business has a maximum of seventeen (17) employees, during the busy season. The business hauls vegetation and other landscaping items from the property to work sites. Employees either report to the subject property or report directly to job sites. Equipment is parked either at the subject property or the job site.

The site plan (Attachment 4) shows seven (7) four foot (4') tall concrete block storage areas approximately five feet (5') from the western property line. These storage areas range from approximately one thousand seven ten (1,710) square feet in size to approximately five hundred ten (510) square feet in size. All of the storage areas are thirty feet (30') in depth. The storage areas will hold top soil, boulders, sand, mulch, gravel, landscape waste, and brush. No piles will be taller than six feet (6') in height. Areas for outdoor equipment storage are located east of an interior driveway. One (1) outdoor storage area for bricks is planned is also planned in this area.

In addition to the landscaping component, the Petitioners will have a nursery with two (2) membrane flower storage areas and areas for growing trees, bushes, and flowers. The nursery area will be located south of the gravel driveway.

One (1) one point five (1.5) story, approximately one thousand three hundred ninety-two (1,392) square foot house, is located on the property. There is one (1) approximately five hundred fifty (550) square foot detached garage, one (1) approximately one thousand seventy (1,070) square foot accessory building (labeled as machine tool shop, storage, breakroom and meeting room on the site plan), one approximately seven hundred (700) square foot chicken coop, and one (1) approximately three eight hundred sixty (3,680) square foot accessory building (labeled as equipment storage on the site plan). Two (2) silos are also located on the property.

Any structures related to the landscaping business would be required to obtain applicable building permits, including changes in occupancy.

The property is served by a well and septic. Employees would use these facilities, if at the property. Since no retail sales would occur at the property, few, if any, guests of the business would be on the property to use restroom facilities.

The property has a propane tank, which will be protected by bollards.

No dedicated refuse area for non-landscape related waste was shown on the site plan. Garbage would be removed using a commercial hauler.

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit. WBK Engineering submitted comments on the stormwater management permit application, which were provided. To date, WBK Engineering has not commented on the new calculations.

Per the site plan, the Petitioners' propose to make the driveway off of Grove Road as the main access point. This driveway is approximately seven feet (7') wide. The Petitioners propose to widen the driveway to approximately fifteen feet (15') in width. The driveway expands to twenty-four feet (24') in width west of the propane tank. The Petitioners are pursuing a variance related to this driveway.

The property also has access from Route 126.

The Illinois Department of Transportation submitted an email on March 31, 2023. The Petitioners agreed to keep IDOT informed of the activities at the property and IDOT said they would evaluate the existing access permit, if necessary, in the future. This email was provided.

According to the site plan, the Petitioners propose nine (9) parking spaces south of the brick storage and equipment storage area along the southern driveway. One (1) handicapped accessible parking space is proposed north of the existing garage.

The southern driveway would be gravel and would be twenty-four feet (24') in width.

One (1) north-south twenty foot (20') wide driveway would be located between the storage areas and stockpiles and a second fifteen foot (15') wide east-west driveway would be located between the two (2) equipment storage and truck parking area. These drives would be gravel.

One (1) twenty-four foot (24') wide gravel driveway would run from the southern driveway to the handicapped parking space.

The driveway north of the handicapped parking space to Route 126 would be asphalt.

The existing conditions survey and the site plan show five (5) lights attached to the middle portions of buildings, two (2) lights at building corners, and one (1) new eighteen foot (18') tall wall mounted light. These lights are considered necessary for security reasons. The sign at the northeast corner of the property would also be illuminated from 6:00 a.m. until 11:00 p.m. as allowed by the Zoning Ordinance.

According to the site plan, the Petitioners propose to install one (1) thirty-two (32) square foot wooden sign near the northeast corner of the property. The sign would be illuminated as detailed previously.

Two (2) proposed "Do Not Enter" signs are proposed at the driveway on Route 126. One (1) "No Left Turn" sign is proposed in the same area. These signs might removed or altered if right-in, right-out access is granted at this entrance.

Other than lighting, no other security information was provided.

The site plan and landscaping plan show twenty-six (26) black hill spruce trees and ten (10) emerald green arborvitae near the north property line. The spruce trees are approximately seven (7') feet in height and the arborvitae are approximately twelve (12') feet in height. There are twenty-eight (28) white pines and twenty-one (21) arborvitae at the southeast corner of the property. The white pines are approximately ten feet (10') in height and the arborvitae are approximately twelve (12') feet in height. Several other plantings are scattered throughout the site, including landscaping around the sign at the northeast corner of the property.

On the landscaping plan the Petitioners noted the existing row of trees located to the west of the subject property. The Petitioners are agreeable to planting trees on the subject property if the trees on the adjoining property are removed.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the nineteenth (19th) special use permit for a landscaping business in unincorporated Kendall County.

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

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. Petitioners plan to preserve existing buildings and the existing sign on the north accessory building. Areas surrounding the property are zoned and used for agricultural purposes. Petitioners plan for drainage and will maintain the existing direction, rate and volume of stormwater flowing in the handful of directions noted in the elevations submitted within the application. Petitioners will reduce use of the Route 126 driveway from full access to emergency right-out only use. The main entrance is sufficiently south of Route 126 and there is ample stacking to make a safe left turn into the main driveway without obstructing left turns from Grove Road

onto Route 126. Most of the variances requested relate to existing conditions. The location of the parking, loading and storage yard in the west half of the property relates to the circumstance that all existing buildings are centralized. The avoidance of paving for parking and loading and the loading space variation are the only new development needs for relief from the Zoning Ordinance.

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 makes 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 subject property is in a large A-1 Agricultural District. Growing of trees, shrubs and flowers is a form of agricultural use. Growing is one part of the use proposed in the application. The use will not impede farms on the four adjacent and opposing sides of the Property. The use is deemed legislatively compatible because it meets all of the requirements contained in the Zoning Ordinance for landscaping businesses, if permission is granted for outdoor storage of materials. The use at the subject property will meet several purposes for the A-1 district as outlined in Section 7:01.A of the Zoning Ordinance, including the preservation of fertile, tillable soils as a valuable natural resource by recharging soils and groundwater, by respecting grades and by engaging in a mix of soil planting and planting in potters, all the while re-using an existing residential home and outbuildings that have long existed. Reasonable restrictions, including hours of operation, maximum number of employees at the property, noise regulations, and lighting requirements are proposed that will protect the enjoyment and use of other properties in the vicinity.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Restrictions can be placed in the special use permit to address the number of people on the property. No retail customers will be on the property. As such, there are sufficient utilities on the property to handle the proposed uses. The intersection abutting the northeast corner of the Property is sufficiently designed with ample left turn stacking and a stop sign control for traffic crossing Route 126. The existing driveways are sufficiently connected to Grove Road (main driveway) and Route 126 (emergency limited access). Drainage on the property flows in three directions, with most stormwater eventually flowing south down a change in grade of roughly five feet (5'). Petitioners have restored a tile and respected drainage rights under the Illinois Drainage Code in the present placement of cement blocks to allow for the passage of stormwater in the one (1) area of the Property where it flows west and to avoid redirecting stormwater other than to the south. Otherwise, stormwater flows into the culverts along roadways. A stormwater management permit will be secured.

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. Petitioners provided an A-1 Agricultural District Table of Compliance addressing all elements of zoning compliance. Variations are necessary, but these variations are primarily related to preservation of existing buildings, structures, and improvements. New relief related to the loading and storage yard places this activity in an area where there was prior activity west of the smaller barn. The use area will benefit from a continuous screen of trees that have already been planted at a substantial height.

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. The use involves a commercial operation recognized as the use that will prevail at the property under the Land Resource Management Plan. The proposal is also consistent with a goal and objective found on page 10-11 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industry that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." ". . . encourage additional agriculture and agribusiness."

The proposed Findings of Fact for the variance to allow yard obstructions and parking areas in the setbacks were as follows:

The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The topography and stormwater flow runs west or south. Substantially all of the property south of the driveway from Grove Road is a flow route for storm volume. In attempting to avoid placement of the loading and storage yard away from the intersection and away from Grove Road, the drainage concerns and the loss of benefits of filtration and ground water recharging played a significant role in determining not to locate this yard south of its proposed location. With respect to the location of the existing garage, it is situated behind the house where such a garage would ordinarily exist, but the house was constructed one hundred (100) or more years ago before the expansion of the abutting roadways and the adoption of zoning regulations pertaining to the setback issue. The interior drive has existed for decades and the most logical location for an accessible parking stall is adjacent to the two buildings where an accessible space can be of benefit. The design of the space leaves all but roughly four feet of the space outside of the setback. These circumstances drive a finding in favor of the variations.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Due to the varying topography throughout the County and the circumstance that the property is a corner lot that was improved before 1922, it cannot be said that the concern causing the difficulty and hardship generally prevails in the A-1 Agriculture District.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The only new element relates to the parking, loading and storage area. Since the 1920's, the area near Route 126 has been higher land. This is evident in aerial photographs of the topography of the

area. Moreover, the use area to be occupied by the parking and loading area is similar to the use area that existed from at least the early 1980's until 2006. Petitioners do not propose the loading and storage area adjacent to the lot line, but plans for it at a distance of fifteen feet (15') from the right-of-way, but in the same area that has the historically higher elevation and the historical use. In plain terms, Petitioners are not the first to recognize this higher elevation and they did not create it any more than they created the grades, slopes and swales south of the barns that cause the area south of the driveway to be incapable of hosting the loading and storage area without presenting a visual obstruction, placing impermeable or less permeable surface over land that is saturated and helps to recharge groundwater while also filtering stormwater.

