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**KENDALL COUNTY**  
**ZONING AND PLATTING ADVISORY COMMITTEE**  
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

## **AGENDA**

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January 2, 2024 - 9:00 a.m.

### CALL TO ORDER

**ROLL CALL: County Board:** Seth Wormley, PBZ Committee Chair; **County Highway Department:** Fran Klaas, County Engineer; **WBK Engineering, LLC:** Greg Chismark, Stormwater Consultant; **County Health Department:** Aaron Rybski, Director Environmental Health; **Forest Preserve District:** David Guritz, Director; **SWCD:** Alyse Olson, Resource Conservationist; **Sheriff's Office:** Commander Jason Langston; **GIS:** Meagan Briganti; **PBZ:** Brian Holdiman, Code Official; Matt Asselmeier, Senior Planner

### APPROVAL OF AGENDA (VV)

APPROVAL OF MINUTES (VV): Approval of December 5, 2023, ZPAC Meeting Minutes (Pages 2-8)

### PETITION (Roll Call Vote):

1. **Petition 23 – 35 – Tyler Arbeen on Behalf of Arbeen, LLC (Pages 9-98)**  
Request: Special Use Permit for a Landscaping Business and Variances to Section 7:01.G.2.b and 11:02.F.7.a of the Kendall County Zoning Ordinance to Allow Parking and Accessory Structures within Fifty-One Feet of the Center Line of Stewart Road  
PIN: 03-24-400-011  
Location: Between 3900 and 3716 Stewart Road on the East Side of Stewart Road, Oswego, in Oswego Township  
Purpose: Petitioner Wishes to Operate a Landscaping Business and Have Parking and Accessory Structures Inside the Front Yard Setback; Property is Zoned A-1

### REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

### OLD BUSINESS/ NEW BUSINESS

1. Kendall County Regional Planning Commission Annual Meeting on February 3, 2024, at 9:00 a.m. (Page 99)

### CORRESPONDENCE

### PUBLIC COMMENT

### ADJOURNMENT (VV)- Next meeting on February 6, 2024

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.

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

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department  
David Guritz – Forest Preserve  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Commander Jason Langston – Sheriff's Department  
Aaron Rybski – Health Department  
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department  
Greg Chismark – WBK Engineering, LLC  
Alyse Olson – Soil and Water Conservation District

Audience:

Dan Kramer, Andrew Schwartz, and Robert Schwartz

**AGENDA**

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

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

**MINUTES**

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the October 3, 2023, meeting minutes.

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

**PETITIONS**

**Petition 23-31 Jorge A. and Hilda G. Montes**

Mr. Asselmeier summarized the request.

A five foot (5') public utility and drainage easement exists on the north and south lot lines of Lots 27 and 28 in the Grove Estates Subdivision.

The Petitioners would like to merge the two (2) lots and construct a new house over the easements.

The application materials and plat of vacation were provided.

The property address is 7216 and 7280 Roberts Court, Oswego.

The property is approximately one point five (1.5) acres in size.

The property is zoned RPD-2.

The current land use is Wooded.

The future land use is Rural Residential (Max 0.65 Du/Acre).

Roberts Court is a Township Road classified as a Local Road.

There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are wooded and single-family residential.

The adjacent properties are RPD-2.

The future land use for the area is Rural Residential (Max 0.65 Du/Acre).

The property immediately to the east of the subject also vacated drainage and utility easements for the same reason in 2020.

Na-Au-Say Township was emailed information on November 17, 2023. No comments received.

The Village of Oswego was emailed information on November 17, 2023. No comments received.

The Oswego Fire Protection District was emailed information on September 21, 2023. No comments received.

Staff requested that the Petitioners provide information stating that none of the utilities were in opposition to the request. One November 16, 2023, the Petitioners' Attorney submitted an email stating that all of the utilities had signed the plat except Comed. This email was provided.

The homeowners' association submitted an email on November 14, 2023, expressing no opposition to the request. This email was provided.

Mr. Asselmeier read a memo from WBK Engineering stating that they had no objections to the vacation from a drainage perspective.

Staff recommended approval of the requested vacation with the following conditions:

1. Lots 27 and 28 of Grove Estates Subdivision shall not be sold as individual lots upon the successful recording of the plat of vacation. Within ninety (90) days of the effective date of this ordinance, the Petitioners shall submit a parcel consolidation request to Kendall County.
2. This vacation shall become effective upon the successful recording of the plat of vacation in the timeframe outlined in Section 7.06.H of the Kendall County Subdivision Control Ordinance unless an extension is granted by the Kendall County Board.

Dan Kramer, Attorney for the Petitioner, noted that all utilities had signed the plat, including Comed.

Mr. Kramer discussed the approval process through the permitting and homeowners' association review process.

Chairman Wormley advised Mr. Kramer not to bring plats of vacation forward unless all utilities have approved.

Commander Langston made a motion, seconded by Mr. Rybski, to recommend approval of the vacation.

The votes were follows:

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

The motion passed.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on December 11, 2023.

**Petitions 23-32 and 23-33 Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contractor Purchaser)**

Mr. Asselmeier summarized the request.

A.B. Schwartz, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47. If the change to the Future Land Use Map is approved, the Petitioner would like to rezone the property to M-1 in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

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The application letter and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on November 12, 2023.

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. The Kendall Township Board was still reviewing the proposal.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposal in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 were provided.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance was provided.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.



Per the site plan, there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require applicable building permits and the work would be required to meet applicable building codes. The Petitioners indicate that no new buildings are planned at this time. Any structures or uses that encroach into required setbacks would be considered lawfully non-conforming. Any changes to site, such as new buildings or expanded parking areas, would trigger site plan review and approval under the Zoning Ordinance.

The site is serviced by a well and septic. There is electricity onsite. There are several LP tanks onsite.

The property fronts Route 47 and has two (2) access points off of Route 47. Deceleration lanes exist at both entrances on Route 47.

The site plan shows several gravel and asphalt areas. No dedicated parking spaces appear onsite. Any new parking lots would have to meet applicable regulations.

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

The site plan shows one (1) light pole and there are some existing lights on several of the buildings.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property.

No changes to the landscaping or property screening are proposed.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

Any signage would have to meet applicable regulations and secure permits.

Based on the proposed uses, no new noise issues are foreseen. The owners of the property would have to follow applicable noise control regulations based on potential other future M-1 allowable uses.

The site plan shows two (2) stormwater inlets.

Since no new buildings or impervious surfaces were proposed, a stormwater permit was not required. However, if additional buildings or impervious surfaces are added to the site in the future, stormwater permits could be required at that time.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes, larger lot single-family residential uses, Illinois Department of Transportation storage yard, and vacant commercial space that might seek rezoning to industrial in the future.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and B-3 in the unincorporated area and R-2 and R-3 inside the United City of Yorkville.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioners propose to use the property for more light industrial type uses that are not allowed in the A-1 Agricultural Zoning District.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural, storage and warehousing, and other light industrial type uses.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property

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as Transportation Corridor. The United City of Yorkville's Plan calls for the property to be Agricultural. The Petitioners are also pursuing a change to the County's Future Land Use Map to Mixed Use Business. If this change is approved, then the requested map amendment would be consistent with the County's Land Resource Management Plan.

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business is approved, Staff recommended approval of the proposed map amendment.

According to the definition of Transportation Corridor found on page 7-36 of the Land Resource Management Plan, this type of land use would be associated with the B-5 Business Planned Development District, B-6 Office and Research Park District, and limited B-3 Highway Business District.

The proposed tile business, offices, warehouses, fuel storage, and other light industrial uses would more applicably fit on properties zoned M-1, which more closely corresponds to the Mixed Use Business classification.

If the request is granted, the adjacent properties on the west side of Route 47 (the former Aux Sable Building and the Illinois Department of Transportation yard) could submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

Staff recommended approval of the requested amendment and, if the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business was approved, Staff recommended approval of the proposed map amendment.

Mr. Rybski said that the septic system was installed in 2008 and designed for fifteen (15) employees. Dan Kramer, Attorney for the Petitioner, said that the proposed uses would have less people onsite.

Mr. Kramer said that the conservation designation in Yorkville's plan was a placeholder.

Mr. Klaas asked if the Illinois Department of Transportation had acquired additional right-of-way at this property. Mr. Kramer responded no as it related to the subject property.

No additional access was planned for the property.

Chairman Wormley expressed his support for the project.

Mr. Klaas made a motion, seconded by Mr. Rybski, to recommend approval of the reclassification and map amendment.

The votes were follows:

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

The motion passed.

The proposals go to the Kendall County Regional Planning Commission on December 13, 2023.

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

Mr. Asselmeier reported that Petition 23-26 and Petition 23-30 were approved by the County Board.

**OLD BUSINESS/NEW BUSINESS**

None

**CORRESPONDENCE**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn.

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

The ZPAC, at 9:16 a.m., adjourned.

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

Enc.



## MEMORANDUM

Date: November 22, 2023

To: Matthew Asselmeier, AICP, CFM

CC: Greg Chismark, PE

From: Natalie Paver, PWS

Subject: Lots 27 & 28 Grove Road estates easement Vacation Kendall County, IL  
(WBK# 130180)

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WBK has reviewed the request to vacate the public utility and drainage easement on the common lot line of Lots 27 and 28 in Grove Road Estates Subdivision. This request is pursuant to Petition 23-31 being considered by the Kendall County Department of Planning, Building and Zoning.

Documents reviewed include all those submitted with the subject petition. We have no objection to the vacation of the easement requested as no drainage or utility functions will be impacted.

Do not hesitate to contact us should you have further questions.



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

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**Petition 23-35**

**Tyler Arbeen on Behalf of Arbeen, LLC**

**A-1 Special Use Permit for Landscaping Business and Variances**

**Related to Parking in the Front Yard**

**Setback and Accessory Structures in the Front Yard**

**INTRODUCTION**

The Petitioner is seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They are also seeking variances to Section 7:01.G.2.b and Section 11:02.F.7.a to allow accessory structures in the front yard setback and to allow outdoor parking in the front yard setback, thus reducing the front yard setback from one hundred fifty feet (150') as measured from the centerline of Stewart Road to fifty-one feet (51') as measured from the centerline of Stewart Road.

The application materials are included as Attachment 1. The site plan is included Attachment 3. The landscaping plan is included as Attachment 4. Pictures of the property and vicinity are included as Attachments 7-10.

**SITE INFORMATION**

PETITIONER: Tyler Arbeen on Behalf of Arbeen, LLC

ADDRESS: Between 3900 and 3716 Stewart Road, Oswego

LOCATION: Approximately 0.2 Miles North of Scotch Road on the East Side of Stewart Road



TOWNSHIP: Oswego

PARCEL #: 03-24-400-011

LOT SIZE: 4.0 +/- Acres

EXISTING LAND USE: Agricultural

ZONING: A-1

LRMP:	Future Land Use	Mixed Use Business (County) Residential (Oswego)
	Roads	Stewart Road is a Major Collector maintained by Oswego Township.
	Trails	The Village of Oswego and the County have a trail planned along Stewart Road.
	Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Special Use Permit for a Landscaping Business  
 Variance to Allow Parking and Loading within the Front Yard Setback  
 Variance to Allow Accessory Structure in the Front Yard Setback

APPLICABLE REGULATIONS: Section 7:01.D.32 – A-1 Special Uses  
 Section 7:01.G.2.b – A-1 Setbacks of Accessory Structures  
 Section 11:02.F.7.a.i – Off-Street Parking in Yards  
 Section 13:04 – Variance Procedures  
 Section 13:08 – Special Use Procedures

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural/Farmstead	A-1	Mixed Use Business (County) Residential (Oswego)	A-1, A-1 SU, and R-1 (County)  PUD for Ag Uses (Oswego)
South	Agricultural/Farmstead	A-1	Mixed Use Business (County) Residential (Oswego)	A-1
East	Agricultural	A-1	Mixed Use Business (County)	A-1

West	Agricultural	A-1	Residential (Oswego) Mixed Use Business (County) Mix Commercial (Oswego)	A-1
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The A-1 special use permit to the north is for a horse training and boarding business. The A-1 special use permit to the northwest is for a landscaping business.

Approximately twelve (12) houses are located within a half mile (0.5) miles of the subject property.

**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

EcoCAT Report was submitted on October 19, 2023, and consultation was terminated, see Attachment 1, Pages 22 and 23.

**NATURAL RESOURCES INVENTORY**

The LESA Score for the property was 186 indicated a low level of protection. The NRI Report is included as Attachment 2.

**ACTION SUMMARY**

**OSWEGO TOWNSHIP**

Petition information was sent to Oswego Township on December 22, 2023. Prior to formal application submittal, Oswego Township submitted an email requesting a thirty-five foot (35') deep right-of-way dedication from the center of Stewart Road. This email is included as Attachment 11.

**VILLAGE OF OSWEGO**

Petition information was sent to the Village of Oswego on December 22, 2023.

**OSWEGO FIRE PROTECTION DISTRICT**

Petition information was sent to the Oswego Fire Protection District on December 22, 2023.

**GENERAL INFORMATION**

Per Section 7:01.D.32 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.

**BUSINESS OPERATIONS**

As noted in the project narrative contained in Attachment 1 on Pages 4-10, the Petitioners would like to operate Arbeen Landscaping, LLC at the subject property.

They would use the site for storage of landscaping materials, equipment, offices, and related operations. They indicated some potential customers would visit the property, but most customer related interactions would occur at the customer's property, by telephone, or by email.

The business would be open from 6:00 a.m. until 6:00 p.m. everyday throughout the year and would be open twenty-four hours (24) during snow events. The business has a maximum of twenty-five (25) employees, during the busy season. Employees either report to the subject property or report directly to job sites.

Equipment stored at the property consists of small trailers, lawn mowers, bobcats, skid steers, end loaders, and similar landscaping related equipment. Equipment would be parked indoors when the business was closed.

The site plan (Attachment 3) shows fourteen (14) landscape material storage areas near the southeast corner of the property. No information was provided regarding the height or depth of the storage areas. The Petitioner indicated that the piles of materials would not exceed ten feet (10') in height. The site plan also shows one (1) nursery stock storage area at the northwest corner of the property and a second nursery stock storage area at the northeast corner of the property. No information was provided regarding the specific types of nursery stock or materials that would be stored in the storage areas.

Though not explicitly stated in any of the materials, the Petitioner will likely have a nursery growing component as well.

### **BUILDINGS AND BUILDING CODES**

One (1) approximately eleven thousand, three hundred seventy-five (11,375) square foot shop/office is proposed for the property. A picture of the type of building the proposed building is provided in Attachment 1, Page 9.

The site plan (Attachment 3) also shows five (5) hoop houses; no specific dimensions were provided for the hoop houses. The hoop houses will be at least ten feet (10') from the southern property line. The western most hoop house would be approximately eighty feet (80') from the centerline of Stewart Road.

The Petitioner is requesting a variance to the front yard setback requirement, reducing the front yard setback from one hundred fifty feet (150') from the centerline of Stewart Road to fifty-one feet (51') of the centerline of Stewart Road. The Petitioner was agreeable to not constructing any permanent structures within one hundred five feet (105') of the centerline of the road and no permanent structures within seventy-five (75') of the centerline of WIKADUKE.

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

Historically, the Oswego Fire Protection District has required buildings similar to the proposed shop/office to be sprinklered.

### **ENVIRONMENTAL HEALTH**

The property is presently farmland. The proposed well would be located southwest of the main building and the proposed septic field would be located north of the main building.

One (1) approximately three hundred twenty-four (324) square foot dumpster area is proposed east of the main building. The dumpster area would be fenced with board-on-board fencing as shown by the image provided as Attachment 6. The maximum fence height is eight feet (8').

### **STORMWATER**

The property drains mostly to the southeast.

The Petitioners submitted an application for a stormwater management permit, see Attachment 1, Page 26. No stormwater related calculations were provided.

### **ACCESS**

Per the site plan (Attachment 3), the Petitioner's propose one (1) thirty foot (30') wide northern entrance and a second sixty foot (60') wide southern entrance off of Stewart Road.



As mentioned previously, Oswego Township is requesting a thirty-five foot (35') deep right-of-way dedication.

#### **PARKING AND INTERNAL TRAFFIC CIRCULATION**

According to the site plan (Attachment 3), the Petitioner proposes fifteen (15) parking spaces, including two (2) handicapped parking spaces, to the west and south of the main building.

The driving areas in general would be grass or asphalt screenings, except for solid paving or concrete at the two (2) entrances and handicapped parking spaces.

#### **LIGHTING**

The Petitioner indicated that no lighting was planned for the property.

#### **SIGNAGE**

One (1) sign was proposed for the property. The sign would be approximately thirty-two (32) square feet in size and would look substantially like the image provided in Attachment 5. No information was provided regarding the height of the sign. No information was provided regarding the specific location of the sign. The sign would not be illuminated.

#### **SECURITY**

Though not shown on the site plan, the Petitioner proposes to install one (1) wood post farm fence with wire mesh around the enter perimeter of the site expect at the two (2) entrances to the property. The fence would be six feet (6') in height.

#### **LANDSCAPING**

The landscaping plan (Attachment 4) shows six (6) Colorado blue spruce trees, four (4) purple birches, four (4) bald cypresses, thirteen (13) Techny arborvitae and fifteen (15) Eden outcropping stones along the western side of the property. The Colorado blue spruces would be eight feet (8') in height at the time of planting and would grow to a maximum of fifty feet (50'). The Techny arborvitae would be six feet (6') in height at the time of planting and would grow to a maximum fifteen feet (15'). The bald cypresses would be eight feet (8') at the time of planting and would grow to a maximum fifty feet (50'). The purple birches would either be ten feet (10') in height or two point five inch (2.5) diameter at the time of planting and would grow to a maximum forty feet (40'). The landscaping would be located outside of the security fence.