The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. Petitioners propose that none of the outdoor use should be plainly visible to passersby due to the screening.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. One (1) basis for the proposed location of the loading and storage yard is that it avoids placing the area in plain view. The yard will not create shadows or obstruct the flow of air. The yard itself does not contribute to traffic. In fact, it reduces traffic by avoiding excess trips Petitioners would make if they were required to store and load materials elsewhere. The conditions on the special use above also touch on changes to be made if the treeline west of the property no longer exists.

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

The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The topography of the Property and water concerns led to an effort to avoid as much impervious surface as possible. The request for an adjustment in the parking lot design to allow for the same twenty foot (20') parking space, but with a two foot (2') overhang, and an eighteen foot (18') space from tire to tail of a vehicle, is a di minimus request, but it avoids an extra several hundred feet of pervious surface in an area of storm flow, filtering and recharging.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. While applicable to several properties, this concern is not generally applicable to the A-1 district. The original parcel containing the property was a long, narrow farmstead that extended to the cemetery. Through various transactions, including estate and probate matters, the property was divided so that it became a roughly square lot with the southern one hundred eighty feet (180') being an area of significant surface and subgrade flow during rain events and wet seasons.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. Certainly, parking can be relocated. Nine (9) parking spaces for the use is also more than needed. Petitioners' preference for parking along the south side of the large barn may be personal. However, Petitioners could have placed these on the south side of the driveway and reduced the area of soil that would accept water for filtration and recharging purposes. In planning for this use and similar uses, there is a general design principal that consolidation of buildings, parking and loading is best for the use and for passersby as well as eventual neighbors.

The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variation has absolutely no impact on public welfare or on property and improvements in this vicinity.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Petitioners are providing more parking than is necessary for the use. However, the provision of more parking does not conclusively lead to substantial increases in congestion since we are dealing with parking for only a few vehicles above that which is necessary. Parking on the north line of the interior drive will consolidate activity and also allow vehicles to park in a line where they will not be as noticeable to traffic on either abutting street. The variation should impact property values in any manner.

The proposed Findings of Fact for the variance to the Grove Road driveway construction were as follows:

The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The driveway has been in existence for a number of years and could be utilized by other agricultural uses on the property. Having the primary access off of Grove Road instead of Route 126 ensures that employees of the proposed use will not cause increase traffic congestion on Route 126 because the business deliveries will utilize the Grove Road access.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties zoned A-1 that were in existence prior to Kendall County adopting zoning in 1940 could have similar issues. The exact number of properties with lawfully non-conforming driveways is unknown.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. Petitioners did not construct the subject driveway.

The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The

maintenance of the driveway as proposed will not harm public welfare. No retail is planned for the site. Therefore, no large increase in the amount of vehicles entering and exiting the property on Grove Road is anticipated.

The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The variance will not cause congestion or endanger public safety because little additional traffic is anticipated at the property. There should be no risk of fire and property values will not be impacted if the variance is granted.

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

1. The site shall be developed substantially in accordance with the site plan and landscaping plan.
2. Pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan (Attachment 4) may be adjusted to reflect this access. (Added at ZPAC)
3. A variance to Section 4:05.B and Section 11:02.F.7 of Kendall County Zoning Ordinance shall be granted to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126. (Clarified After ZPAC)
4. A variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance shall be granted to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2').
5. A variance to Section 4:09.A of the Kendall County Zoning Ordinance shall be granted to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the

subject property and shall promptly clean up the site if leaks occur.

10. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be six feet (6') in height.
11. No retail sale of landscaping materials may occur at the subject property.
12. A maximum of seventeen (17) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
13. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
14. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
15. Signage shall be limited to the signs shown on the site plan. Signage may be illuminated as outlined on the site plan. Signs within rights-of-way may be relocated to another location on the property if requested by the Illinois Department of Transportation without the need to amend this special use permit. Religious signs in existence on the property at the time of application submittal shall be exempt from permitting requirements.
16. Except for the lighting around the business sign, the lights shown on the site plan shall be considered for security purposes.
17. Damaged or dead plantings described on the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
18. Any vegetation described on the landscaping plan that has not been installed by the approval date of this special use permit shall be installed within ninety (90) days of the approval of the special use permit. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation.
19. The owner of the subject property shall plant trees to fill in the gaps on the western property line as outlined in the landscaping plan. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to plant the screening. The site plan may be adjusted without an amendment to the special use permit to reflect the addition of these trees.
20. Vegetation related to the operations of a nursery on the property shall be exempted from the planting and vegetation maintenance requirements of this special use permit.

21. No landscape waste generated off the property can be burned on the subject property.

22. The noise regulations are as follows:

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

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

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

Only those homes in existence prior to the issuance of the special use permit can file noise complaints. (Added at RPC).

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

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

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

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

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

28. This special use permit and variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

The proposed findings of fact for the variances related to the house and accessory buildings were as follows:

The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The dominant physical surroundings of the Property are Route 126 and Grove Road, neither of which existed in their current form when the property hosted a home as close to these rights-of-way as it existed at least as early as the 1920's. The County's 1939 aerial imagery clearly shows the home at the present location. All accessory buildings and use areas were created based on the location of the home in the northeast corner of the property, with tillable land surrounding them for the past 100 years.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The subject property has been in its current configuration since the 1920's prior to the adoption of the current Kendall County Zoning Ordinance. The abutting roads became substantially larger than the township roads that existed at the time of construction on the property. While there are other properties in the A-1 Agriculture District that face the same issue of longstanding buildings rendered nonconforming, it cannot be generally said that the improvements in the setback area generally predate County zoning or amendments thereto.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioners had no role in the difficulty or hardship in this instance as it developed as early as the 1920's and with areawide changes in roadways and highways since then.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The County has already determined that the improvements in the setback are not materially detrimental to the public welfare or the neighborhood because the County protects these buildings as nonconforming structures and uses. Petitioners could continue the use of the buildings as nonconforming structures.

The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The buildings are existing and well distanced from neighboring land. The buildings are adequately distanced from both Grove Road and Illinois Route 126 and the State and County have safely constructed, enlarged and maintained public rights of way without problems caused by the buildings for which the variations are requested.

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

1. A variance to Section 7:01.G.2.a of the Kendall County Zoning Ordinance to allow the existing house to be no closer than seventy-three feet (73') south of the right-of-way line of Route 126 and no closer than twenty-one feet (21') west of the right-of-way line of Grove Road as depicted on the survey.
2. A variance to Section 7:01.G.2.b of the Kendall County Zoning Ordinance to allow accessory structures no closer than fifty-seven feet (57') south of the right-of-way line of Route 126 and no closer than fifty-three feet (53') west of the right of the right-of-way line of Grove Road as depicted on the survey .
3. Failure to comply with one or more of the above conditions or restrictions could result in the revocation of this variance.
4. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
5. These variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same uses conducted on the property.

Chairman Mohr asked why the driveway off of Route 126 would continue to exist. Mr. Asselmeier responded because the driveway already existed and it will be used as an emergency exit only unless the Illinois Department of Transportation grants approval for right-in, right-out access. The Grove Road access already exists.

Member LeCuyer asked why handicapped parking was proposed. Mr. Asselmeier responded that the Americans With Disabilities Act requires the parking space.

The owner of the landscaping business intends to live in the house and use the house as an office for landscaping and nursery business.

Chairman Mohr opened the public hearing at 7:58 p.m.

Mark Daniel, Attorney for the Petitioners, noted that the driveway off of Route 126 was restricted to residential and agricultural uses. He noted the width of Route 126 at this location. He noted the location of the septic system northeast of the house. If destruction of the home occurred, a replacement house would likely be placed in the same area as the existing house.

Chairman Mohr asked if adequate space existed for the bike trail. Mr. Asselmeier responded that no party requested additional right-of-way for a trail.

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

Member Cherry asked if the business started before the special use permit was issued. Mr. Asselmeier responded yes. Mr. Daniel said the nursery was operating at the property, which is allowed.

The trees were planted in the fall of 2022.

Member Whitfield made a motion, seconded by Member LeCuyer, to approve the findings of fact for the special use permit and all of the variances for both petitions.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Mr. Asselmeier noted that the Kendall County Regional Planning Commission added a sentence to noise condition stating that only homes in existence prior to the issuance of the special use permit can file noise complaints. Mr. Asselmeier noted this was the first time this sentence had been added to the noise restriction. He favored adding the phrase "or permitted" after "in existence" in order to have a County controlled paper trail instead of relying on third party aerials for determining the age of houses.

Member Fox made a motion, seconded by Member LeCuyer, to add the phrase as mentioned previously by Mr. Asselmeier.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Member LeCuyer made a motion, seconded by Member Thompson, to approve Staff's recommendation as amended.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Member LeCuyer made a motion, seconded by Member Prodehl, to recommend approval of the special use permit and related variances.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Member Whitfield made a motion, seconded by Member Fox, to recommend approval of the requested variances in Petition 23-20.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Na-Au-Say Township will be notified of the results of the hearing related to the variances.

Petition 23-19 goes to the Planning, Building and Zoning Committee on May 8, 2023.

The Zoning Board of Appeals completed their review of Petition 23-19 and Petition 23-20 at 8:11 p.m.

Several members expressed frustration that Petitioners were submitting after-the-fact-applications.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petitions 23-02, 23-03, and 23-04, pertaining to Agricultural Conservation Areas in Lisbon Township were approved by the County Board. The Areas would be displayed as overlays on the Future Land Use Map.

PUBLIC COMMENTS

Mr. Asselmeier said that no Petitions were on the agenda for the May 30, 2023, hearing/meeting.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

With a voice vote of seven (7) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:13 p.m.

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

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

Exhibits

1. Memo on Petition 23-01 Dated April 3, 2023
2. Certificate of Publication and Certified Mail Receipts for Petition 23-01 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. April 3, 2023, Email from the Oswego Fire Protection District Regarding Petition 23-01
4. Memo on Petition 23-17 Dated April 27, 2023
5. Certificate of Publication and Certified Mail Receipts for Petition 23-17 (Not Included with Report but on file in Planning, Building and Zoning Office)
6. Memo on Petition 23-19 Dated April 27, 2023
7. Certificate of Publication and Certified Mail Receipts for Petition 23-19 (Not Included with Report but on file in Planning, Building and Zoning Office)
8. Memo on Petition 23-20 Dated March 27, 2023 and Updated April 27, 2023
9. Certificate of Publication and Certified Mail Receipts for Petition 23-20 (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 23-24

**Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner)
and Pulte Home Corporation (Billboard Owner)**

M-2 Special Use – Renewal of a Special Use Permit for an Off-Premise Advertising Sign at the Northeast Corner of Route 34 and Hafenrichter (Farnsworth)

INTRODUCTION

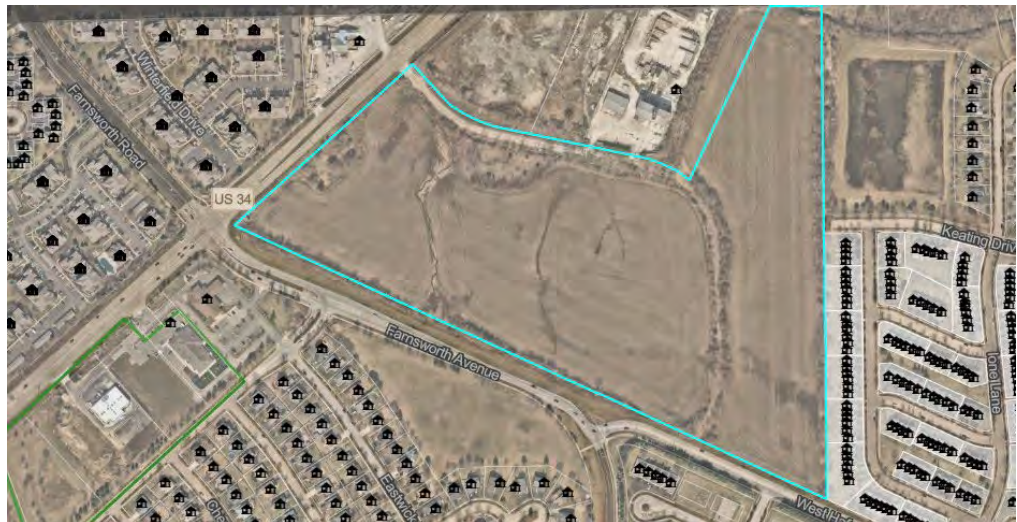
In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. The special use was renewed again in 2021 through Ordinance 2021-17 Restriction Number 2.C of the 2021 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

SITE INFORMATION

PETITIONER Dave Hamman on Behalf of KEKA Farms, LLC and Pulte Home Corporation

ADDRESS No Address Has Been Assigned to the Sign

LOCATION Northeast Corner of Route 34 and Hafenrichter (Farnsworth)



TOWNSHIP Oswego

PARCEL # 03-01-127-006

LOT SIZE 42.89 acres (Sign is on the southwest corner.)

EXISTING LAND USE Agricultural

ZONING M-2 Heavy Industry District with a Special Use Permit (Off-Premise Sign)

LRMP	Land Use	County: Commercial and Suburban Residential (Max 1 DU/Acre) City of Aurora: Commercial
	Roads	Route 34 is maintained by IDOT Hafenrichter/Farnsworth is a Local Road Maintained by Oswego Township.
	Trails	Aurora has a trail planned along Hafenrichter.
	Floodplain/ Wetlands	There are no wetlands or floodplain on the property.

REQUESTED ACTION Renewal of the Special Use Permit Awarded by Ordinance 2004-43 Granting a Special Use Permit for an Off-Premise Advertising Sign at the Subject Property

APPLICABLE REGULATIONS Section 12:06.A – Signs – General Standards

Section 12:12 – Signs – Special Use Signs: Commercial off-premise advertising structures may be permitted via a special use only in the M-2 and M-3 Manufacturing Districts.

Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Industrial	M-2 SU	Low Density Residential (0-5 du/acre) (Aurora)	Aurora, Kane County, DuPage County and M-2 SU in Unincorporated Kendall County
South	Commercial/Residential	Aurora (B-2(S), R-1(S) and R-5(S))	Low Density Residential (0-5 du/acre) and Commercial (Aurora)	Aurora and R-3 in Unincorporated Kendall County
East	Agricultural/Residential	Aurora (R-1(S) and R-5(S))	Low Density Residential (0-5 du/acre) and Medium Density Residential (6-10 du/acre) (Aurora)	Aurora and Will County
West	Residential	Aurora (R-5(S))	Commercial, Light Industrial and Industrial (Aurora)	Aurora, A-1, M-1 SU, and B-3 in Unincorporated Kendall County

PHYSICAL DATA

ENDANGERED SPECIES REPORT

Not Required

NATURAL RESOURCES INVENTORY

Not Required

ACTION SUMMARY

OSWEGO TOWNSHIP

Petition information was sent to Oswego Township on June 21, 2023.

CITY OF AURORA

Petition information was sent to the City of Aurora on June 21, 2023. The property owner has been in annexation negotiations with the City of Aurora. The sign will likely be removed if the property is annexed.

OSWEGO FIRE PROTECTION DISTRICT

Petition information was sent to Oswego Fire Protection District on June 21, 2023.

ZPAC

ZPAC reviewed the proposal at their meeting on July 5, 2023. ZPAC recommended approval of the renewal by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the meeting are included as Attachment 7.

RPC

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on July 26, 2023. The Kendall County Regional Planning Commission recommended approval of the renewal by a vote of six (6) in favor, zero (0) in opposition, and one (1) abstain. The minutes of the meeting are included as Attachment 8.

GENERAL INFORMATION

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign. Renderings of the sign and the petitioner's application (including lease, findings of fact, and site plan) are included as Attachment 1.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions. Ordinance 2004-43 is included as Attachment 2, Ordinance 2017-14 included as Attachment 3, Ordinance 2019-22 is included as Attachment 4, and Ordinance 2021-17 is included as Attachment 5.

The restrictions imposed by Ordinance 2021-17 include:

1. The sign shall look substantially in the form as shown in the attached Exhibit.
2. The sign shall be located substantially in the location depicted on the attached Site Plan.
3. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
4. The sign will not be illuminated.
5. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.

7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Pursuant to Section 12:06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

A picture of the sign is included as Attachment 6.

BUILDING CODES

Since the sign is pre-existing, a building permit would not be required.

ACCESS

Not Applicable

TRAILS

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

PARKING

Not Applicable

LIGHTING

The sign will not be illuminated.

SIGNAGE

Not Applicable

SCREENING

Not Applicable

STORMWATER

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

EASEMENTS

No easements are believed to be impacted by the proposed sign.

FINDINGS OF FACT

*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 that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.***

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

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other***

facilities.