#### **NOISE CONTROL**

No information was provided regarding noise control.

#### **ODORS**

No information was provided regarding odor control.

#### **RELATION TO OTHER SPECIAL USES**

If approved, this would be the twentieth (20<sup>th</sup>) special use permit for a landscaping business in unincorporated Kendall County.

#### **FINDINGS OF FACT-SPECIAL USE PERMIT**

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

*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. Numerous landscaping business have been approved throughout unincorporated Kendall County. The proposed use is along Stewart Road, which is classified as a major collector. Reasonable restrictions can be placed in the special use permit to ensure the health, safety, and general welfare of the area are protected.*

*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. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners are not negatively impacted by the proposed use.*

*Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal identifies locations for the future well and septic field. Two (2) points of ingress/egress are proposed. The proposed use likely will generate little traffic onsite and adequate space exists for parking for customers and employees of the proposed use. The proposal will have to obtain a stormwater permit to address drainage concerns. Adequate space exists for storage of equipment and materials related to the proposed uses.*

*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. If the requested variance to the front yard setback requirements are granted, this is true. The site could also be reconfigured to shift the parking lot and hoop houses east outside of the required front yard setback.*

*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 proposal is also consistent with a goal and objective found on page 6-34 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "Encourage opportunities for locally owned business." In addition, the future land use map calls for this property to be Mixed Use Business. Similar types of uses were planned for the subject property and properties in the vicinity of the subject property.*

#### **FINDINGS OF FACT-VARIANCE**

As noted in Attachment 1, page 25, the Petitioner believes the front yard setback requirement is unconstitutional and is regulatory taking. Staff does not agree with this opinion and has proposed the following findings of fact accordingly.

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*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. No information has been provided showing a topographical hardship existing that prevents the parking lot and hoop houses from being relocated outside of the required front yard setback.*

*The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other A-1 zoned properties could request the same variance for the same reason that the Petitioner is requesting this variance. No information has been presented showing a unique condition or situation applicable to this property.*

*The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The site is presently a farm field. No information has been provided explaining why the Petitioner cannot design the site in a manner to avoid the requested variance.*

*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. Granting the variance would not be detrimental to the public or substantially injurious to other properties. Granting the variance could impact the ability to widen Stewart Road in the future.*

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or*

*substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **The proposed variance would not impair light or air on adjacent property, cause congestion, increase the danger of fire, or negatively impact property values.***

## **RECOMMENDATION**

Pending comments from ZPAC, Staff recommends approval of the requested special use permit and denial of the requested variance subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 3) and landscaping plan (Attachment 4) with the exception that the western most parking lot and hoop houses are removed from the required front yard setback. One (1) wood post farm fence with wire mesh shall be installed around the enter perimeter of the site expect at the two (2) entrances to the property. The fence shall be six feet (6') in height maximum. The landscaping shall be installed between the fence and Stewart Road.
2. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land thirty-five feet (35') in depth along the western property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
3. Equipment and vehicles related to the business allowed by the special use permit may not be stored outdoors at the subject property when the business is closed.
4. 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.
5. 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.
6. 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.
7. 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 attached site plan (Attachment 3). The maximum height of the piles of landscaping related material shall be ten feet (10') in height.
8. A maximum of twenty-five (25) 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.
9. The hours of operation of the business allowed by this special use permit shall be daily from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.
10. 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.
11. One (1) sign as described in the sign description (Attachment 5) may be installed along Stewart Road at the subject property. The sign shall not be illuminated.
12. Only lighting related to security may be installed outdoors at the subject property.
13. Damaged or dead plantings described on the landscaping plan (Attachment 4) shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
14. The materials and vegetation described in the landscaping plan (Attachment 4) shall be installed within six (6) months 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. Materials and vegetation stored in the nursery stock storage areas and landscaping material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan.

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

16. 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 homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.

17. 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.

18. The dumpster area shall be fenced with board-on-board fencing as shown by the image provided (Attachment 6). The maximum height of the fence shall be eight feet (8').

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

20. 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.

21. 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.

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

23. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

#### **ATTACHMENTS**

1. Application Materials (Including Petitioner's Findings of Fact, and EcoCat)
2. NRI Report
3. Site Plan
4. Landscaping Plan
5. Sign Description
6. Refuse Fencing Plan
7. Looking Northeast
8. Looking Southeast
9. Looking Northwest
10. Looking West
11. October 30, 2023, Oswego Township Email



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

**APPLICATION**

PROJECT NAME \_\_\_\_\_ FILE #: \_\_\_\_\_

<b>NAME OF APPLICANT (Including First, Middle Initial, and Last Name)</b> Arbeen, LLC		
<b>CURRENT LANDOWNER/NAME(s)</b> Arbeen, LLC		
<b>SITE INFORMATION</b> ACRES 4 acres	<b>SITE ADDRESS OR LOCATION</b> 4 acres vacant land adjacent to 3900 Stewart Road Oswego, Illinois 60543	<b>ASSESSOR'S ID NUMBER (PIN)</b> part of 03-24-400-005 which was just purchased New PIN 03-24-400-011
<b>EXISTING LAND USE</b> Agricultural -farming	<b>CURRENT ZONING</b> A-1	<b>LAND CLASSIFICATION ON LRMP</b> A-1
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input checked="" type="checkbox"/> SPECIAL USE                      ___ MAP AMENDMENT (Rezone to ___)                      ___ VARIANCE ___ ADMINISTRATIVE VARIANCE                      ___ A-1 CONDITIONAL USE for: _____                      ___ SITE PLAN REVIEW ___ TEXT AMENDMENT                      ___ RPD ( ___ Concept; ___ Preliminary; ___ Final)                      ___ ADMINISTRATIVE APPEAL ___ PRELIMINARY PLAT                      ___ FINAL PLAT                      ___ OTHER PLAT (Vacation, Dedication, etc.) AMENDMENT TO A SPECIAL USE ( ___ Major; ___ Minor)		
<b>PRIMARY CONTACT</b> Daniel J. Kramer	<b>PRIMARY CONTACT MAILING ADDRESS</b> [REDACTED]	<b>PRIMARY CONTACT EMAIL</b> [REDACTED]
<b>PRIMARY CONTACT PHONE #</b> [REDACTED]	<b>PRIMARY CONTACT FAX #</b> [REDACTED]	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b> [REDACTED]
<b>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
<b>SIGNATURE OF APPLICANT</b> [REDACTED]		<b>DATE</b> 10/17/2023

FEE PAID:\$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County  
<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

Date Stamp Here If Checklist Is Complete





**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

**APPLICATION**

**PROJECT NAME** ABREEN, LLC **FILE #:** \_\_\_\_\_

<b>NAME OF APPLICANT (Including First, Middle Initial, and Last Name)</b> ABREEN, LLC, an Illinois limited Liability Company		
<b>CURRENT LANDOWNER/NAME(s)</b> ARBEEN, LLC, An Illinois Limited Liability Company		
<b>SITE INFORMATION</b> ACRES 4	<b>SITE ADDRESS OR LOCATION</b> 4 acres adjacent to 3900 Stewart Road, Oswego, Illinois 60543	<b>ASSESSOR'S ID NUMBER (PIN)</b> 03-24-400-011
<b>EXISTING LAND USE</b> Agricultural	<b>CURRENT ZONING</b> A-1	<b>LAND CLASSIFICATION ON LRMP</b> A-1
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b>PRIMARY CONTACT</b> Daniel J. Kramer	<b>PRIMARY CONTACT MAILING ADDRESS</b> [REDACTED]	<b>PRIMARY CONTACT EMAIL</b> [REDACTED]
<b>PRIMARY CONTACT PHONE #</b> [REDACTED]	<b>PRIMARY CONTACT FAX #</b> [REDACTED]	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>
<b>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. <b>THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE APPLICATION DATE.</b>		
<b>SIGNATURE OF APPLICANT</b> [REDACTED]		<b>DATE</b> 12/18/2023

**FEE PAID:**\$ \_\_\_\_\_  
**CHECK #:** \_\_\_\_\_

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

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

Form **LLC-5.5**

**Illinois  
Limited Liability Company Act  
Articles of Organization**

**FILE # 13292612**

**Secretary of State Alexi Giannoulias**  
Department of Business Services Limited  
Liability Division  
www.ilsos.gov

**Filing Fee: \$150**

**Approved By: MAG**

**FILED**

**MAY 23 2023**

**Alexi Giannoulias  
Secretary of State**

1. Limited Liability Company Name: ARBEEN, LLC

2. Address of Principal Place of Business where records of the company will be kept:  
2410 COLLINS ROAD

OSWEGO, IL 60543

3. The Limited Liability Company has one or more members on the filing date.

4. Registered Agent's Name and Registered Office Address:

TYLER ARBEEN  
2410 COLLINS RD  
OSWEGO, IL 60543-9705

5. Purpose for which the Limited Liability Company is organized:

"The transaction of any or all lawful business for which Limited Liability Companies may be organized under this Act."

6. The LLC is to have perpetual existence.

7. Name and business addresses of all the managers and any member having the authority of manager:

ARBEEN, TYLER



**8. Name and Address of Organizer**

I affirm, under penalties of perjury, having authority to sign hereto, that these Articles of Organization are to the best of my knowledge and belief, true, correct and complete.

Dated: MAY 23, 2023

TYLER ARBEEN



1. Attached to this response is our Client's Business Plan, including number of employees and hours of operation. In the early spring through late fall his operation consists totally of the landscaping business. In the winter months they supplement their operations by doing some limited snow plowing with a greatly reduced staff. He lists his current number of employees as 15 at the peak but I would suggest we use 25 as a maximum in that the business could grow and we certainly don't want to interfere with economic development in the County.
2. We are providing attached here to the legal description in "Word" Format.
3. There will be a new well and septic.
4. There are no easements of record on the property.
5. We have always in the past and will continue to honor a Township Right of Way Request as long as it is reasonable in width and not greater than other required dedications.
6. We know the issue with the Oswego Fire Protection District. They have passed an Ordinance many years ago that we believe beyond their authority under the Illinois Fire Code. They require or at least request fire suppression sprinkling in all commercial buildings regardless of size and regardless of whether rural or a municipal water system which would support a sprinkler is available.  
We have been down this road before and as you know unless you have a very expensive pressurized tank like a golf course that has a restaurant and other facilities, or a water tower a sprinkle system simply does not function. We will do the courtesy request asking for a waiver which at times they have granted and other times not. The long and short is we would have to have every farm building of this type of pole structure sprinkled out in the country which of course has not been what is traditionally happened. If they will not vary from their Ordinance, it would be their burden to try and enforce and we would simply ask that the County not include their Ordinance requirement or request as a condition of the Special Use.
7. We will have the handicap spaces highlighted. They do not have a great deal of drop in traffic. Most of their landscaping is contracted right with the business or homeowner and the Owner of the Company literally goes out to sites to work with the Homeowner.
8. We would like to vary in the Special Use that condition of no parking in front. If you drive in any of the municipalities or throughout the County parking is in front of the buildings and does maintain a setback off of the lot line but we would loose given that the ownership of the property owner is to the center of the road line with 150 foot setback request that is an unreasonable taking without compensation of not being able to use that much front area of the building.
9. The maximum height in the storage areas would not exceed the Ordinance Requirement. Typically speaking it would be no more than 10 foot in height.
10. The areas would be either grass or in limited drive areas asphalt screenings. There would not be solid paving or concrete except around the apron of the building for the sidewalk area and the two handicap parking spots.
11. Let me know your decision.
12. Again, the hoop houses are temporary structures and we would suggest perhaps a 30 foot to 50 foot setback. We would like to vary the 150 foot, again for the same reason above. It is an unreasonable taking without compensation since you are asking for such a huge setback along County Road Ways that is simply going to be grass area and not actual road or ditches.
13. We would keep any hoop houses which are temporary structures at least 10 feet off the property line and since they are not permanent structures we believe the Ordinance Requirement would only be 5 feet.
14. There will be no illuminated signage but the Owner would put a ground-level landscape sign that you see on various landscaping areas that would blend in with the stone and plantings along Stewart Road.



15. There would be no physical barrier like in a cyclone fence but the Applicant does plan on putting a decorative rail wood fence around the perimeter of the entire site.
16. N additional lighting
17. The dumpster site would enclosed with board on board fence.
18. Petitioner will install landscaping on the front area adjacent to the road. See attached example.
19. Indoors as far as equipment parking.
20. No objection whatsoever to the right to farm clause and Petitioner will comply with that Ordinance.
21. The official Applicant is Arbeen, LLC, an Illinois limited Liability Company which is the Owner and Record Title Holder to the subject Property. The Landscaping business on-site would be operated by Arbeen Landscaping, LLC, and Illinois Limited Liability Company. Tyler Arbeen is the Sole Member of each entity.

LAW OFFICES  
OF

***Daniel J. Kramer***

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

DANIEL J. KRAMER

KELLY A. HELLAND  
D.J. KRAMER

November 16, 2023

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

Via E-mail: [masselmeier@kendallcountvil.gov](mailto:masselmeier@kendallcountvil.gov)

Re: Arbeen, LLC Special Use Application

Dear Mr. Asselmeier:

In response to your most recent e-mail, a copy of which I am attaching I will respond by numbers to your questions.

1. It would be less than 5 potential customers or existing customers a week. Nearly all of the client contact is at the site of existing or prospective customers or email or telephone contact.
2. The type of business-related equipment stored at Site would be small trailers to transport lawn mowers, bobcats, skid steers, end loaders, and similar landscaping equipment. There also would be a large amount of hand tools, and it is anticipated the storage will be indoors for all.
3. There definitely could be equipment brought back after 5:00 pm although the Applicant generally does not require his workers to work after that time. We would certainly be willing to have the evening operation hours extended to 6:00 pm to cover a late arrival. There would not be work conducted on on-premises after that time.
4. Understood it is an on-going issue and we simply note the past position of Oswego Fire Protection District and ask that the Special Use Request not be held up by any action of the Oswego Fire Protection District. In other words, let them set their own regulations and leave the County out of the middle.
5. I understand your question or comment about the other setbacks. However, that front setback from the Road is artificially set for future Right-of-Way Dedication which given the traffic counts on Stewart Road does not look to be practical in the near term. Again, we get into a taking without compensation issue. If you drive down Route 47 or Route 34 which are major thoroughfares none of the municipalities require a setback that big without permitting landscaping or parking in the same. It seems to me a very practical result in that the building truly will be setback 150 feet from the centerline of the roadway. However, there is absolutely no harm in having landscaping or parking in that area which readily removable if in fact there were some super highway put through the area. Again, the Applicant/Owner is not suggesting putting any landscaping or parking lot in the additional Right-of-Way that the Applicant/Owner

is willing to dedicate to Oswego Township at no cost.

That is important because there is a BP Amoco Case that came out of the Addison/Bartlett Area in the Second Appellate District that held that a Governmental Body cannot condition a Special Use on dedicating Right-of-Way at compensation because it violates the takings clause of both the Federal and the State of Illinois Constitution. I am not trying to be unduly contentious but that is a good back drop for why we ask for as part of our Special Use this variation in being able to use the front setback for landscaping and parking. Since it is a Special Use I believe that it can be contained in the conditions and does not require a separate variance application. I believe theoretically the only need for a variance would be is if it was a straight zoning change of Zoning District as opposed to a Special Use or PUD.

6. Attached please find the Stormwater Management Application. Yes, please use the overage submitted toward this Application.
7. Attached please find a copy of the Landscaping Plan, signage plan, and dumpster fencing plan. Also, attached is the revised site plan denoting 2 handicap spaces.
8. Enclosed please find a copy of the Sign Plan.
9. Enclosed please find a copy of my client's Landscape Plan.
10. Given past history I would think the Oswego Township would want a dedication of 35 feet from center line on my Client's Real Property. In other word they would ultimately want a 70-foot Right-of-Way where now my Client owns to the centerline of the road adjacent to our property.

I would ask that based on this correspondence answering and the revised Landscape Plan, Sign Plan, Sight Plan, and dumpster plan that we be put on the December 5, 2023 ZPAC, December Regional Plan Commission and Special Use Hearing Officer/ZBA. Should you have any questions please feel free to call my office.

Very truly yours,



Daniel J. Kramer  
Attorney at Law

DJK/cth  
Enclosures





**1. Can you send me a Business Plan with the proposed hours of operation, number of employees, and what the site will be used for?**

- Arbeen Landscaping is a full-service Landscape Maintenance, Landscape Construction and Snow and Ice Management provide in the west suburbs. We intend to store equipment, raw materials, and plants on site. In the morning hours site will be used for employees to park their personal vehicles, change in to uniform and take a company vehicle to service locations for the day to work. Hours of operation in the summer months are 6:00am-5:00pm and winter hours are 8:00am-3:30pm (During snow events we need to access the facility 24hrs as needed to load trucks with salt to service customers) Arbeen Landscaping currently has 15 employees.

**2. A sketch of what landscaping you will do along Stewart Road**

- Landscape Buffer to include a variety of pine trees, ornamental trees, native shrubs and natural stone to enhance curb appeal.



ARBEEN LANDSCAPING  
2410 COLLINS RD  
OSWEGO, IL 60543

630.280.4239  
WWW.ARBEENLANDSCAPING.COM



3. A picture of the type of building you are considering building



4. Are you do any additional light on the property besides battery lighting on the building? If so, you will need to contact an electrician to do a Photometric Plan for you.
  - No additional lighting
5. If you are planning on doing any fencing on the property what type of fencing and where?
  - 6' wood post farm fence with wire mesh. The fence is to surround the entire property. Excludes the (2) entrances

The Petitioner is requesting a Variance permitting parking and portable hoop houses for growing plants located within the front setback area both of which would be permitted within the 150 foot front yard setback line as defined in the Kendall County A-1 Zoning Ordinance East of the centerline of Stewart Road which would decrease the 150 foot front yard setback to 51 feet.

The Petitioner/Owner agrees that no permanent structures shall be located within the 105 foot front yard setback and no permanent structures shall be erected within 75 feet from the centerline east interfering with the Wi Ka Du centerline recorded right-of-way document.

No additional right-of-way shall be dedicated at this time to any governmental body. Petitioner agrees to leave adequate setback in the event a governmental body seeks additional right-of-way its will be required to obtain an Eminent Domain for roadway taking purposes.

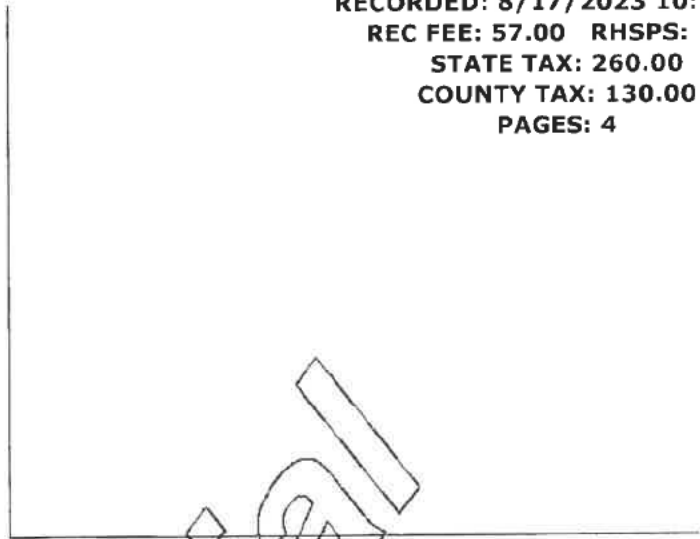
The Northerly 360.0 feet of the Westerly 484.01 feet (as measured along the Westerly and Northerly Lines thereof) of the South Half of the Southeast Quarter of Section 24, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township, Kendall County, Illinois.

202300009241

DEBBIE GILLETTE  
RECORDER - KENDALL COUNTY, IL  
RECORDED: 8/17/2023 10:17 AM  
REC FEE: 57.00 RHSPS: 19.00  
STATE TAX: 260.00  
COUNTY TAX: 130.00  
PAGES: 4

TRUSTEE'S DEED  
ILLINOIS STATUTORY

23CSA620602 YK  
CF



THE GRANTOR(S), Gordon C. Plohr, as Trustee of the Gordon C. Plohr Trust dated October 23, 2019 and Judith K. Plohr, as Trustee of the Judith K. Plohr Trust dated October 23, 2019, of the [REDACTED] [REDACTED] [REDACTED] and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration in hand paid, CONVEY(S) and WARRANT(S) to Arbeen LLC, an Illinois Limited Liability Company all interest in the following described Real Estate situated in the County of Kendall in the State of Illinois, to wit:

~~THE NORTHERLY 360.0 FEET OF THE WESTERLY 284.01 FEET (AS MEASURED ALONG THE WESTERLY AND NORTHERLY LINES THEREOF) OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS.~~

*See attached legal*

SUBJECT TO:

General real estate taxes not due and payable at the time of Closing, covenants, conditions, and restrictions of record, building lines and easements, if any, so long as they do not interfere with the current use and enjoyment of the Real Estate.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number(s): 03-24-400-005

Address(es) of Real Estate: 3900 Stewart Road  
Oswego, Illinois 60543

Dated this July day of 21, 2023

By: [REDACTED]  
Gordon C. Plohr, as Trustee of the Gordon C. Plohr Trust dated October 23, 2019

Dated this July day of 21, 2023

By: [REDACTED]  
Judith K. Plohr, as Trustee of the Judith K. Plohr Trust dated October 23, 2019

Chicago Title



STATE OF ILLINOIS, COUNTY OF Kendall SS

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Gordon C. Plohr and Judith K. Plohr, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal this 21<sup>st</sup> day of July, 2023.



Notary Public

Prepared by:  
Law Office of Lisa A. Coffey, P.C.  
98 Miller Drive, Suite 102  
North Aurora, Illinois 60542

Mail to:  
AMP  
Arbeen LLC, an Illinois Limited Liability Company

Name and Address of Taxpayer: GRANKES Address:  
Arbeen LLC, an Illinois Limited Liability Company  
2410 Collins Rd.  
Oswego, IL 60573

UNOFFICIAL

**LEGAL DESCRIPTION OF 5.0000-ACRE TRACT CONVEYED FROM PLOHR TO ARBEEN:**

The Northerly 450.0 feet of the Westerly 484.01 feet (as measured along the Westerly and Northerly Lines thereof) of the South Half of the Southeast Quarter of Section 24, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township, Kendall County, Illinois.

Unofficial



Debbie Gillette  
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS )  
 )SS  
COUNTY OF KENDALL )

Gordon C. Plohr, as Trustee of the Gordon C. Plohr Trust dated October 23, 2019, and Judith K. Plohr, as Trustee of the Judith K. Plohr Trust dated October 23, 2019, being duly sworn on oath, states that affiant resides at 3900 Stewart Rd., Oswego, IL 60543. And further states that: (please check the appropriate box)

- A.  That the attached deed is not in violation of 765 ILS 205/1(a), in that the sale or exchange is of an entire tract of land not being part of a larger tract of land; or
- B.  That the attached deed is not in violation of 765 ILCS 205M(b) for one of the following reasons: (please circle the appropriate number)

1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into not more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
10. The conveyance is of land described in the same manner as title was taken by grantor(s).

AFFIANT further states that \_\_\_ he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

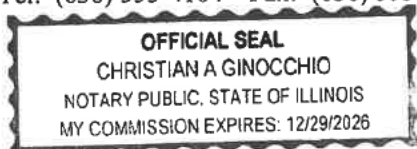
SUBSCRIBED AND SWORN BEFORE ME

This 21<sup>st</sup> day of July, 20 23

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Signature of Affiant

111 West Fox Street, Yorkville IL 60560-1498  
Tel: (630) 553-4104 • Fax: (630) 553-4119 • Email: Dgillette@co.kendall.il.us



**202300009242**

**DEBBIE GILLETTE  
RECORDER - KENDALL COUNTY, IL  
RECORDED: 8/17/2023 10:17 AM  
REC FEE: 57.00 RHSPS: 19.00  
PAGES: 4**

2/2

**QUIT CLAIM DEED**  
Statutory (Illinois)

THE GRANTOR  
ABREEN, LLC,  
AN ILLINOIS LIMITED LIABILITY  
COMPANY

of The Village of Oswego  
in the County of Kendall,  
and State of Illinois,

for and in consideration of Ten Dollars in hand paid, CONVEYS and QUIT CLAIMS to:

Gordon C. Plohr, as Trustee of the Gordon C. Plohr Trust dated October 23, 2019 and Judith K. Plohr, as Trustee of the Judith K. Plohr Trust dated October 23, 2019

whose address is: 3900 Stewart Road, Oswego, Illinois 60543

all interest in the following described Real Estate situated in the County of Kendall, in the State of Illinois to wit:

See attached legal description

SUBJECT TO: Existing easements, covenants, and restrictions of record and 2023 and Subsequent years real estate taxes.

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number: part of 03-24-400-005

Address of Real Estate: 1 acre of vacant land adjacent to 3900 Stewart Road, Oswego, Illinois 60543


Dated this 21st day of July, 2023.

23CSA620602YK  
CR

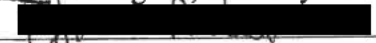
Chicago Title

ARBEEN, LLC  
AN ILLINOIS LIMITED LIABILITY COMPANY

BY:

  
\_\_\_\_\_  
Tyler Arbeen, Manager

STATE OF ILLINOIS        )  
  ) ss.  
COUNTY OF KENDALL    )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT  is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered this instrument as his/her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 21st day of July, 2023.



Notary Public



THIS TRANSACTION EXEMPT UNDER PROVISIONS OF 35 ILCS 305/4 E.

Dated: July 21, 2023

Signed: 

Grantees' Address:

Send subsequent tax bills to:

After Recording, Return To:

Gordon C. Plohr, as Trustee of the Gordon C. Plohr Trust dated October 23, 2019 and Judith K. Plohr, as Trustee of the Judith K. Plohr Trust dated October 23, 2019



This Document Prepared By:

Attorney Daniel J. Kramer



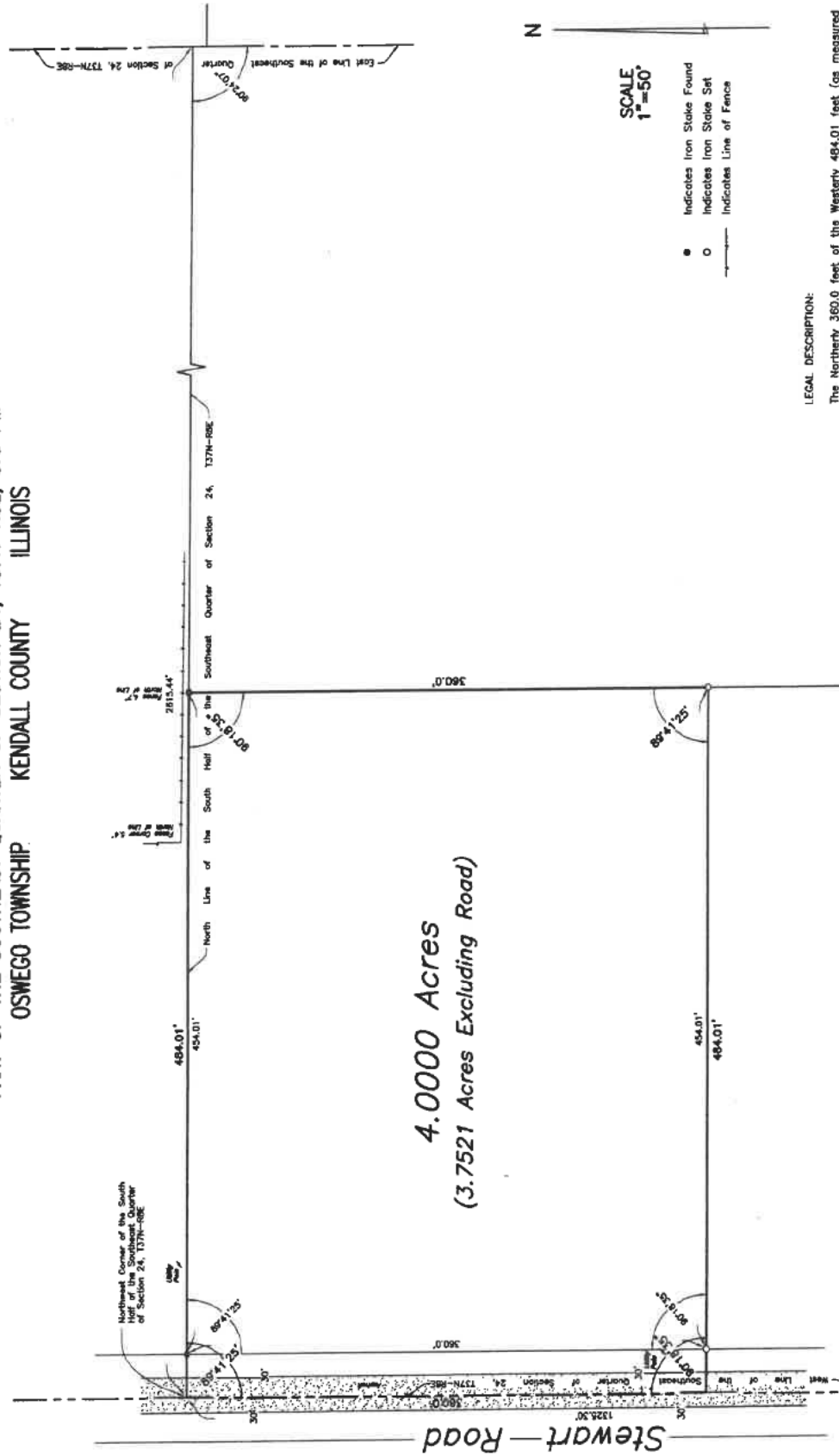
**LEGAL DESCRIPTION OF 1.0000-ACRE TRACT RETURNED TO PLOHR FROM ARBEEN:**

**The Southerly 90.0 feet of the Northerly 450.0 feet of the Westerly 484.01 feet (as measured along the Westerly and Northerly Lines thereof) of the South Half of the Southeast Quarter of Section 24, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township, Kendall County, Illinois.**

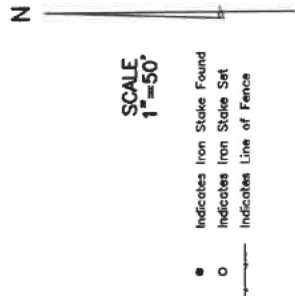
Unofficial



PLAT OF SURVEY OF  
 PART OF THE SOUTHEAST QUARTER OF SECTION 24, T37N-R8E, 3rd PM  
 OSWEGO TOWNSHIP, KENDALL COUNTY ILLINOIS



4.0000 Acres  
 (3.7521 Acres Excluding Road)



- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence

LEGAL DESCRIPTION:

The Northernly 360.0 feet of the Westerly 484.01 feet (as measured by the Northernly Line thereof) of the Southeast Quarter of Section 24, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township, Kendall County, Illinois.

State of Illinois ) SS  
 County of Kendall )

I, Andrew R. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements upon the above described tract as shown by the plat hereon drawn which is a representation of said survey. Field work completed June 27, 2023. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated June 28, 2023 at Yorkville, Illinois

Andrew R. Young  
 Illinois Professional Land Surveyor No. [REDACTED] (Expires 11/30/24)



Southeast Corner of the  
 Southeast Quarter of  
 Section 24, T37N-R8E



11078 South Bridge Street  
 Yorkville, Illinois 60560  
 Telephone (630) 553-1580

Phillip D. Young and Associates, Inc. - Lic.#184-002775  
 LAND SURVEYING - 0218667474

JOB NO. 23086  
 JOB NAME ATTY. KRAMER  
 DWG FILE 23086



KENDALL COUNTY  
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Arbeen, LLC  
Address 2410 Collins Road  
City Oswego State IL Zip 60543

2. Nature of Benefit Sought \_\_\_\_\_

3. Nature of Applicant: (Please check one)

- Natural Person (a)
- Corporation (b)
- Land Trust/Trustee (c)
- Trust/Trustee (d)
- Partnership (e)
- Joint Venture (f)

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

Manager of Limited Liability Company  
+ Sole Member of LLC

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

NAME	ADDRESS	INTEREST
<u>Tyler Arbeen</u>	[REDACTED]	<u>100%</u>

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

Same as above

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

Subscribed and sworn to before me this 17th day of October, A.D. 2023

(seal)



Notary Public



**Applicant:** Arbeen, LLC  
**Contact:** ATTORNEY DANIEL J. KRAMER  
**Address:** [REDACTED]

**IDNR Project Number:** 2405940  
**Date:** 10/19/2023

**Project:** Arbeen, LLC  
**Address:** 4 acres vacant land on Stewart Road, Oswego

**Description:** operate a landscaping business and tree nursery

### Natural Resource Review Results

#### Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

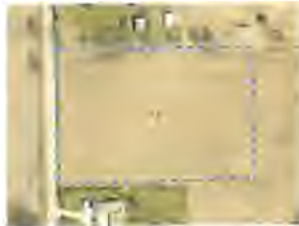
**Consultation is terminated.** This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

#### Location

The applicant is responsible for the accuracy of the location submitted for the project.

**County:** Kendall

**Township, Range, Section:**  
37N, 8E, 24



**IL Department of Natural Resources**  
**Contact**  
Bradley Hayes  
217-785-5500  
Division of Ecosystems & Environment

**Government Jurisdiction**  
Kendall Count Planning, Building, and Zoning  
Matt Asselmeier  
111 W. Fox Street  
Yorkville, Illinois 60560

#### Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

IDNR Project Number: 2405940

### **Terms of Use**

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

### **Security**

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

### **Privacy**

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

### Special Use Findings of Fact

1. The operation of the Special will not endanger any public health, safety, morals, comfort or general welfare. To the contrary it will provide the orderly expansion of allowing nursery stock and a local landscaping business that hires local Kendall County Employees in a quasi-agricultural endeavor to promote economic success for both the applicant and Kendall County and adjoining County customers.
2. The Special Use will not substantially be injurious to the use and enjoyment of surrounding properties. The property immediately adjoining is a residential use in an agricultural area that sold this subject property of the Special Use Applicant knowing full well the intended use. There are many agricultural/landscaping/nursery businesses scattered in the agricultural zoning throughout the County.
3. Stewart Road is a hard surface Road and provides adequate ingress and egress for all vehicles entering and leaving the subject property. There are not heavy ingress and egress uses with only employees arriving in the morning, leaving for jobs and returning in the late afternoon. The Applicant may do some snowplowing with lesser amount of employees in the winter. Drainage is easily handled on the subject property.
4. Applicant fully expects to comply with all applicable regulations and Kendall County Zoning Applications for the anticipated Special Use.
5. The Application for the Special Use is totally consistent with the purpose and objectives of the Land Resource Management Plan as set out in the answer to the first paragraph above.

1) The property setback requirements for A-1 results in an inverse condemnation in taking without compensation which is against Illinois and Federal Constitutions when no public interest is being adversely effect. If it was a reasonable distance, Petitioner would cooperate. Petitioner has in no way created this difficulty.