*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. **True, the proposed special use shall conform to the applicable regulations of the district.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.***

RECOMMENDATION

If approved, Staff recommends the following conditions be included in the approving special use ordinance:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

ATTACHMENTS

1. Application (Including Renderings, Site Plan, and Applicant's Findings of Fact)
2. Ordinance 2004-43
3. Ordinance 2017-14
4. Ordinance 2019-22
5. Ordinance 2021-17
6. Picture of Sign
7. July 5, 2023, ZPAC Minutes (This Petition Only)
8. July 26, 2023, 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 _____ **FILE #:** _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)		
Taylor Scott		
CURRENT LANDOWNER/NAME(s)		
Dave Hamman		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 42.39	SE corner of Hafenrichter and Route 34	PIN 03-01-127-006
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
	M2	
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Taylor Scott	████████████████████	████████████████████
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
██████████	██████████	██████████
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
N/A	N/A	N/A
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
N/A	N/A	N/A
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT	DocuSigned by: ████████████████████ C211884E8E31MD8	DATE 5/31/2023

FEE PAID:\$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County
²Engineering Contact will receive all correspondence from the County's Engineering Consultants

14' TO TOP OF SIGN

12'



LINCOLN CROSSING

TWO-STORY SINGLE FAMILY HOMES
FROM THE **LOW \$400'S**

MODELS OPEN

LOCATED ON WOLF'S CROSSING NEAR EOLA

Join the Interest List

Pulte.com/LincolnCrossing



10" X 64" MDO PRICE PATCH
WHITE VINYL COPY ON
BACKGROUND PAINTED
RONAN DARK BLUE

16" X 16" MDO INFO PATCH
WHITE VINYL COPY ON
BACKGROUND PAINTED RED

**LINCOLN CROSSING: 12' X 16' DOUBLE-SIDED INFORMATIONAL BILLBOARD REFACE
3/8" MDO W/ VINYL COPY & DIGITALLY PRINTED DETAIL
BACKGROUND PAINTED RONAN DARK BLUE- MOUNTED TO EXISTING WOOD COLUMNS
LOCATED AT FARNSWORTH & OGDEN (FORMERLY READING "MEADOW RIDGE")**



426 W. FIFTH AVENUE
NAPERVILLE, IL 60563

PH: 630-357-2300
FAX: 630-357-3977

33 DATE: FEBRUARY 26, 2022
signs@signsnownaperville.com



BILLBOARD LEASE AGREEMENT

Lessee:

Pulte Home Corporation

1900 E. Golf Road, Suite 300

Schaumburg, IL 60173

Contact: Heather Lawson, Director of Marketing

Ph: 847.230.5400 (main) ext. 5334

Fax: 847.969.9395

Lessor:

NGH Farms, LLC

Attn: Dave Hamman

[Redacted]

Ph: [Redacted]

Fax 1: [Redacted]

Fax 2: [Redacted]

Sign Location: Northeast Corner of Farnsworth and Ogden avenues, in unincorporated Kendall County, Illinois

Sign Information: 12' X 16' double face sign

Terms of Contract

1. Sign owner to maintain sign structure.
2. Contract term of 12 months from the date of signed contract. Renewable for additional time as needed and agreed upon by Lessee and Lessor.
3. Advertiser and property owner have a mutual cancellation policy with 30 days written notice.
4. Rent: \$800.00 per month payable monthly for double face sign. Installation and maintenance of faces shall be the sole responsibility of Lessee during the duration of the lease agreement. Agreement is null & void if sign location is deemed illegal.

I HAVE READ AND UNDERSTAND THE LEASE AGREEMENT STATED ABOVE

AUTHORIZED SIGNATURES

DocuSigned by:
 [Redacted]
 F3FDFF3993FB4ED
 Signature of Pulte Home Corporation

11/2/2022

Date

[Redacted]
 Signature of Lessor

[Redacted]
 Date

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 sign will not impact the items listed above.

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 sign will not impact the items listed above or any adjacent uses. Note: the sign is not and will never be illuminated.

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

Not applicable for the sign.

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

To the best of my knowledge, the special use for the sign does conform to 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.

To the best of my knowledge, the special use for the sign is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

May 31, 2023

KEKA Farms, LLC
Dave Hamman



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

Planning, Building & Zoning Department:

On behalf of KEKA Farms LLC, I am writing this letter to grant permission/approval to Pulte Homes to renew the special use permit for the sign located on my property at Hafenrichter and Route 34 (PIN 03-01-127-006).

Sincerely,



Dave Hamman, Manager

03-01-127-006

03-01-200-012

03-01-127-004

Zoning Petition #0457

State of Illinois
County of Kendall

ORDINANCE NUMBER 2004 - 43
GRANTING SPECIAL USE
SOUTHEAST CORNER OF HAFENRICHTER AND ROUTE 34

WHEREAS, Centex Homes filed a petition for a Special Use within the M-2 district, for property generally located at the intersection of Hafenrichter and Route 34 in Oswego Township; and

WHEREAS, said petition is to allow an off-premise advertising sign, as provided in Sections 12.11 and 12.12 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is zoned M-2: Manufacturing; and

WHEREAS, said property is legally described as follows:

Part of the north half of Section 1, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township Kendall County Illinois

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

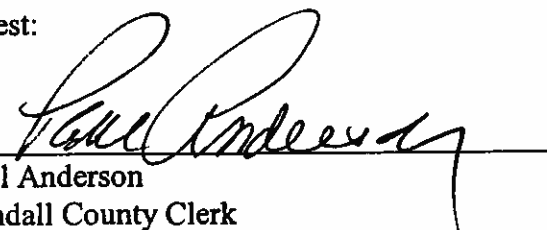
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a SPECIAL USE PERMIT to permit an off-premise advertising sign on the subject parcel as depicted in Group Exhibits "A" and "B" attached hereto and made a part hereof, subject to the following conditions:

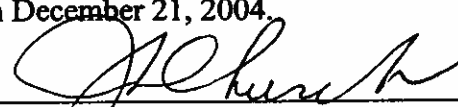
1. The sign will be removed or Centex Homes will apply to renew their special use in three years from the date of this ordinance.
2. The sign will not be illuminated; and
3. The advertising on the sign is restricted to Centex Homes' developments.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

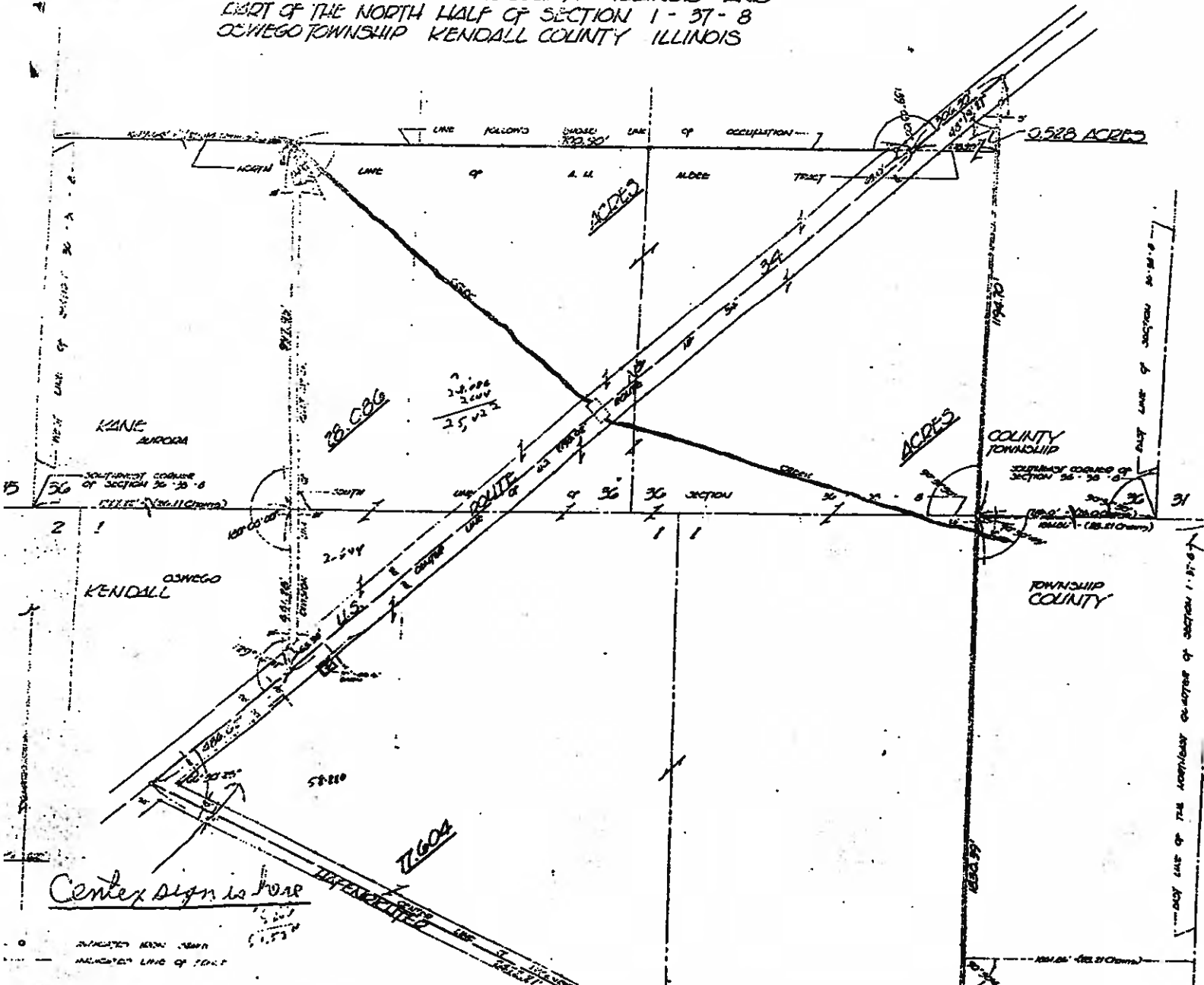
IN WITNESS OF, this ordinance has been enacted on December 21, 2004.