2) Actually if there were other similar landscape use in A-1 areas on seldom traveled low volume traffic roads, there would be no need for 150 foot setback. A drive through Kendall County bot rural and in incorporated municipalities, show businesses, Government Office Buildings, and homes much closer to rad rights-of-way so there is no articulable health or safety needs justifying not allowing parking and landscaping improvements in a front setback area. If there ever was a condemnation or a voluntary taking as long as there are not permanent improvements the taking can take place without causing additional government expense for permanent improvement acquisition costs.

3) The property setback requirements for A-1 results in an inverse condemnation in taking without compensation which is against Illinois and Federal Constitutions when no public interest is being adversely effect. If it was a reasonable distance, Petitioner would cooperate. Petitioner has in no way created this difficulty.

4) The request has no impact whatsoever on surrounding property owners. The parking and hoop houses will be setback further than the adjacent landowners residential homes and are well of the right-of way requirements in any other uses.

5) The request has no impact whatsoever on surrounding property owners. The parking and hoop houses will be setback further than the adjacent landowners residential homes and are well of the right-of way requirements in any other uses



# STORMWATER MANAGEMENT PERMIT

PERMIT APPLICATION #

Conformance with all Federal, State, and County Regulations is required. Applicants are encouraged to the Countywide Stormwater Management Ordinance and consider a pre-application meeting with Department staff prior to submittal. See attached highlights of regulations.

Property: Name Arbeen, LLC

Owner Address [REDACTED]

Phone [REDACTED]

Agent: Name Attorney Daniel J. Kramer

Address [REDACTED]

Phone [REDACTED]

Site: Address or Location 5 acres vacant land Stewart Road

Tax Parcel # 03-24-400-011

Zoning/Land Use/Acres A-1 5 acres

Proposed Development:

A-1 Special Use to operate Landscaping Business

Attachments: Plat X Submitted Construction Plans \_\_\_\_\_  
Soils \_\_\_\_\_ Landscaping X Submitted  
Grading \_\_\_\_\_ Phasing \_\_\_\_\_  
Other Engineer will submit calculations

Fees \$ 50.00 Processing Fee (\$50.00)  
\$ \_\_\_\_\_ Engineering Review Deposit (\$1,200.00 or 2% of estimated cost of the proposed improvements, whichever is greater.)

TOTAL \$ \_\_\_\_\_ One check is acceptable made out to the Kendall County Treasurer

Staff will contact Applicant regarding schedule and reviews.

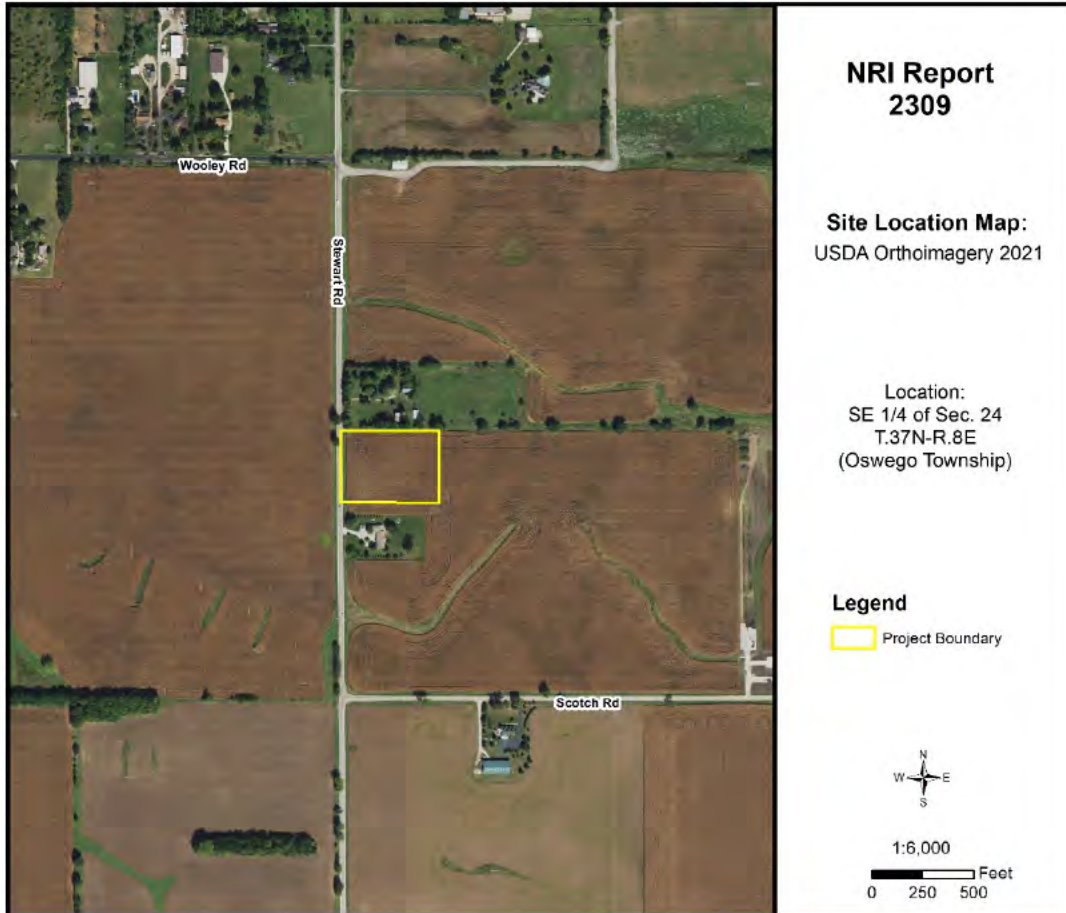
I hereby certify that the information on this application, on the documents attached, and on other submittals made during the review process is true and correct; that I am authorized to file this application; and that I agree to conform to all requirements set forth by the County and all conditions of the County Stormwater Management Ordinance. I understand that by signing this form, that the property in question may be visited by County Staff and County Engineers throughout the permit and construction process. I also understand that I am responsible for all costs associated with this application. The applicant attests that they are free of debt or current on all debts owed to Kendall County as of the application date.

Owner's Signature (Including Middle Initial) [REDACTED] Date \_\_\_\_\_

Agent's Signature (Including Middle Initial) \_\_\_\_\_ Date 11/16/23

Kendall County Planning, Building, & Zoning Department  
111 West Fox Street, Room 203  
Yorkville, Illinois 60560  
Phone: (630) 553-4139, Fax (630) 553-4179  
[www.kendallcountyil.gov](http://www.kendallcountyil.gov)

# NATURAL RESOURCE INFORMATION (NRI) REPORT: #2309



Nov.  
2023

Petitioner: Arbeen, LLC  
Contact: Attorney Daniel J. Kramer

Prepared By:



7775A Route 47  
Yorkville, Illinois 60560  
Phone: (630) 553-5821 x3  
[www.kendallswcd.org](http://www.kendallswcd.org)

**KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT  
NATURAL RESOURCE INFORMATION (NRI) REPORT**

Natural Resource Information Report Number	2309
Date District Board Reviews Application	November 2023
Applicant's Name	Arbeen, LLC
Size of Parcel	4.00 acres
Current Zoning & Use	A-1 Agricultural; Agricultural field
Proposed Zoning & Use	A-1 Agricultural Special Use; Landscaping Business
Parcel Index Number(s)	03-24-400-011
Contact Person	Attorney Daniel J. Kramer

Copies of this report or notification of the proposed land-use change was provided to:	Yes	No
The Applicant	X	
The Applicant's Legal Representation	X	
The Local/Township Planning Commission	X	
The Village/City/County Planning and Zoning Department or Appropriate Agency	X	
The Kendall County Soil and Water Conservation District Files	X	

Report Prepared By: *Alyse Olson* Position: *Resource Conservationist*



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## ***PURPOSE AND INTENT***

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The purpose of this report is to provide officials of the local governing body and other decision-makers with natural resource information. This information may be useful when undertaking land use decisions concerning variations, amendments or relief of local zoning ordinances, proposed subdivision of vacant or agricultural lands and the subsequent development of these lands. This report is a requirement under Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

The intent of this report is to present the most current natural resource information available in a readily understandable manner. It contains a description of the present site conditions, the present resources, and the potential impacts that the proposed change may have on the site and its resources. The natural resource information was gathered from standardized data, on-site investigations and information furnished by the petitioner. This report must be read in its entirety so that the relationship between the natural resource factors and the proposed land use change can be fully understood.

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

This report, when used properly, will provide the basis for proper land use change decisions and development while protecting the natural resource base of the county. It should not be used in place of detailed environmental and/or engineering studies that are warranted under most circumstances, but in conjunction with those studies.

The conclusions of this report in no way indicate that a certain land use is not possible, but it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Any questions on the technical data supplied in this report or if anyone feels that they would like to see more additional specific information to make the report more effective, please contact:

**Kendall County Soil and Water Conservation District**  
**7775A Route 47, Yorkville, IL 60560**  
**Phone: (630) 553-5821 ext. 3**  
**E-mail: [Alyse.Olson@il.nacdnet.net](mailto:Alyse.Olson@il.nacdnet.net)**

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## **EXECUTIVE SUMMARY**

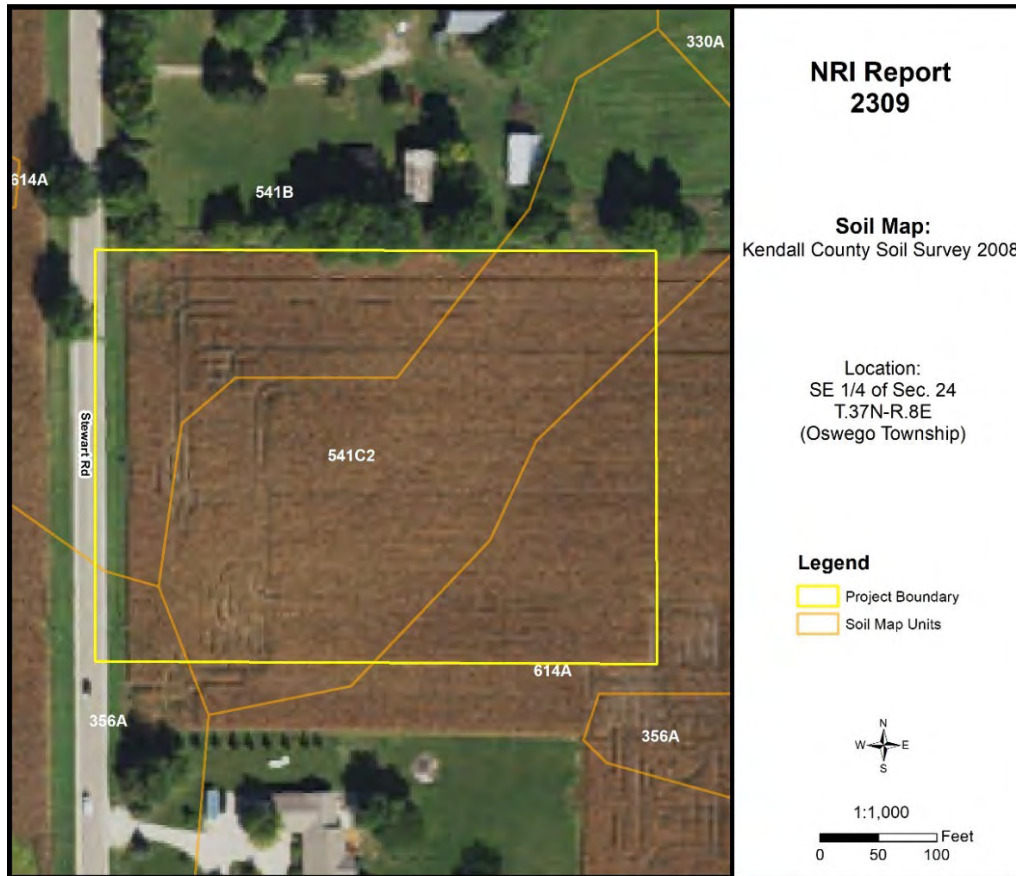
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Natural Resource Information Report Number	#2309
Petitioner	Arbeen, LLC
Contact Person	Attorney Daniel J. Kramer
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SE ¼ of Section 24, Township 37 North, Range 8 East (Oswego Township) of the 3 <sup>rd</sup> Principal Meridian
Project or Subdivision Name	Arbeen Landscaping
Existing Zoning & Land Use	A-1 Agricultural; Agricultural field
Proposed Zoning & Land Use	A-1 Agricultural Special Use; Landscaping Business
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	Not indicated
Size of Site	4.00 acres
Land Evaluation Site Assessment (LESA) Score	186 (Land Evaluation: 87; Site Assessment: 99)

## NATURAL RESOURCE CONSIDERATIONS

### SOIL INFORMATION

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this project area contains the soil types shown in Figure 1 and Table 1. Please note this does not replace the need for or results of onsite soil testing. If completed, please refer to onsite soil test results for planning/engineering purposes.



**Figure 1:** Soil Map

**Table 1:** Soils Information

Soil Type	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation	Acres	% Area
356A	Elpaso silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained	0.1	3.1%
541B	Graymont silt loam, 2-5% slopes	Moderately Well Drained	C	Non-Hydric with Hydric Inclusions	Prime Farmland	1.2	29.5%
541C2	Graymont silt loam, 5-10% slopes, eroded	Moderately Well Drained	C	Non-Hydric with Hydric Inclusions	Farmland of Statewide Importance	1.9	48.3%
614A	Chenoa silty clay loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric with Hydric Inclusions	Prime Farmland	0.8	19.1%

**Hydrologic Soil Groups** – Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

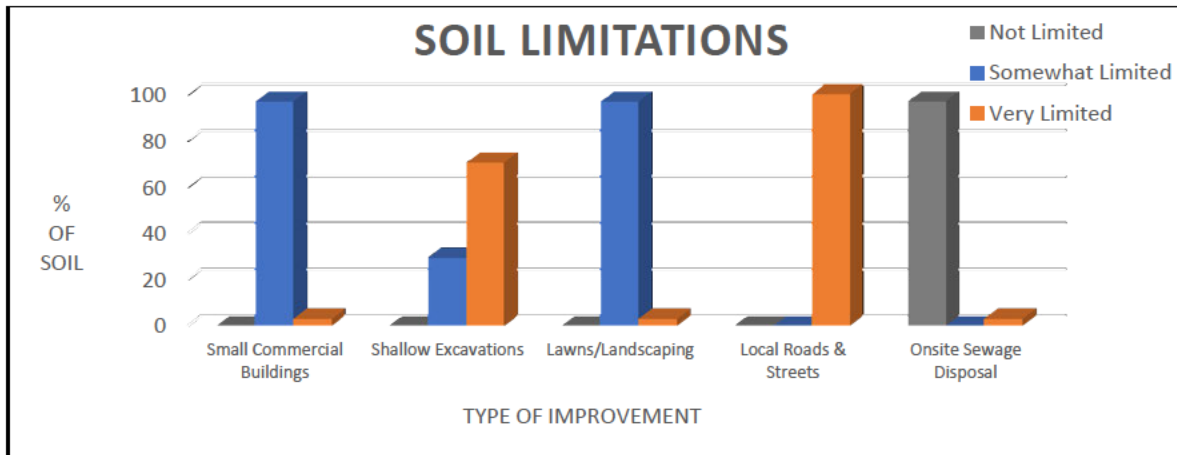
**Hydric Soils** – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as hydric soil (356A Elpaso silty clay loam) and three are classified as non-hydric soils with hydric inclusions likely (541B Graymont silt loam, 541C2 Graymont silt loam, and 614A Chenoa silty clay loam).

**Prime Farmland** – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, three are designated as prime farmland or prime farmland if drained (356A Elpaso silty clay loam, 541B Graymont silt loam, and 614A Chenoa silty clay loam) and one does not meet the criteria for prime farmland and is considered farmland of statewide importance (541C2 Graymont silt loam).

**Soil Limitations** – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings, small commercial buildings, solar arrays, shallow excavations, lawns/landscaping, local roads and streets, etc. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are Somewhat Limited are moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

**Table 2:** Soil Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns/Landscaping	Local Roads & Streets	Onsite Sewage Disposal
356A	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited
541B	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Not Limited
541C2	Somewhat Limited	Very Limited	Somewhat Limited	Very Limited	Not Limited
614A	Somewhat Limited	Very Limited	Somewhat Limited	Very Limited	Not Limited

**Figure 2:** Soil Limitations

### KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
  - The Land Evaluation score for this site is **87**, indicating that the soils are **well suited** for agricultural uses.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
  - The Site Assessment score for this site is **99**.

The LESA Score for this site is **186** out of a possible **300**, which indicates a **low level of protection** for the proposed project site. Selecting the project site with the lowest total points will generally protect the best

farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

#### **WETLANDS**

The U.S. Fish & Wildlife Service's National Wetlands Inventory map does not indicate the presence of wetland(s)/waters on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

#### **FLOODPLAIN**

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0070G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the site is in Zone X, an area of minimal flood hazard determined to be outside of the 0.2% annual chance floodplain.

#### **SEDIMENT AND EROSION CONTROL**

Development on this site should include an erosion and sediment control plan in accordance with local, state, and federal regulations. Soil erosion on construction sites is a resource concern as suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<https://illinoisurbanmanual.org/>) for appropriate best management practices.

#### **STORMWATER POLLUTION**

A National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.



**LAND USE FINDINGS:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for Arbeen, LLC. The petitioner is requesting a Special Use Permit on one parcel (Parcel Index Number 03-24-400-011) to operate a 4.00-acre landscaping business within Oswego Township of Kendall County, IL located in Section 24, Township 37N, and Range 8E of the 3<sup>rd</sup> Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.


The Kendall County SWCD has always had the opinion that prime farmland soils should be preserved whenever feasible due to their highly productive qualities for growing agriculturally important grain and fiber crops in our community. Of the soils found onsite, 51.7% are designated as prime farmland or prime farmland if drained. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored a 87 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA score for this site is 186 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are considered very limited for roads/streets, 70.5% are very limited for shallow excavations, and 3.1% are very limited for small commercial buildings and lawns/landscaping. The remaining soils are considered somewhat limited for these types of uses. Additionally, 3.1% of the soils are considered unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Des Plaines River watershed and the Middle DuPage River sub watershed. This development should include a soil erosion and sediment control plan to be implemented during construction. It is critical to have vegetative cover during and after construction to protect the soil from erosion. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality, and destroy aquatic ecosystems lower in the watershed.

For intense use, it is recommended that a drainage tile survey be completed on the parcel to locate the subsurface drainage tile and should be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure that the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).

  
SWCD Board Representative

11/13/23  
Date



# PARCEL LOCATION

Southeastern ¼ of Section 24, Township 37 North, Range 8 East (Oswego Township). This parcel contains approximately 4.00 acres and is located on the east side of Stewart Road, north of Scotch Road, and south of Rance Road. The parcel is within unincorporated Kendall County, IL.

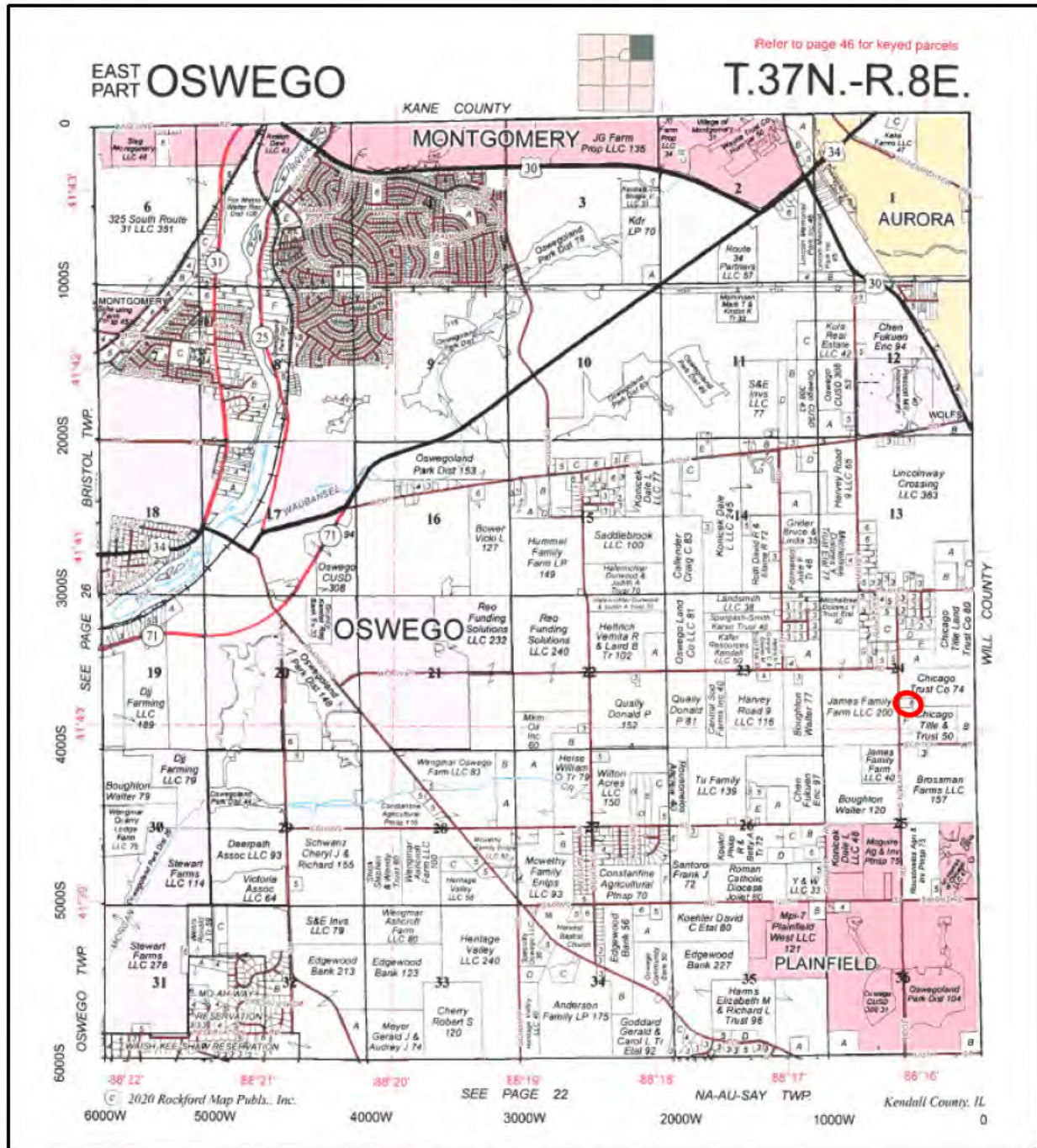


Figure 3: 2021 Plat Map

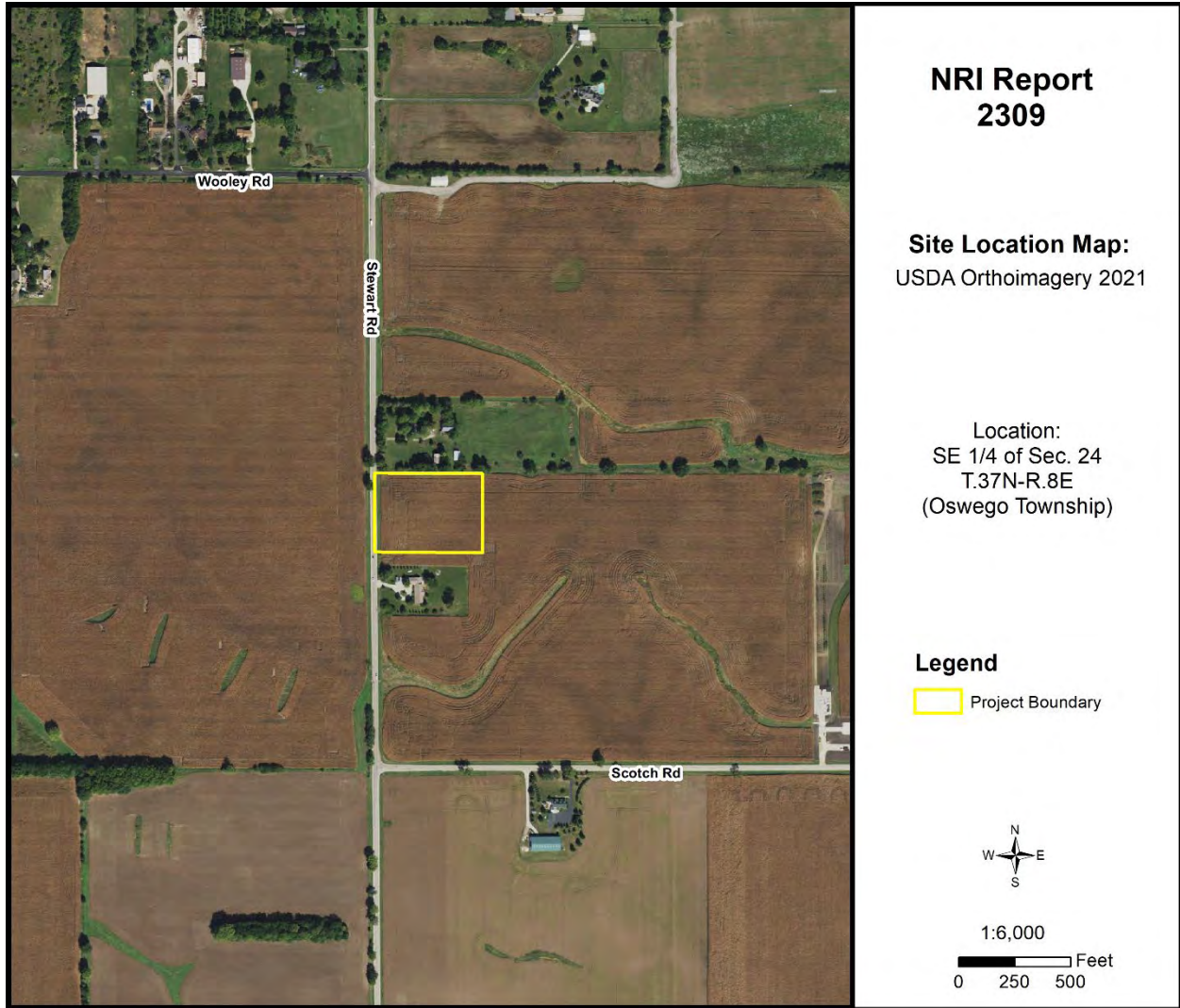


Figure 4: 2021 Aerial Map with NRI Project Boundary



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## **ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION**

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Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions.

The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

**The Illinois State Historic Preservation Office has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact them according to current Illinois law.**

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## ***ECOLOGICALLY SENSITIVE AREAS***

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### **WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?<sup>1</sup>**

Biological diversity, or biodiversity, is the range of life on our planet. A more thorough definition is presented by botanist Peter H. Raven: “At the simplest level, biodiversity is the sum total of all the plants, animals, fungi and microorganisms in the world, or in a particular area; all of their individual variation; and all of the interactions between them. It is the set of living organisms that make up the fabric of the planet Earth and allow it to function as it does, by capturing energy from the sun and using it to drive all of life’s processes; by forming communities of organisms that have, through the several billion years of life’s history on Earth, altered the nature of the atmosphere, the soil and the water of our Planet; and by making possible the sustainability of our planet through their life activities now” (Raven 1994).

It is not known how many species occur on our planet. Presently, about 1.4 million species have been named. It has been estimated that there are perhaps 9 million more that have not been identified. What is known is that they are vanishing at an unprecedented rate. Reliable estimates show extinction occurring at a rate several orders of magnitude above “background” in some ecological systems (Wilson 1992, Hoose 1981).

The reasons for protecting biological diversity are complex, but they fall into four major categories. First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s (Roush 1982).

Simplified ecosystems are almost always expensive to maintain. For example, when synthetic chemicals are relied upon to control pests, the target species are not the only ones affected. Their predators are almost always killed or driven away, exasperating the pest problem. In the meantime, people are unintentionally breeding pesticide-resistant pests. A process has begun where people become perpetual guardians of the affected area, which requires the expenditure of financial resources and human ingenuity to keep the system going.

A second reason for protecting biological diversity is that it represents one of our greatest untapped resources. Great benefits can be reaped from a single species. About 20 species provide 90% of the world’s food. Of these 20, just three, wheat, maize, and rice supply over one half of that food. American wheat farmers need new varieties every five to 15 years to compete with pests and diseases. Wild strains of wheat are critical genetic reservoirs for these new varieties.

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of

chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds (Hoose 1981).

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and wellbeing, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

Historically, the lack of attention to biological diversity, and the ecological processes it supports, has resulted in economic hardships for segments of the basin’s human population.

The final reason for protecting biological diversity is that species and natural systems are intrinsically valuable. The above reasons have focused on the benefits of the natural world to humans. All things possess intrinsic value simply because they exist.

#### **BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL**

As part of the Natural Resources Information Report, staff checks office maps to determine if any nature preserves or ecologically sensitive areas are in the general vicinity of the parcel in question. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include, but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

**Office maps indicate that ecologically sensitive area(s) are not located on or near the parcel in question (PIQ).**

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<sup>1</sup>Taken from *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

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## ***SOILS INFORMATION***

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### **IMPORTANCE OF SOILS INFORMATION**

Soils information comes from the Natural Resources Conservation Service Soil Maps and Descriptions for Kendall County. This information is important to all parties involved in determining the suitability of the proposed land use change.

Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and buildings without basements. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.

The limitation categories (not limited, somewhat limited, or very limited) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with to complete the proposed activity successfully. Very limited indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a somewhat limited or not limited rating.

Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. They are based on the soil properties that directly influence the specified use of the soil. Soil survey interpretations allow users of soil surveys to plan reasonable alternatives for the use and management of soils.

Soil interpretations do not eliminate the need for on-site study and testing of specific sites for the design and construction for specific uses. They can be used as a guide for planning more detailed investigations and for avoiding undesirable sites for an intended use. The scale of the maps and the range of error limit the use of the soil delineation.

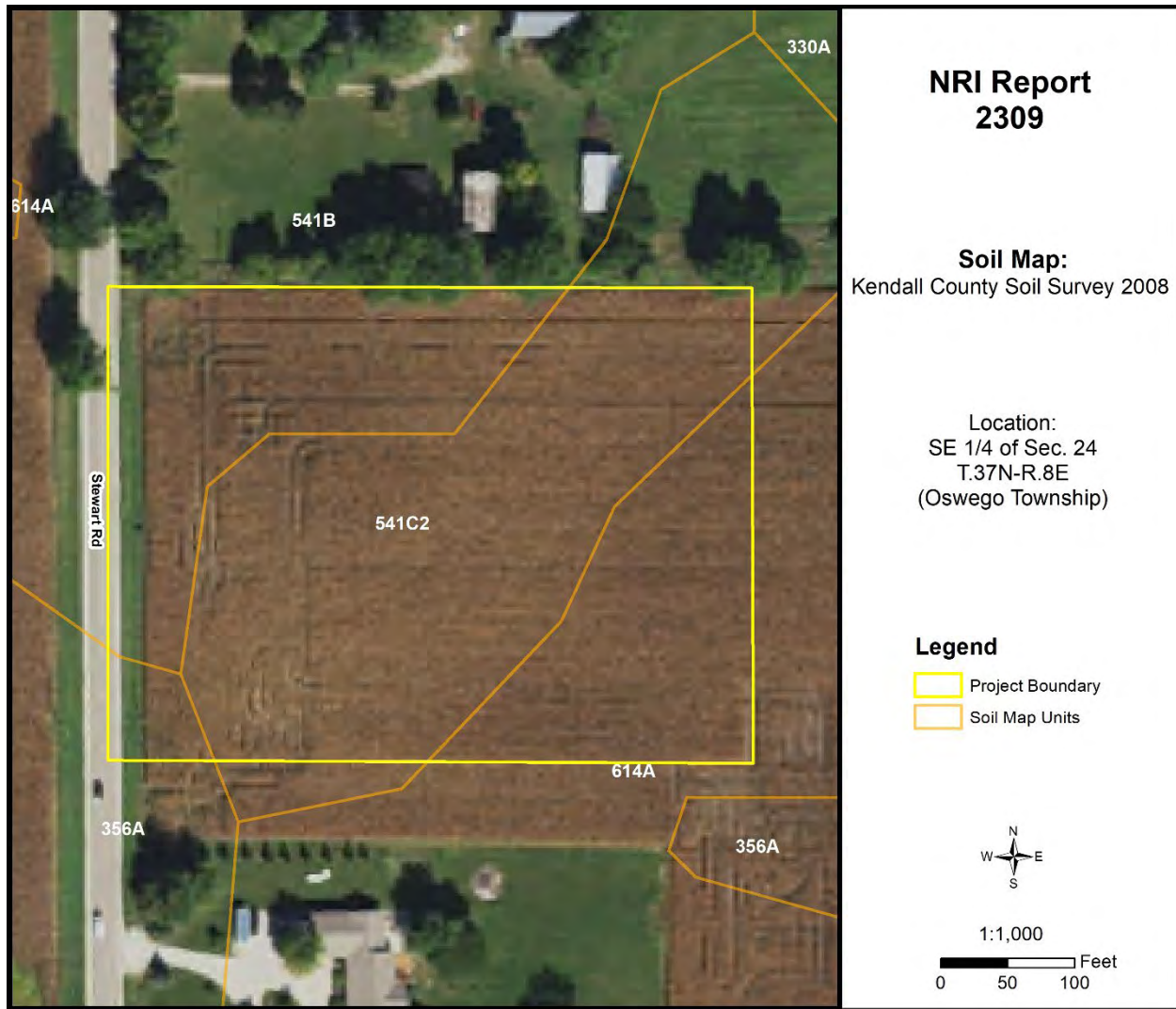


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Soil Type	Soil Name	Acres	Percent
356A	Elpaso silty clay loam, 0-2% slopes	0.1	3.1%
541B	Graymont silt loam, 2-5% slopes	1.2	29.5%
541C2	Graymont silt loam, 5-10% slopes, eroded	1.9	48.3%
614A	Chenoa silty clay loam, 0-2% slopes	0.8	19.1%

Source: National Cooperative Soil Survey – USDA-NRCS



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## ***SOILS INTERPRETATIONS EXPLANATION***

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### **GENERAL – NONAGRICULTURAL**

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features.

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of not limited, somewhat limited, and very limited are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered unsuitable for all types of construction.

### **LIMITATIONS RATINGS**

- **Not Limited:** This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
- **Somewhat Limited:** This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
- **Very Limited:** This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

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## ***BUILDING LIMITATIONS***

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### **BUILDING ON POORLY SUITED OR UNSUITABLE SOILS**

Building on poorly suited or unsuitable soils can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of the Kendall County SWCD strongly urges scrutiny by the plat reviewers when granting parcels with these soils exclusively.

**Small Commercial Buildings** – Ratings are for structures that are less than three stories high and do not have basements. The foundation is assumed to be spread footings of reinforced concrete built on disturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

**Shallow Excavations** – Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches, or other purposes. Ratings are based on soil properties that influence the ease of digging and the resistance to sloughing.

**Lawns and Landscaping** – Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established.

**Local Roads and Streets** – They have an all-weather surface and carry automobile and light truck traffic all year. They have a subgrade of cut or fill soil material, a base of gravel, crushed rock or soil material stabilized by lime or cement; and a surface of flexible material (asphalt), rigid material (concrete) or gravel with a binder. The ratings are based on the soil properties that affect the ease of excavation and grading and the traffic-supporting capacity.