Attest:


Paul Anderson
Kendall County Clerk


John A. Church
Kendall County Board Chairman

PART OF THE SOUTH HALF OF SECTION 36-38-8
 AURORA TOWNSHIP KANE COUNTY ILLINOIS AND
 EAST OF THE NORTH HALF OF SECTION 1-37-8
 OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS



State of Illinois)
 County of Kane)

This is to certify that we, Donahue and Thornhill, Illinois Registered Land Surveyors, have surveyed that part of the South Half of Section 36, Township 38 North, Range 8 East of the Third Principal Meridian and part of the North Half of Section 1, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the southeast corner of said Section 36; thence westerly along the south line of said Section 36, 1716.0 feet (26.00 chains) for a point of beginning; thence northerly parallel with the east line of said Section 36, 1796.76 feet to the center line of U.S. Route No. 36; thence southwesterly along said center line 306.50 feet to the north line of a tract of land conveyed to A.M. Alder; thence westerly along said north line forming an angle of 139-03'06" with the last described course (measured counter-clockwise therefrom) 1700.90 feet to a point that is 1670.04 feet (25.44 chains) westerly of the west line of said Section 36; thence southerly along a line forming an angle of 22-17'17" with the last described course (measured clockwise therefrom) 107.83 feet to a point on the south line of said Section 36 that is 1727.22 feet (26.17 chains) easterly of the southeast corner of said Section 36; thence continuing southerly along the prolongation of the last described course 11.28 feet to the center line of said U.S. Route No. 36; thence southwesterly along said center line 486.62 feet to the center line of Hefner-ichter Road; thence southwesterly along the center line of said Hefner-ichter Road 2472.21 feet to a line drawn parallel with the east line of the Northwest Quarter of said Section 1 from the point of beginning; thence northerly along said parallel line 1830.39 feet to the point of beginning. In Aurora Township, Kane County and Oswego Township, Kendall County, Illinois and containing 105.690 acres, as shown by the plot hereon drawn which is a correct representation of said survey. All distances are shown in feet and decimal parts thereof.

Dated at Geneva, Illinois, April 3, 1973

John D. Donahue
 Illinois Registered Land Surveyor No. 1740


DONAHUE AND THORNHILL
 GENEVA ILLINOIS

8'

CENTEX HOMES

Crossings at Wolf Creek

Homes from \$170's-\$300's

 Buyer's Welcome

South on Rte. 59 to 119th West

7.5"

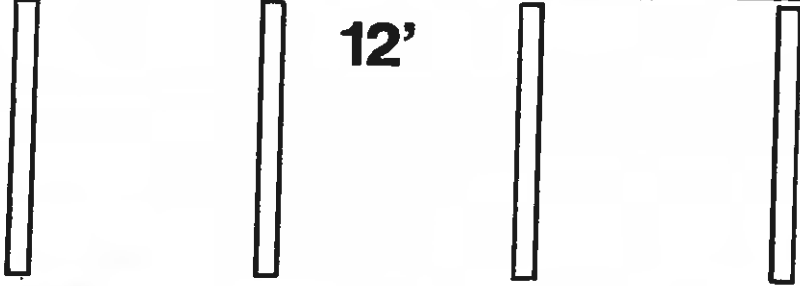
14.5"

19"

7"

12'

48" ABOVE GRADE




8'

CENTEX HOMES

Springbrook at Farmington Lakes

Townhomes from \$150's-\$180's

 Buyer's Welcome

Rte. 34 West to Douglas North

7.5"

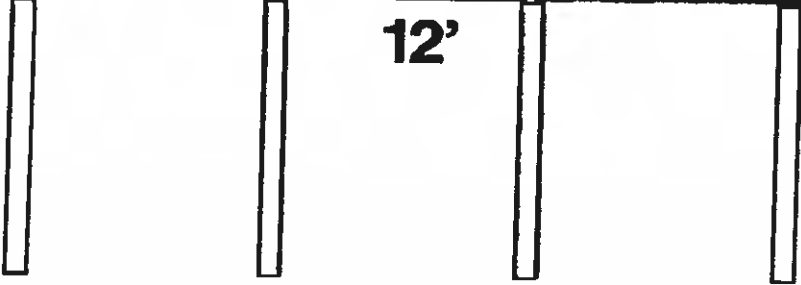
14.5"

19"

7"

12'

48" ABOVE GRADE



State of Illinois
County of Kendall

Zoning Petition
#17-19

ORDINANCE NUMBER 2017 - 14

GRANTING A SPECIAL USE PERMIT FOR
**THE RENEWAL OF A SPECIAL USE PERMIT FOR A COMMERCIAL OFF-
PREMISE ADVERTISING STRUCTURE (BILLBOARD) ON THE PARCEL
IDENTIFIED AS 03-01-127-006 AND REVOKING THE SPECIAL USE PERMIT FOR A
COMMERCIAL OFF-PREMISE ADVERTISING STRUCTURE (BILLBOARD) ON
THE PARCEL IDENTIFIED AS 03-01-127-004 LOCATED AT THE CORNER OF
ROUTE 34 AND HAFENRICHTER (FARNSWORTH) IN OSWEGO TOWNSHIP**

WHEREAS, the Kendall County Board granted a special use permit for a commercial off-premise advertising structure at the corner of Route 34 and Hafenrichter (Farnsworth) by Ordinance 2004-43 on December 21, 2004; and

WHEREAS, Ordinance 2004-43 granted a special use permit for the properties identified by Parcel Identification Numbers 03-01-127-006 and 03-01-127-004; and

WHEREAS, Ordinance 2004-43 required that the special use be renewed every three years; and

WHEREAS, the Pulte Group representing Dave Hamman petitioned for the renewal of the special use permit allowed by Ordinance 2004-43; and

WHEREAS, the petitioners propose to retain the sign on the parcel identified by Parcel Identification Number 03-01-127-006 and to revoke the special use permit on the parcel identified by Parcel Identification Number 03-01-127-004; and

WHEREAS, said property is currently zoned M-2 Heavy Industrial District with a special use permit for a commercial off-premise advertising structure; and

WHEREAS, said property is legally described as:

PART OF THE NORTH HALF OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN OSWEGO TOWNSHIP KENDALL COUNTY, ILLINOIS

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on August 28, 2017; and

WHEREAS, the Findings of Fact were approved 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 that the sign is placed in a location in compliance with Section 12 of the Kendall County Zoning Ordinance, the special use will not be detrimental to or endanger the public***

State of Illinois
County of Kendall

Zoning Petition
#17-19

health, safety, morals, comfort, or general welfare of the public.

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

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.***

*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 Hearing Officer. **True, the proposed special use shall conform to the applicable regulations of the district.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.***

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby grants approval of a special use zoning permit to for the placement of a commercial off-premise advertising structure on the parcel identified by Parcel Identification Number 03-01-127-006 in accordance to the submitted Site Plan included as "Exhibit A and Exhibit B" attached hereto and incorporated herein subject to the following conditions:

1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
2. The sign will not be illuminated.

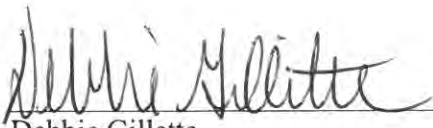
State of Illinois
County of Kendall

Zoning Petition
#17-19

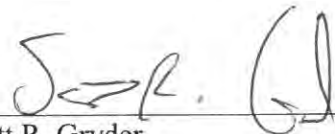
3. The advertising on the sign is restricted to Pulte Group's residential development.
4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

IN WITNESS OF, this ordinance has been enacted on September 19, 2017.