**Onsite Sewage Disposal** – The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. The table below indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department – Environmental Health at (630) 553-9100 x8026.

**Table 4:** Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Roads & Streets	Onsite Sewage Disposal*	Acres	%
356A	<b>Very Limited:</b> Ponding, Depth to saturated zone, Shrink-swell	<b>Very Limited:</b> Ponding, Depth to saturated zone, Dusty, Unstable excavation walls, Too clayey	<b>Very Limited:</b> Ponding, Depth to saturated zone, Dusty	<b>Very Limited:</b> Ponding, Depth to saturated zone, Frost action, Low strength, Shrink-swell	<b>Unsuitable/ Very Limited:</b> Wet	0.1	3.1%
541B	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone, Dusty, Unstable excavation walls, Ponding	<b>Somewhat Limited:</b> Dusty	<b>Very Limited:</b> Frost action, Low strength, Shrink-swell, Ponding, Depth to saturated zone	<b>Suitable/ Not Limited</b>	1.2	29.5%
541C2	<b>Somewhat Limited:</b> Slope, Shrink-swell	<b>Very Limited:</b> Depth to saturated zone, Dusty, Unstable excavation walls, Ponding	<b>Somewhat Limited:</b> Dusty	<b>Very Limited:</b> Frost action, Low strength, Shrink-swell, Ponding, Depth to saturated zone	<b>Suitable/ Not Limited</b>	1.9	48.3%
614A	<b>Somewhat Limited:</b> Depth to saturated zone, Shrink-swell	<b>Very Limited:</b> Depth to saturated zone, Dusty, Unstable excavation walls, Ponding, Too clayey	<b>Somewhat Limited:</b> Depth to saturated zone, Dusty	<b>Very Limited:</b> Low strength, Depth to saturated zone, Frost action, Shrink-swell, Ponding	<b>Suitable/ Not Limited</b>	0.8	19.1%
<b>% Very Limited</b>	<b>3.1%</b>	<b>70.5%</b>	<b>3.1%</b>	<b>100%</b>	<b>3.1%</b>		

\*This column indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Please consult with the Kendall County Health Department to verify the limitations of your site for onsite sewage disposal.







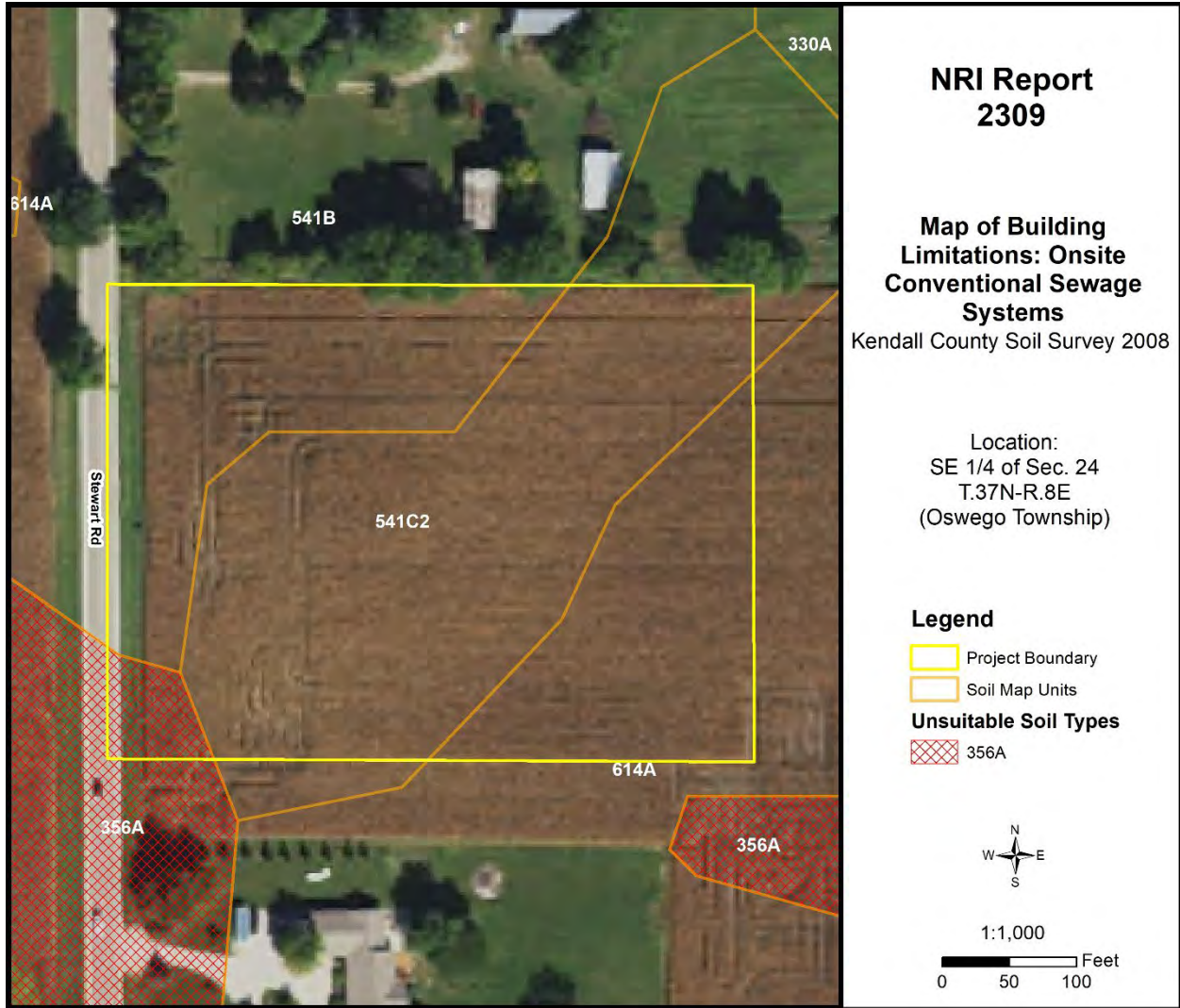


Figure 6D: Map of Building Limitations – Onsite Conventional Sewage Systems

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## **SOIL WATER FEATURES**

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Table 5, below, gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

**HYDROLOGIC SOIL GROUPS (HSGs)** – The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

- **Group A:** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Group B:** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained, or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

**Note:** If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D) the first letter is for drained areas and the second is for undrained areas.

**SURFACE RUNOFF** – Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal). The classes are negligible, very low, low, medium, high, and very high.

**MONTHS** – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

**WATER TABLE** – Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

**PONDING** – Ponding refers to standing water in a closed depression, and the data indicates surface water depth, duration, and frequency of ponding.



- **Duration:** Expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and *frequent* means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

**FLOODING** – The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

- **Duration:** Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

**Note:** The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

**Table 5:** Water Features

Soil Type	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
356A	B/D	Negligible	January – May Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	January – May Surface Water Depth: 0.0'-0.5' Duration: Brief (2-7 days) Frequency: Frequent	January – December Frequency: None
541B	C	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.3'	January – December Frequency: None	January – December Frequency: None
541C2	C	Medium	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.3'	January – December Frequency: None	January – December Frequency: None
614A	C/D	Low	January – May Upper Limit: 1.0'-2.0' Lower Limit: 2.1'-4.3'	January – December Frequency: None	January – December Frequency: None

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## **SOIL EROSION AND SEDIMENT CONTROL**

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Erosion is the wearing away of the soil by water, wind, and other forces. Soil erosion threatens the Nation's soil productivity and contributes the most pollutants in our waterways. Water causes about two thirds of erosion on agricultural land. Four properties, mainly, determine a soil's erodibility: texture, slope, structure, and organic matter content.

**Slope** has the most influence on soil erosion potential when the site is under construction. Erosivity and runoff increase as slope grade increases. The runoff then exerts more force on the particles, breaking their bonds more readily and carrying them farther before deposition. The longer water flows along a slope before reaching a major waterway, the greater the potential for erosion.

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches, and storm sewers and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- Reducing/diverting flow from exposed areas, storing flows, or limiting runoff from exposed areas
- Staging construction to keep disturbed areas to a minimum
- Establishing or maintaining temporary or permanent groundcover
- Retaining sediment on site
- Properly installing, inspecting, and maintaining control measures

Erosion control practices are useful controls only if they are properly located, installed, inspected, and maintained. Soil erosion and sedimentation control plans, including maintenance responsibilities, should be clearly communicated to all contractors working on the site.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby. Additionally, a National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

**Table 6:** Soil Erosion Potential

<b>Soil Type</b>	<b>Slope</b>	<b>Rating</b>	<b>Acreage</b>	<b>Percent of Project Area</b>
356A	0-2%	Slight	0.1	3.1%
541B	2-5%	Slight	1.2	29.5%
541C2	5-10%	Moderate	1.9	48.3%
614A	0-2%	Slight	0.8	19.1%

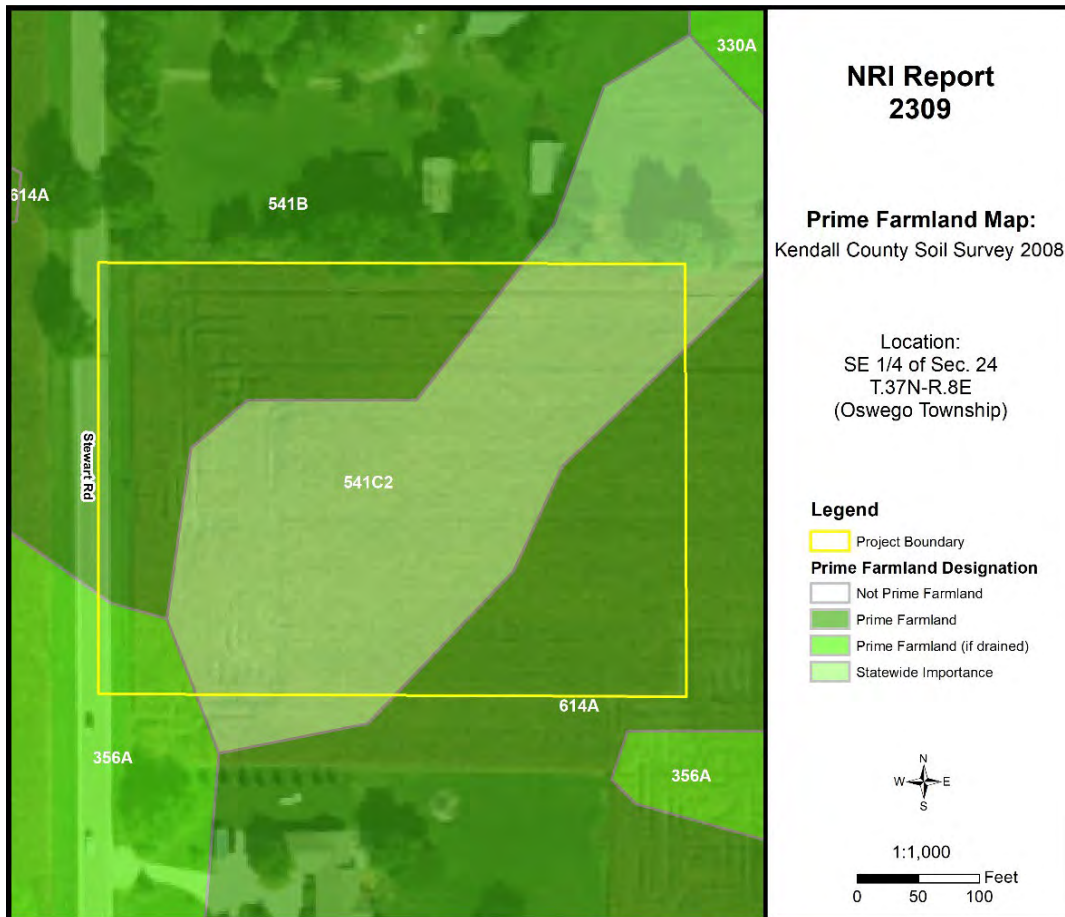
## ***PRIME FARMLAND SOILS***

Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soil map units on the parcel reflect the determination that urban or built-up land on prime farmland soils is not prime farmland.

**Table 7:** Prime Farmland Soils

Soil Type	Prime Designation	Acreage	Percent
356A	Prime Farmland (if drained)	0.1	3.1%
541B	Prime Farmland	1.2	29.5%
541C2	Farmland of Statewide Importance	1.9	48.3%
614A	Prime Farmland	0.8	19.1%
<b>% Prime Farmland</b>	<b>51.7%</b>		



**Figure 7:** Map of Prime Farmland Soils

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## **LAND EVALUATION AND SITE ASSESSMENT (LESA)**

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Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

### **LAND EVALUATION (LE)**

The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100, and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

### **SITE ASSESSMENT (SA)**

The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

**Please Note:** A land evaluation (LE) score will be compiled for every project parcel. However, when a parcel is located within municipal planning boundaries, a site assessment (SA) score is not compiled as the scoring factors are not applicable. As a result, only the LE score is available, and a full LESA score is unavailable for the parcel.

**Table 8A:** Land Evaluation Computation

<b>Soil Type</b>	<b>Value Group</b>	<b>Relative Value</b>	<b>Acres*</b>	<b>Product (Relative Value x Acres)</b>
356A	1	100	0.1	10.0
541B	2	94	1.2	112.8
541C2	5	82	1.9	155.8
614A	3	87	0.8	69.6
			<b>4.0</b>	<b>348.2</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) 348.2 / 4.0 = 87.1	
<b>LE Score</b>			<b>LE = 87</b>	

\*Acreage listed in this chart provides a generalized representation and may not precisely reflect exact acres of each soil type.

The Land Evaluation score for this site is 87, indicating that this site is designated as land that is well suited for agricultural uses considering the Land Evaluation score is above 80.

**Table 8B:** Site Assessment Computation

<b>A.</b>	<b>Agricultural Land Uses</b>	<b>Points</b>
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	10
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	20
	4. Size of site. (30-15-10-0)	0
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	<b>Site Assessment Score:</b>	<b>99</b>

The Site Assessment score for this site is 99. The Land Evaluation value (87) is added to the Site Assessment value (99) to obtain a LESA Score of 186. The table below shows the level of protection for the proposed project site based on the LESA Score.

**Table 9:** LESA Score Summary

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

**Land Evaluation Value: 87 + Site Assessment Value: 99 = LESA Score: 186**

**The LESA Score for this site is 186 which indicates a low level of protection for the proposed project site.** Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

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## ***LAND USE PLANS***

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Many counties, municipalities, villages, and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given community. Please contact Kendall County Planning, Building & Zoning for information regarding their comprehensive land use plan and map.

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## ***DRAINAGE, RUNOFF, AND FLOOD INFORMATION***

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U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information.

Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources.

Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

### **WHAT IS A WATERSHED?**

Simply stated, a watershed is the area of land that contributes water to a certain point. The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or planimeter.

Using regional storm event information, and site-specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event) and is measured in cubic feet per second (CFS).

When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense uses, such as a subdivision, calculate the preconstruction Q value for the exit point(s). A stormwater management system

should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

### **IMPORTANCE OF FLOOD INFORMATION**

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions which affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

Flood Insurance Rate Maps (FIRMs), produced by the Federal Emergency Management Agency (FEMA), define flood elevation adjacent to tributaries and major bodies of water and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. This is to correctly determine the parcel location and floodplain location. The FIRM map has three (3) zones. Zone A includes the 100-year flood (1% annual chance flood), Zone B or Zone X (shaded) is the 100 to 500-year flood (between limits of the 1% and the 0.2% annual chance flood), and Zone C or Zone X (unshaded) is outside the floodplain (outside the 0.2% annual chance flood).

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps show the areas of flood for various years. Both maps stress that the recurrence of flooding is merely statistical. A 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner, and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.



If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDNR-OWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county, and local regulations will need to be reflected in the site plans. Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainage ways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. Development on hydric soils can contribute to the loss of water storage within the soil and the potential for increased flooding in the area.

**This parcel is on slight topography (slopes 0 to 10%) and at an elevation of approximately 724'-734' above sea level. The lowest point is at the southeast corner, and the highest point is in the middle of the site. According to the FEMA Flood Map (Figure 8), the parcel does not contain areas of floodplain or floodway. It is mapped as Zone X, an area of minimal flood hazard determined to be outside of the 0.2% annual chance floodplain.**

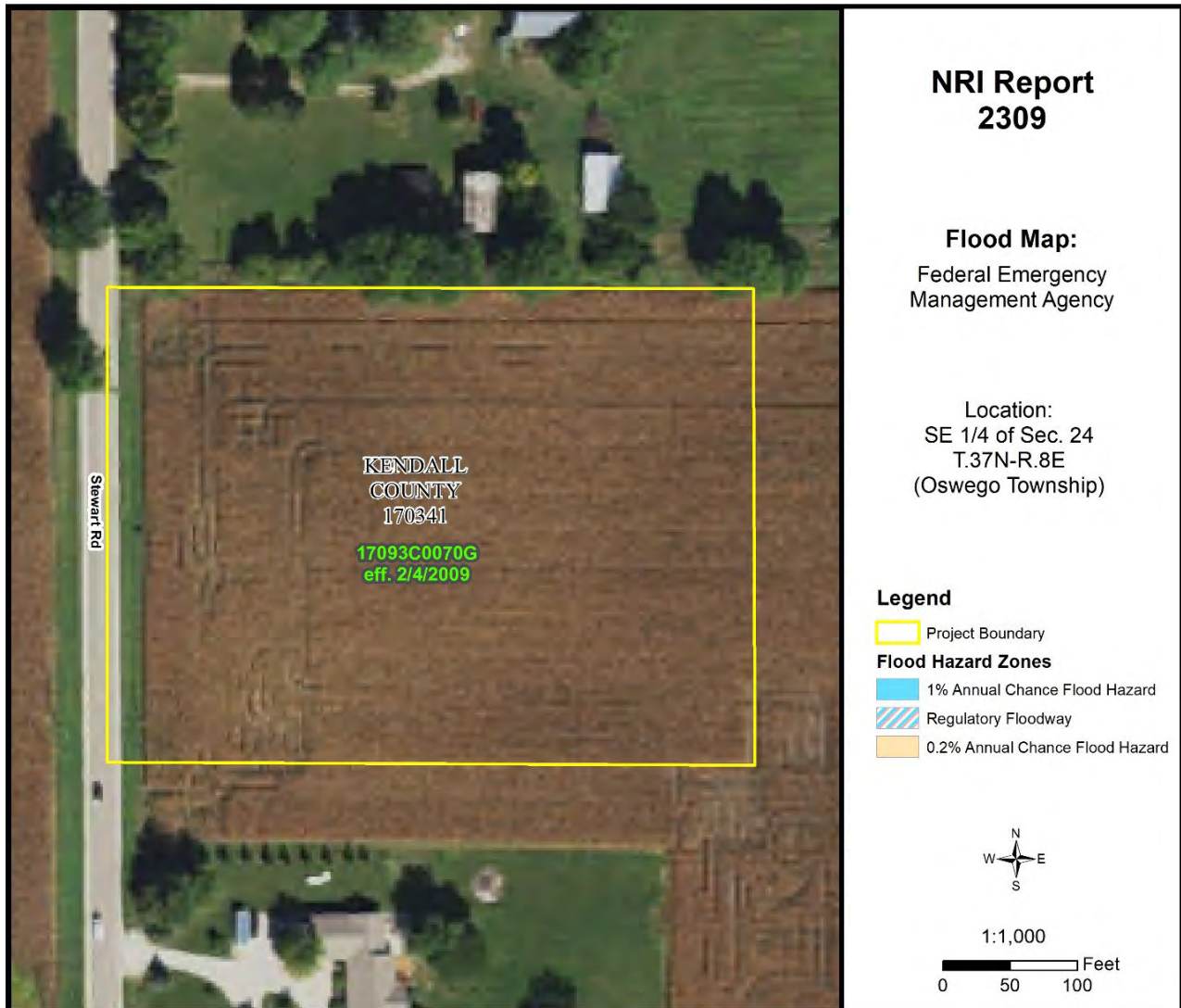


Figure 8: Flood Map

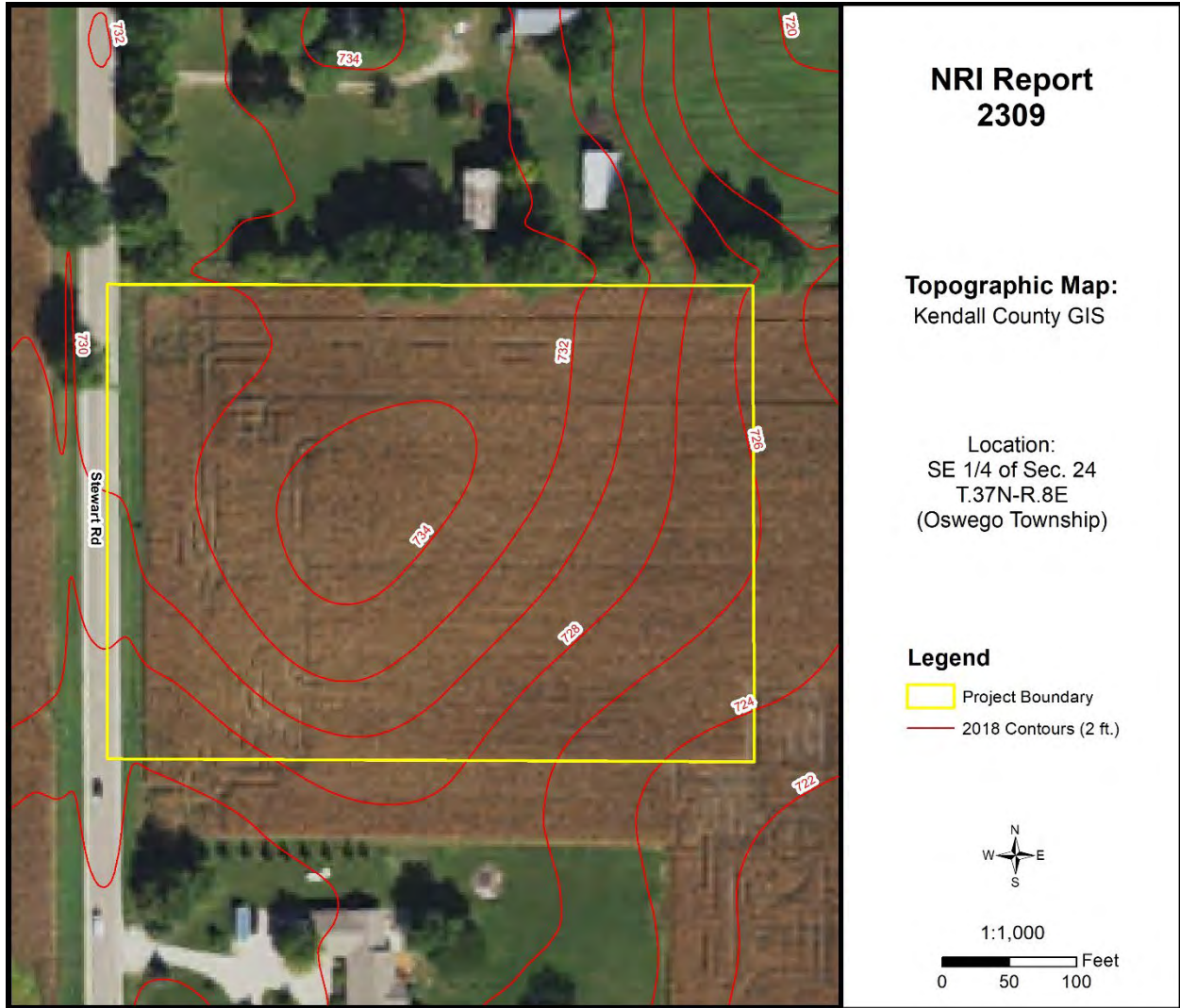


Figure 9: Topographic Map

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## **WATERSHED PLANS**

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### **WATERSHED AND SUB WATERSHED INFORMATION**

A watershed is the area of land that drains into a specific point including a stream, lake, or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries pollutants such as oils, pesticides, and soil.

Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and the implications of their activities, implementing practices recommended in watershed plans, and educating others about their watershed.

The following are recommendations to developers for protection of this watershed:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving a construction site
- Protect subsurface drainage
- Use native vegetation
- Retain natural features
- Mix housing styles and types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Shrink lot size and create more open space
- Maintain historical and cultural resources
- Treat water where it falls
- Preserve views
- Establish and link trails

**This parcel is located within the Des Plaines River watershed and the Middle DuPage River sub watershed.**

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## WETLAND INFORMATION

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### IMPORTANCE OF WETLAND INFORMATION

Wetlands function in many ways to provide numerous benefits to society. They control flooding by offering a slow release of excess water downstream or through the soil. They cleanse water by filtering out sediment and some pollutants and can function as rechargers of our valuable groundwater. They also are essential breeding, rearing, and feeding grounds for many species of wildlife.

These benefits are particularly valuable in urbanizing areas as development activity typically adversely affects water quality, increases the volume of stormwater runoff, and increases the demand for groundwater. In an area where many individual homes rely on shallow groundwater wells for domestic water supplies, activities that threaten potential groundwater recharge areas are contrary to the public good. The conversion of wetlands, with their sediment trapping and nutrient absorbing vegetation, to biologically barren stormwater detention ponds can cause additional degradation of water quality in downstream or adjacent areas.

It has been estimated that over 95% of the wetlands that were historically present in Illinois have been destroyed while only recently has the true environmental significance of wetlands been fully recognized. America is losing 100,000 acres of wetland a year and has saved 5 million acres total (since 1934). One acre of wetland can filter 7.3 million gallons of water a year. These are reasons why our wetlands are high quality and important.

This section contains the National Wetlands Inventory, which is the most comprehensive inventory to date. The National Wetlands Inventory is reproduced from an aerial photo at a scale of 1" equals 660 feet. The NRCS developed these maps in cooperation with U.S. EPA (Environmental Protection Agency,) and the U.S. Fish and Wildlife Service, using the National Food Security Act Manual, 3rd Edition. The main purpose of these maps is to determine wetland areas on agricultural fields and areas that may be wetlands but are in a non-agriculture setting.

The National Wetlands Inventory in no way gives an exact delineation of the wetlands, but merely an outline, or the determination that there is a wetland within the outline. For the final, most accurate wetland **determination** of a specific wetland, a wetland **delineation** must be certified by NRCS staff using the National Food Security Act Manual (on agricultural land.) On urban land, a certified wetland delineator must perform the delineation using the ACOE 1987 Manual. *See the glossary section for the definitions of "delineation" and "determination."*



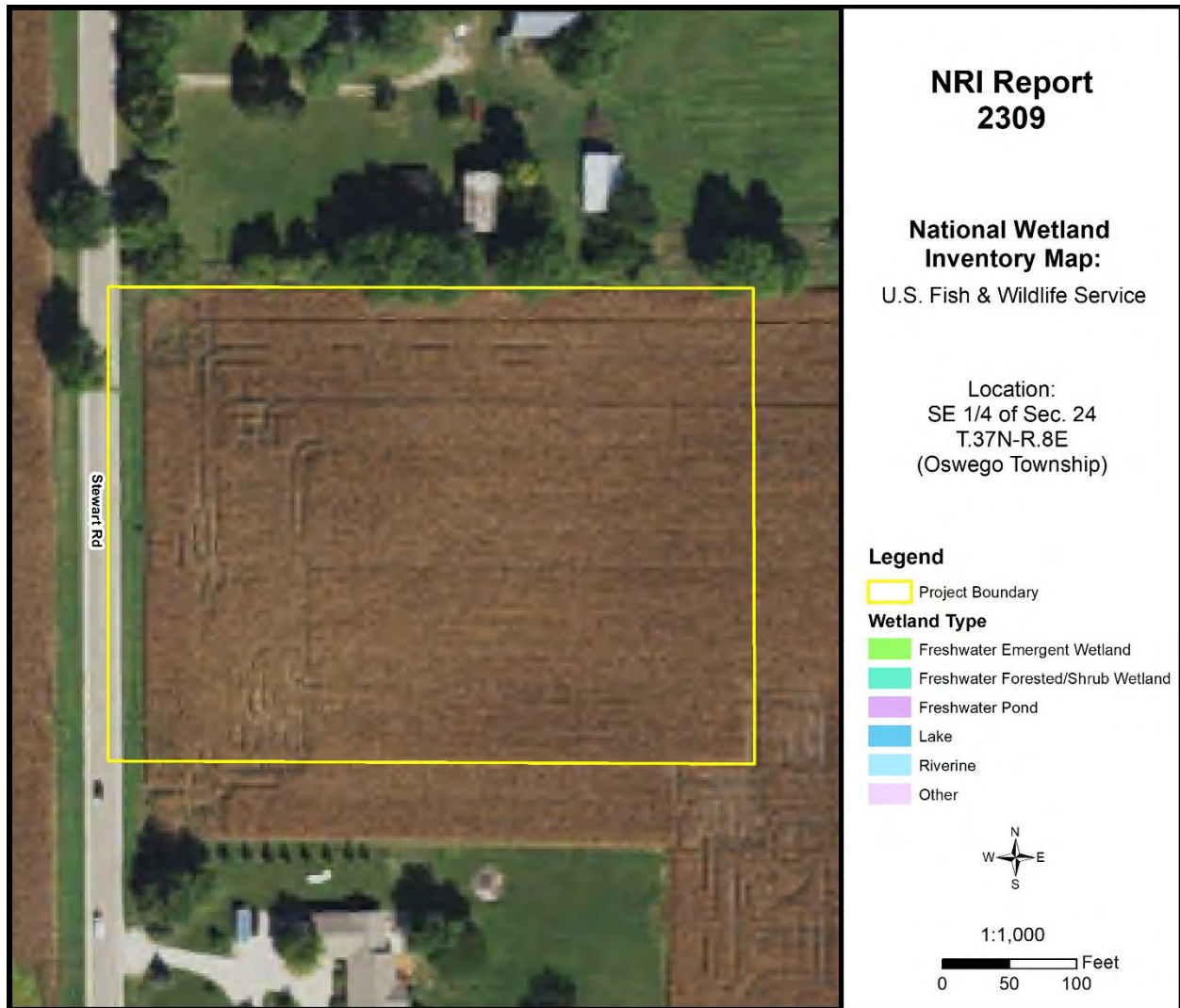


Figure 10: Wetland Map

Office maps indicate that mapped wetlands/waters are not present on the parcel in question (PIQ). To determine the presence of wetlands, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

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## **HYDRIC SOILS**

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Soils information gives another indication of flooding potential. The soils map on the following page indicates the soil(s) on the parcel that the Natural Resources Conservation Service indicates as hydric. Hydric soils, by definition, have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table but also their subsidence problems.

It is important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. A damaged subsurface drainage tile may return original hydrologic conditions to all the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions, and a drainage tile survey on the area to locate the tiles that must be preserved to maintain subsurface drainage.

**Table 10:** Hydric Soils

<b>Soil Types</b>	<b>Drainage Class</b>	<b>Hydric Designation</b>	<b>Hydric Inclusions Likely</b>	<b>Hydric Rating %</b>	<b>Acres</b>	<b>% Area</b>
356A	Poorly Drained	Hydric	N/A	100%	0.1	3.1%
541B	Moderately Well Drained	Non-Hydric	Yes	5%	1.2	29.5%
541C2	Moderately Well Drained	Non-Hydric	Yes	3%	1.9	48.3%
614A	Somewhat Poorly Drained	Non-Hydric	Yes	6%	0.8	19.1%



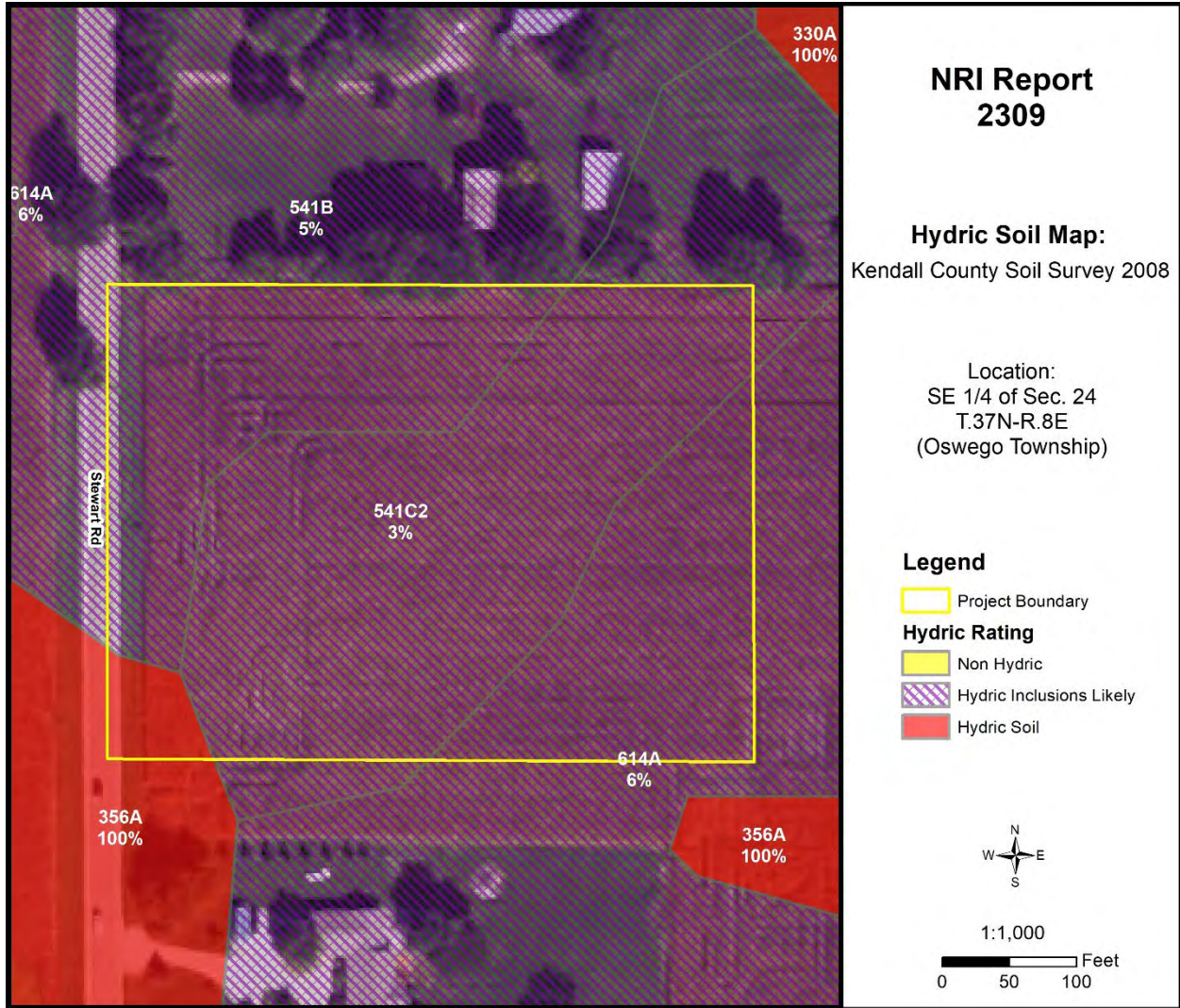


Figure 11: Hydric Soil Map

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## **WETLAND AND FLOODPLAIN REGULATIONS**

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PLEASE READ THE FOLLOWING IF YOU ARE PLANNING TO DO ANY WORK NEAR A STREAM (THIS INCLUDES SMALL UNNAMED STREAMS), LAKE, WETLAND OR FLOODWAY.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against floodway encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

### **WHO MUST APPLY?**

Anyone proposing to dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals.