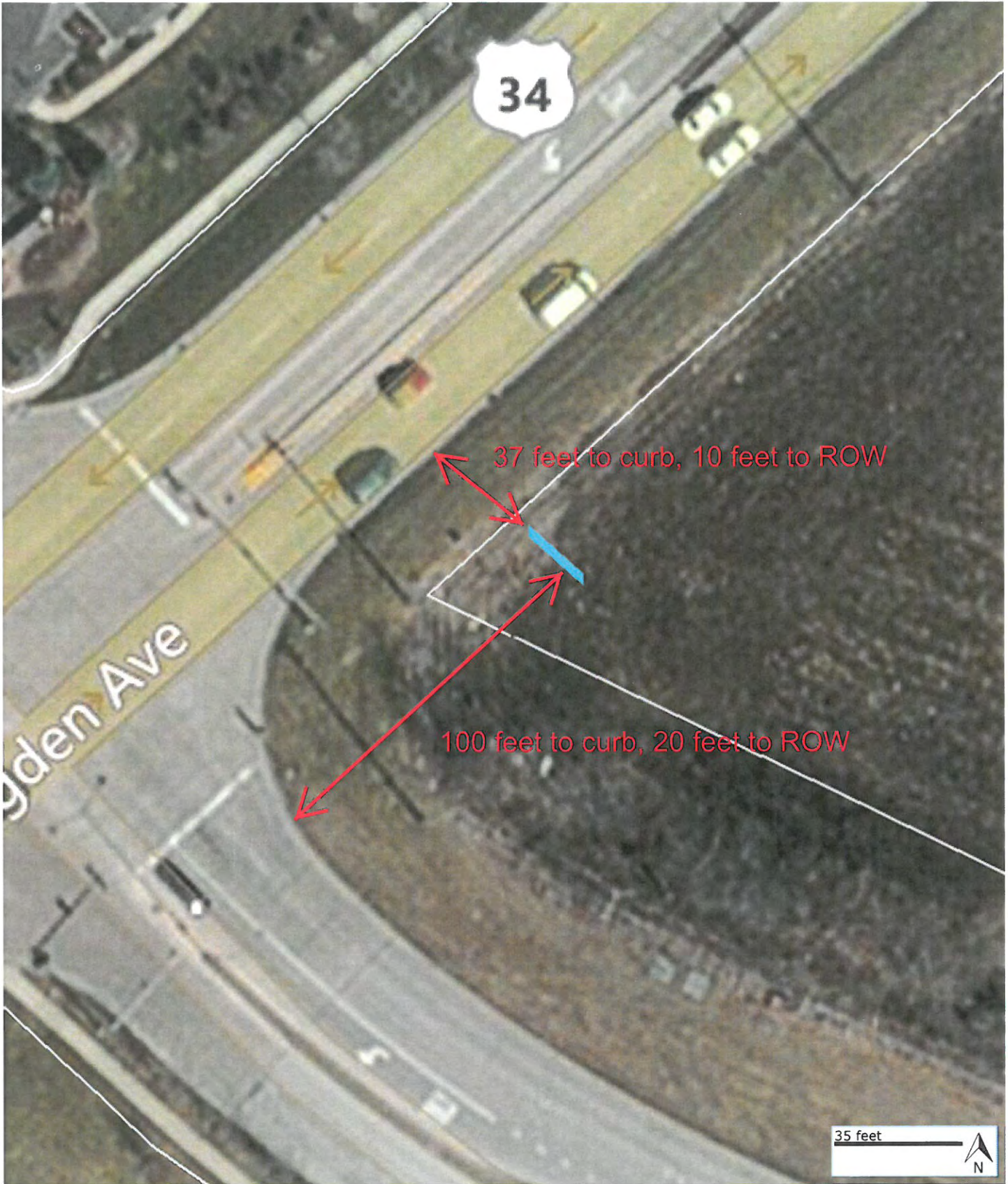
Attest:



Debbie Gillette
Kendall County Clerk



Scott R. Gryder
Kendall County Board Chairman



12'x16' Double Sided Informational Billboard.
NE Corner OF Fransworth & Ogden In Aurora.

192 SQ. FT.



12"x192" Single Sided Model Now Open Patch.
3/8" MDO Painted Ronan Dark Blue w/White Vinyl Copy.
Qty: 2

Sign is not illuminated. Sign is 12' tall with 2' tall posts= 14' from ground to top of sign. Sign is 16' wide. 3/8" MDO Painted Ronan Dark Blue w/ White. Duranodic Bronze and Digital Vinyl. MDO Mounted to 2 White Wooden 10" x 10" columns.

Approval Signature

signsnow215@gmail.com

Phone: 630-357-2300
Fax: 630-357-3977

SIGNSNOW 426 W. Fifth Ave.
Naperville, IL. 60563

State of Illinois
County of Kendall

Zoning Petition
#19-25

ORDINANCE NUMBER 2019- 22

**GRANTING A RENEWAL TO A SPECIAL USE PERMIT GRANTED BY ORDINANCE 2004-43
ON PROPERTY ZONED M-2 HEAVY INDUSTRIAL DISTRICT FOR AN OUTDOOR
ADVERTISING SIGN ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF U.S.
ROUTE 34 AND HAFENRICHTER (FARNSWORTH) (PIN: 03-01-127-006)
IN OSWEGO TOWNSHIP**

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits, make amendments to existing special use permits, and place conditions on special use permits and provides the procedure through which special use permits are issued and amended; and

WHEREAS, Section 12.12 of the Kendall County Zoning Ordinance permits the placement of outdoor advertising structures and off-premise advertising signs as a special use permit with certain restrictions in the M-2 Heavy Industrial Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the M-2 Heavy Industrial Zoning District and consists of approximately 42.93 acres located at the southeast corner of the intersection of U.S. Route 34 and Hafenrichter (Farnsworth) (PIN: 03-01-127-006) in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property."; and

WHEREAS, the subject property is currently owned by KEKA Farms, LLC and is represented by Dave Hamman and the owner leases the property to Pulte Group and shall collectively hereinafter be referred to as "Petitioner"; and

WHEREAS, on December 21, 2004, the Kendall County Board approved Ordinance 2004-43 granting a special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

WHEREAS, Condition #1 of Ordinance 2004-05 required that the special use granted by said ordinance be renewed every three years;

WHEREAS, on September 19, 2017, the Kendall County Board approved Ordinance 2017-14 granting a renewal of the special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

WHEREAS, Condition #1 of Ordinance 2017-14 and Section 12.06.A.4 of the Kendall County Zoning Ordinance require special use permits for such signs to be renewed every two years; and

WHEREAS, on or about June 14, 2019, Petitioner filed a petition for renewal of the special use permit granted by Ordinance 2004-05 and renewed by Ordinance 2017-14; and

WHEREAS, following due and proper notice by publication in the Beacon-News on June 30, 2019, the Kendall County Zoning Board of Appeals conducted a public hearing on July 29, 2019, at 7:00 p.m. in the County Office Building at 111 W. Fox Street in Yorkville, at which evidence, testimony, and exhibits in support of the requested renewal to an existing special use permit was presented and zero members of the public testified in favor or in opposition to the request; and

State of Illinois
County of Kendall

Zoning Petition
#19-25

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval with conditions of the renewal to an existing special use permit as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated July 29, 2019, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested renewal to an existing special use permit with conditions; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this renewal to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a renewal to an existing special use permit allowing the placement of an outdoor advertising structure (billboard) on the subject property subject to the following conditions:
 - A. The sign shall look substantially in the form as shown in Exhibit C attached hereto.
 - B. The sign shall be located substantially in the location depicted on the Site Plan attached hereto as Exhibit D.
 - C. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
 - D. The sign will not be illuminated.
 - E. The advertising on the sign is restricted to Pulte Group's residential development.
 - F. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
 - G. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.

State of Illinois
County of Kendall

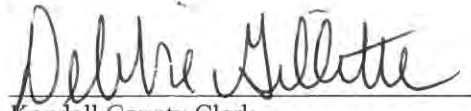
Zoning Petition
#19-25

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

3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 27th day of August, 2019.

Attest:


Kendall County Clerk
Debbie Gillette

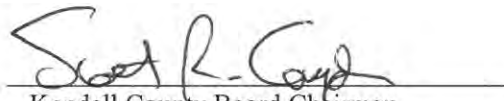

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

Legal Description

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A" 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE

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AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34

Exhibit B

FINDINGS OF FACT

*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 that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.***

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

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.***

*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. **True, the proposed special use shall conform to the applicable regulations of the district.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.***

Recommendation

The Kendall County Zoning Board of Appeals recommends approval of the requested renewal to an existing special use permit with the following conditions:

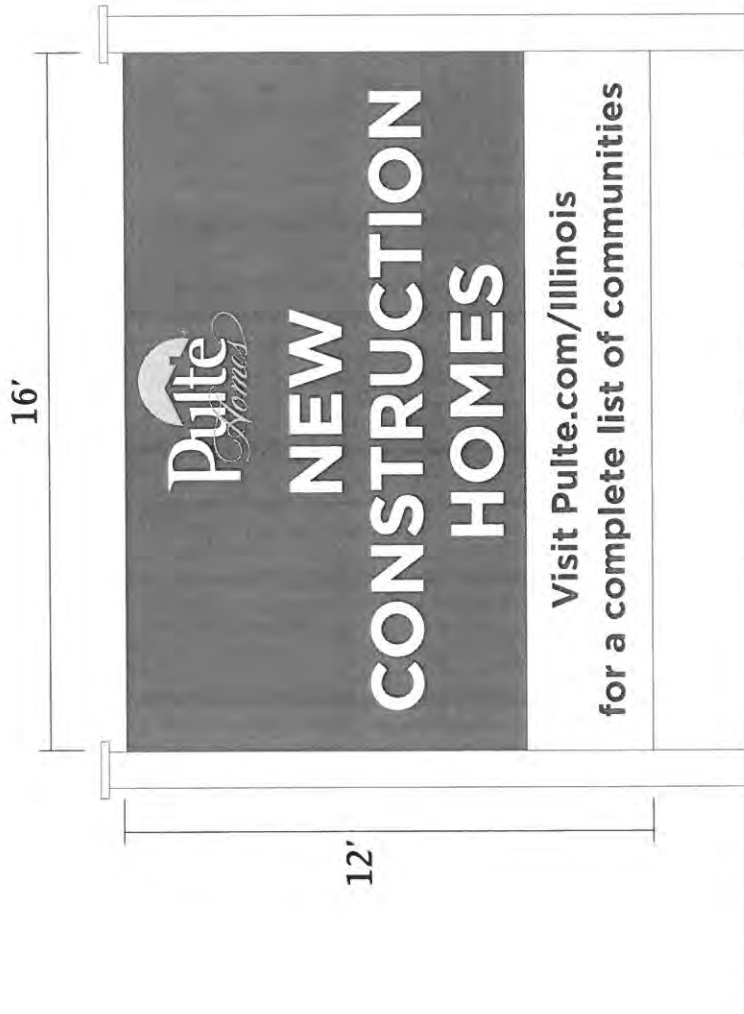
1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Group's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The Kendall County Zoning Board of Appeals issues this recommendation by a vote of six (6) in favor, zero (0) opposed, and one (1) absent.

July 29, 2019

Exhibit C

12'x16' Double Sided Informational Billboard.
NE Corner OF Fransworth & Ogdan In Aurora.



Sign is not illuminated. Sign is 12' tall with 2' tall posts = 14' from ground to top of sign.
 Sign is 16' wide. 3/8" MDO Painted Ronan Dark Blue w/ White, Duranodic Bronze and Digital Vinyl.

12'x16' Double Sided Billboard Re-face.
 3/8" MDO Painted Ronan Dark Blue w/White, Light Grey & Digital.
 Qty 1

Approval Signature _____

SIGNSNOW 426 W. Fifth Ave. Phone: 630-357-2300
 Naperville, IL 60563 Fax: 630-357-3977 Signs@SignsNowNaperville.com

EXHIBIT D



State of Illinois
County of Kendall

Zoning Petition
#21-24

ORDINANCE NUMBER 2021- 17

**GRANTING A RENEWAL TO A SPECIAL USE PERMIT GRANTED BY ORDINANCE 2004-43
ON PROPERTY ZONED M-2 HEAVY INDUSTRIAL DISTRICT FOR AN OUTDOOR
ADVERTISING SIGN ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF U.S.
ROUTE 34 AND HAFENRICHTER (FARNSWORTH) (PIN: 03-01-127-006)
IN OSWEGO TOWNSHIP**

WHEREAS, Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits, make amendments to existing special use permits, and place conditions on special use permits and provides the procedure through which special use permits are issued and amended; and

WHEREAS, Section 12:12 of the Kendall County Zoning Ordinance permits the placement of outdoor advertising structures and off-premise advertising signs as a special use permit with certain restrictions in the M-2 Heavy Industrial Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the M-2 Heavy Industrial Zoning District and consists of approximately 42.9 acres located at the southeast corner of the intersection of U.S. Route 34 and Hafenrichter (Farnsworth) (PIN: 03-01-127-006) in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, the subject property is currently owned by KEKA Farms, LLC and is represented by Dave Hamman and the owner leases the property to Pulte Home Corporation and shall collectively hereinafter be referred to as “Petitioner”; and

WHEREAS, on December 21, 2004, the Kendall County Board approved Ordinance 2004-43 granting a special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

WHEREAS, Condition #1 of Ordinance 2004-05 required that the special use granted by said ordinance be renewed every three years;

WHEREAS, on September 19, 2017, the Kendall County Board approved Ordinance 2017-14 granting a renewal of the special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

WHEREAS, on August 27, 2019, the Kendall County Board approved Ordinance 2019-22 granting a renewal of the special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

WHEREAS, Condition #2.C of Ordinance 2019-22 and Section 12:06.A.4 of the Kendall County Zoning Ordinance require special use permits for such signs to be renewed every two years; and

WHEREAS, on or about June 3, 2021, Petitioner filed a petition for renewal of the special use permit granted by Ordinance 2004-05 and renewed by Ordinance 2019-22; and

WHEREAS, following due and proper notice by publication in the Beacon-News on July 6, 2021, the Kendall

State of Illinois
County of Kendall

Zoning Petition
#21-24

County Zoning Board of Appeals conducted a public hearing on August 2, 2021, at 7:00 p.m. in the County Office Building at 111 W. Fox Street in Yorkville, at which evidence, testimony, and exhibits in support of the requested renewal to an existing special use permit was presented and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval with conditions of the renewal to an existing special use permit as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated August 2, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval with conditions of the requested renewal to an existing special use permit; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this renewal to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a renewal to an existing special use permit allowing the placement of an outdoor advertising structure (billboard) on the subject property subject to the following conditions:
 - A. The sign shall look substantially in the form as shown in Exhibit C attached hereto.
 - B. The sign shall be located substantially in the location depicted on the Site Plan attached hereto as Exhibit D.
 - C. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
 - D. The sign will not be illuminated.
 - E. The advertising on the sign is restricted to Pulte Home Corporation's residential development.

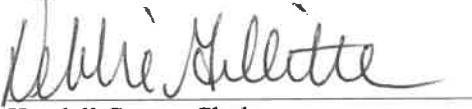
State of Illinois
County of Kendall

Zoning Petition
#21-24

- F. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
 - G. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
 - H. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 3. This renewal to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.
 - 4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 17th day of August, 2021.

Attest:


Kendall County Clerk
Debbie Gillette


Kendall County Board Chairman
Scott R. Gryder



Exhibit A

Legal Description

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A" 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

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AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on August 2, 2021, by a vote of four (4) in favor and zero (0) in opposition. Members Cherry, LeCuyer, and Whitfield were absent.

FINDINGS OF FACT

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

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.***

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

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.***

*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. **True, the proposed special use shall conform to the applicable regulations of the district.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.***

RECOMMENDATION

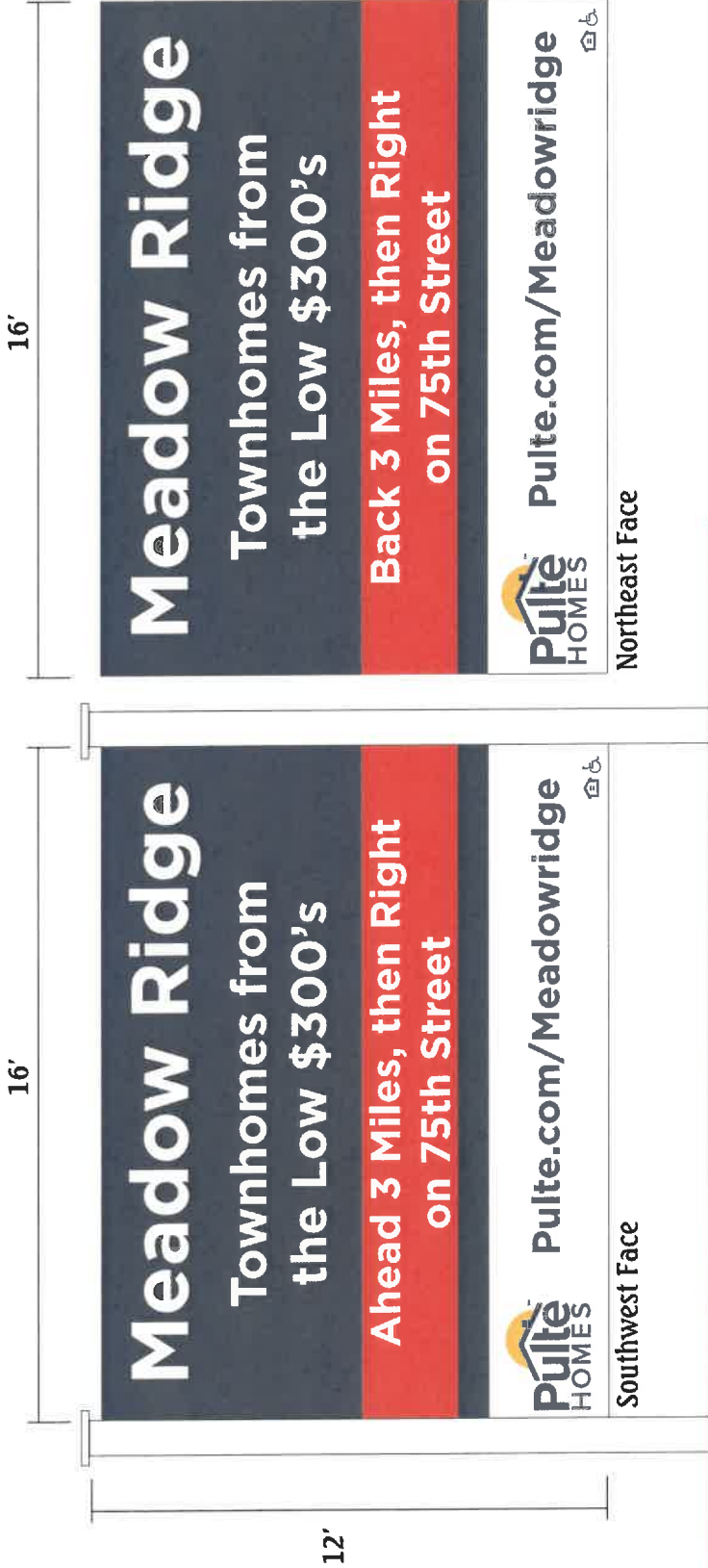
Approval subject to the following conditions:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.

6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Exhibit C

12'x16' Double Sided Informational Billboard.
NE Corner OF Fransworth & Ogden In Aurora.



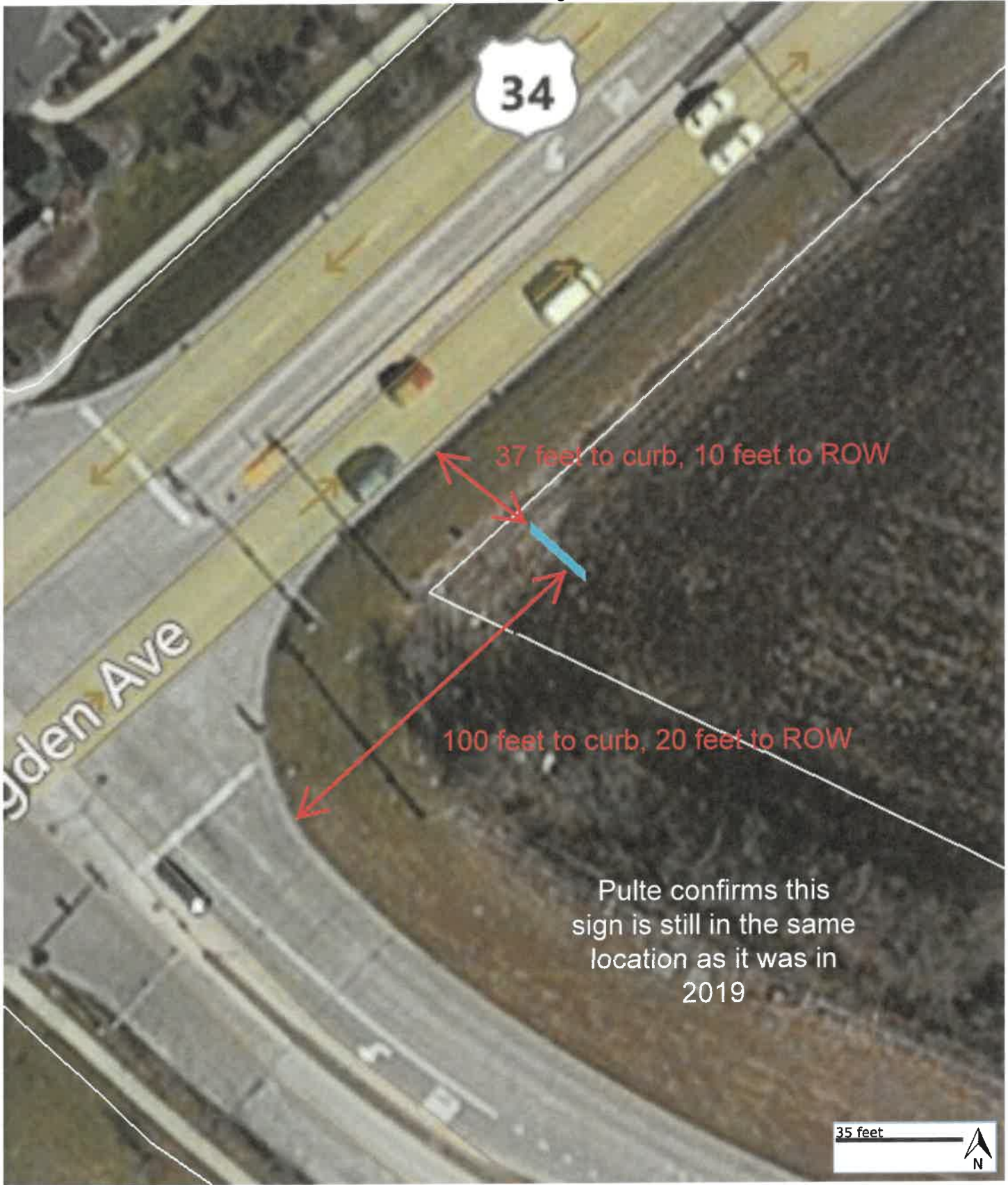
12'x16' Double Sided Billboard Re-face.
3/8" MDO Painted Ronan Dark Blue w/White, Red & Digital Vinyl.

Approval Signature _____



426 W. Fifth Ave. Phone: 630-357-2300
Naperville, IL. 60563 Fax: 630-357-3977

Signs@SignsNowNaperville.com





The sign is a large rectangular board with a white border and a dark blue background. It features the Pulte Homes logo at the top, followed by the project name 'LINCOLN CROSSING' in large white letters. Below that, it says 'TWO-STORY SINGLE FAMILY HOMES FROM THE LOW \$400'S'. A red horizontal band contains the text 'MODELS OPEN' in white. The bottom section of the sign, on a dark blue background, says 'LOCATED ON WOLF'S CROSSING NEAR EOLA', 'Join the Interest List', and 'Pulte.com/LincolnCrossing'.

Pulte
HOMES

LINCOLN CROSSING

**TWO-STORY SINGLE FAMILY HOMES
FROM THE LOW \$400'S**

MODELS OPEN

LOCATED ON WOLF'S CROSSING NEAR EOLA

Join the Interest List
Pulte.com/LincolnCrossing



KEEP ILLINOIS CLEAN

06/20/2023 13:58

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
July 5, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department (Arrived at 9:02 a.m.)
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

Karen Clementi

PETITIONS

Petitions 23-24 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. The special use was renewed again in 2021 through Ordinance 2021-17 Restriction Number 2.C of the 2021 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the northeast corner of the intersection of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

Mr. Asselmeier provided a picture of the billboard and an aerial showing the location of the billboard.

Mr. Guritz made a motion, seconded by Commander Langston, to recommend approval of the proposal.

The votes were follows:

Ayes (7): Asselmeier, Guritz, Holdiman, Langston, Olson, Rybski, and Wormley
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on July 26, 2023.

Member Briganti arrived at this time (9:02 a.m.).

PUBLIC COMMENT

Mr. Asselmeier reported that an application to renew the special use permit for a composting facility at 1270 E. Beecher was received.

ADJOURNMENT

Mr. Rybski made a motion, seconded by Commander Langston, to adjourn.

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

The ZPAC, at 9:10 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Encs.

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
JULY 5, 2023**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Karen Clementi Fox Metro WRD	682 A State Rte 31 Dswego IL 60543	kclementi@foxmetro.org

Attachment 8, 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 July 26, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, and Claire Wilson

Members Absent: Tom Casey, Bob Stewart, and Seth Wormley

Staff Present: Matthew H. Asselmeier, Director

Others Present: None

APPROVAL OF AGENDA

Member McCarthy-Lange made a motion, seconded by Member Hamman, 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 Nelson, to approve the minutes of the of the April 26, 2023, meeting. With a voice vote of seven (7) ayes, the motion carried.

PETITION

Petition 23-24 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)

Mr. Asselmeier summarized the request.

He provided a description of the sign, the site plan showing the location of the sign, and a current picture of the sign.

The proposed Findings of Fact were:

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 that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

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

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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. True, the proposed special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

If approved, Staff recommended the following conditions be included in the approving special use ordinance:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

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

The votes were as follows:

Ayes (6): Ashton, Bernacki, McCarthy-Lange, Nelson, Rodriguez, and Wilson

Nays (0): None

Absent (3): Casey, Stewart, and Wormley

Abstain (1): Hamman

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on July 31, 2023.

Member Hamman thanked everyone for attending and supporting the request. He said discussions were underway to annex the property to Aurora.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, 23-11, 23-12, 23-13, 23-17, and 23-19 were approved by the County Board.

Discussion occurred regarding removing the phone numbers of the township highway commissioners from the Subdivision Control Ordinance.

Discussion occurred regarding noise complaints from houses built after a special use permit was issued.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the composting facility on Beecher Road had applied to renew their special use permit. This would be the only agenda item for the August meeting, assuming the unresolved issues were addressed at ZPAC.

Mr. Asselmeier reported that the owner of 1038 Harvey Road had applied for annexation to the Village of Oswego. The hearings would likely occur in September or October.

The emergency escape plan was discussed.

The winery on Plattville Road opened recently.

A Gas-N-Wash opened in Joliet at Caton Farm and Ridge Roads in Na-Au-Say Township.

Discussion occurred regarding solar panel regulations, including farmland preservation, stormwater regulations, one point five (1.5) municipal mile review, bonding requirements, and concerns about fires related to batteries and related building codes.

Discussion occurred regarding silica sand quarries and the lack of reclamation bonds.

ADJOURNMENT

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

The Kendall County Regional Planning Commission meeting adjourned at 7:30 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Director