### **REGULATORY AGENCIES**

- **Wetland or U.S. Waters:** U.S. Army Corps of Engineers, Chicago District, 231 South LaSalle Street, Suite 1500, Chicago, IL 60604. Phone: (312) 846-5530
- **Floodplains:** Illinois Department of Natural Resources - Office of Water Resources, One Natural Resources Way, Springfield, IL 62702-1270. Phone: (217) 782-6302
- **Water Quality/Erosion Control:** Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, IL 62794-9276. Phone: (217) 782-3397

### **COORDINATION**

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

**CAUTION: Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a Waters of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River and Harbors Appropriation Act of 1899 or Section 404 of the Clean Water Act are subject to fines ranging up to \$16,000 per day of violation, with a maximum cap of \$187,500 in any single enforcement action, as well as criminal enforcement.**

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## GLOSSARY

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**AGRICULTURAL PROTECTION AREAS (AG AREAS)** - Allowed by P.A. 81-1173. An AG AREA consists of a minimum of 350 acres of farmland, as contiguous and compact as possible. Petitioned by landowners, AG AREAS protect for a period of ten years initially, then reviewed every eight years thereafter. AG AREA establishment exempts landowners from local nuisance ordinances directed at farming operations, and designated land cannot receive special tax assessments on public improvements that do not benefit the land, e.g. water and sewer lines.

**AGRICULTURE** - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

**BEDROCK** - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

**FLOODING** - Indicates frequency, duration, and period during year when floods are likely to occur.

**HIGH WATER TABLE** - A seasonal high water table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

- **Water table, Apparent:** A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.
- **Water table, Artesian:** A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.
- **Water table, Perched:** A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

**DELINEATION** - For Wetlands: A series of pink or orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

**DETERMINATION** - A polygon drawn on a map using map information that gives an outline of a wetland.

**HYDRIC SOIL** - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987).

**INTENSIVE SOIL MAPPING** - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

**LAND EVALUATION AND SITE ASSESSMENT (L.E.S.A.)** - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

**MODERN SOIL SURVEY** - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different used and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

**PERMEABILITY** - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

**PIQ** - Parcel in question

**POTENTIAL FROST ACTION** - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

**PRIME FARMLAND** - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources and farming the land results in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent (USDA Natural Resources Conservation Service).

**SEASONAL** - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

**SHRINK-SWELL POTENTIAL** - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

**SOIL MAPPING UNIT** - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

**SOIL SERIES** - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

**SUBSIDENCE** - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

**TOPSOIL** - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

**WATERSHED** - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

**WETLAND** - An area that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient enough to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

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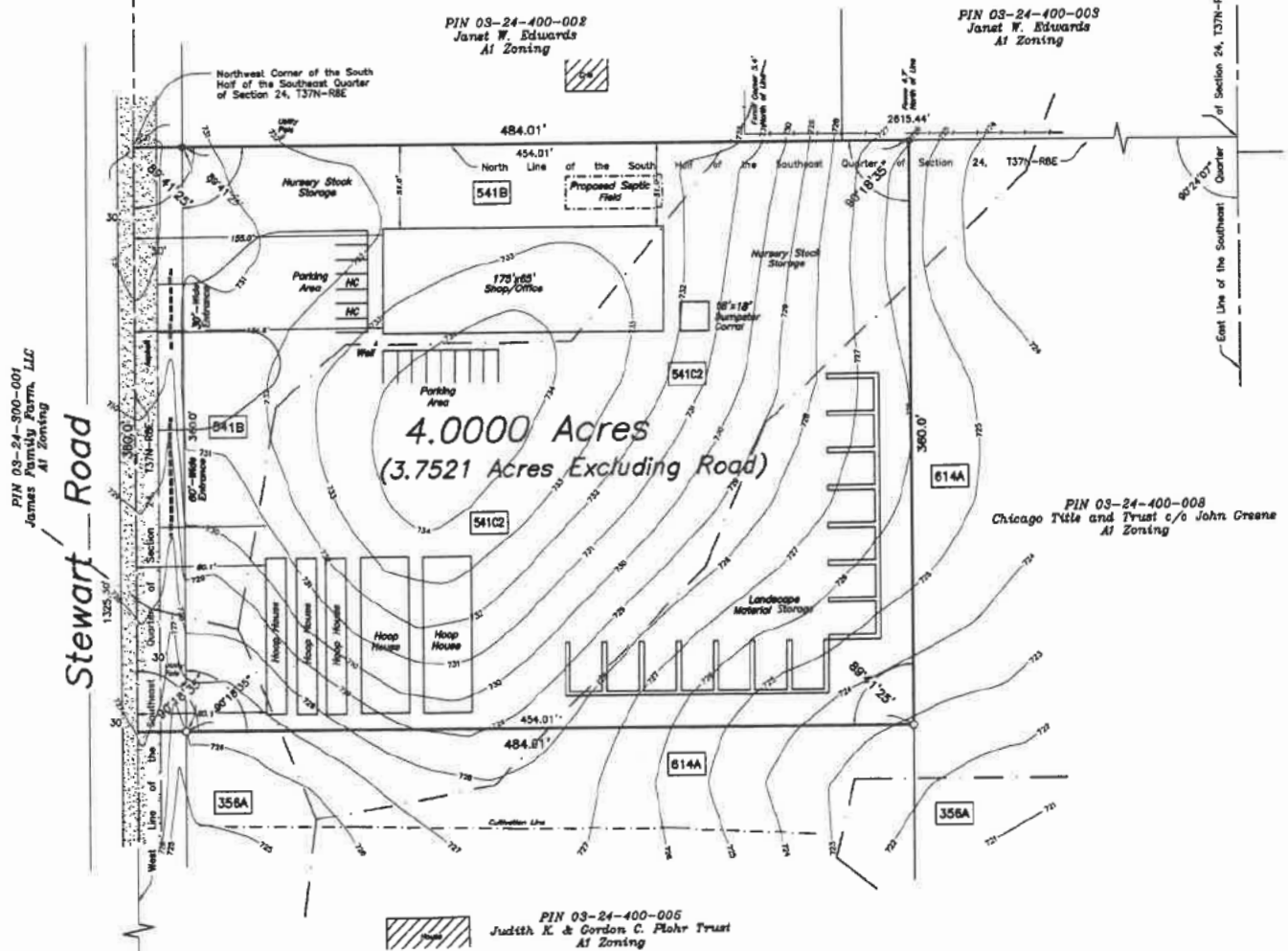
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ZONING PLAT OF  
PART OF THE SOUTHEAST QUARTER OF SECTION 24, T37N-R8E, 3rd PM  
OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS



DEVELOPER:  
Arbeen, LLC

AREA TO BE ZONED:  
4.0000 Acres  
(3.7521 Acres Excluding Road)

PRESENT ZONING:  
A-1

PROPOSED ZONING:  
A-1, SU

PROPERTY LOCATION:  
Part of PIN: 03-24-400-005  
Stewart Road  
Oswego, Illinois 60543



LEGAL DESCRIPTION OF TRACT TO BE ZONED:

The Northerly 360.0 feet of the Westerly 484.01 feet (as measured along the Westerly and Northerly Lines thereof) of the South and Northerly Half of the Southeast Quarter of Section 24, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township, Kendall County, Illinois.

FLOODPLAIN STATEMENT:

The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map PanelNo. 1709300706 with an effective date of February 4, 2009.

WETLANDS STATEMENT:

The National Wetlands Inventory Map does not depict any wetlands on the Subject Property.

SOILS (From Web Soil Survey)

356A	Elpaso Silty Clay Loam, 0%-2% slopes
541B	Graymont Silt Loam, 2%-5% slopes
541C2	Graymont Silt Loam, 5%-10% slopes, eroded
614A	Chenoa Silty Clay Loam, 0%-2% slopes

N

SCALE  
1"=50'



- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Concrete Right of Way Monument
- - - Indicates Line of Fence
- - - Indicates Overhead Utilities
- - - Indicates Soils Boundary
- ⊙ Indicates Tree Location and Diameter
- + 432.82 Indicates Spot Elevation
- 432.82 Indicates Contour Elevation
- Indicates Direction of Flow

PIN: 03-24-400-005

December 15, 2023

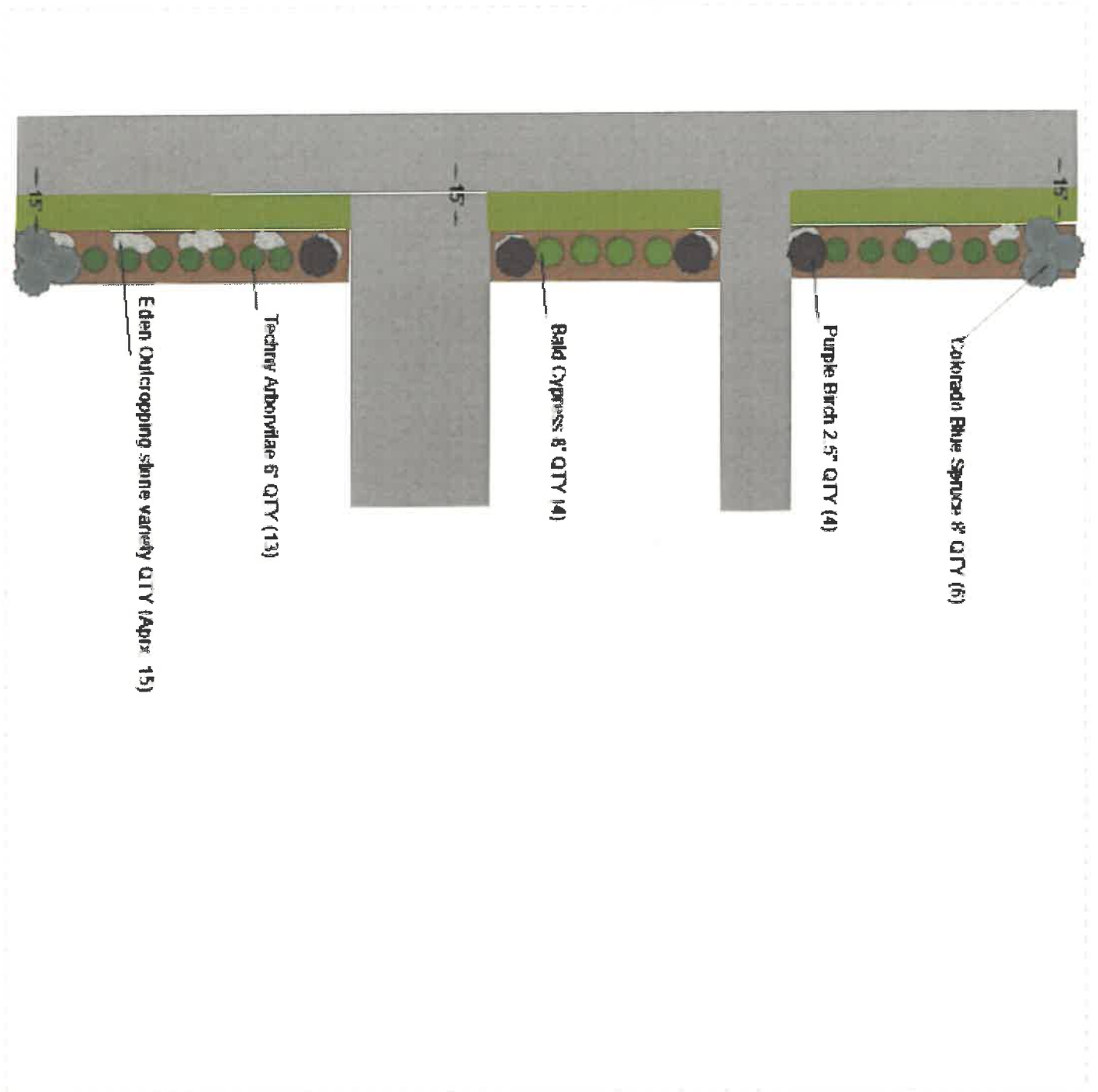
JOB NO.	23086
JOB NAME	ATTY. KRAMER
DWG FILE	23086C

Phillip D. Young and Associates, Inc.  
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.# [REDACTED]

1107B South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630)553-1580

Please see attached drawing.

1. Colorado Blue Spruce = (8' at time of planting, 50' max height)
2. Techny Arborvitae = (6' at time of planting, 15' max height)
3. Bald Cypress = (8' at time of planting, 40-50' max height)
4. Purple Birch = (10 or 2.5'' at time of planting, 35-40' max height)

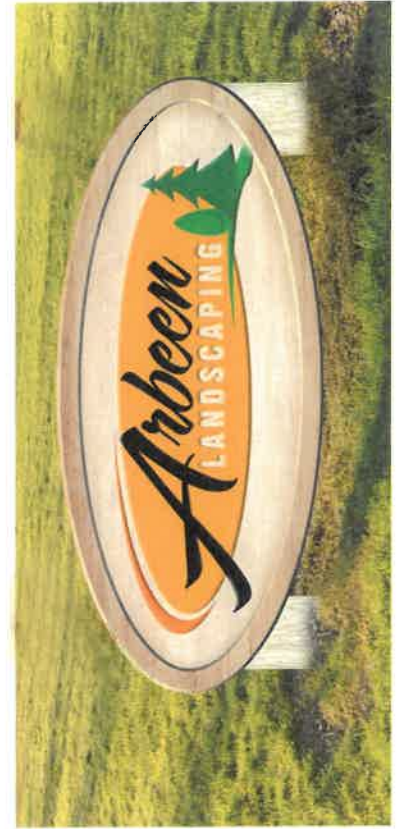
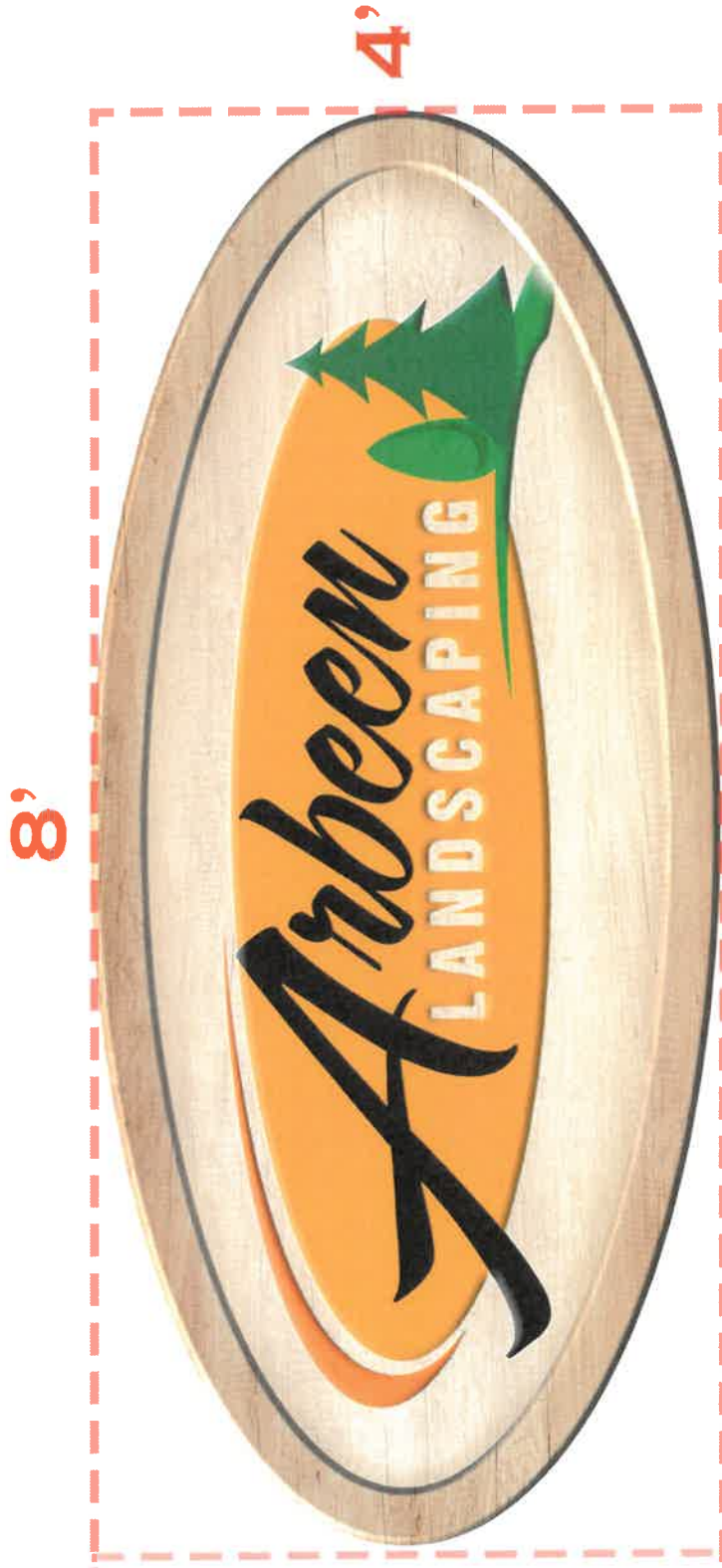




Search













11/20/2023 10:58





11/20/2023 10:58





11/20/2023 10:58





11/20/2023 10:58

**Matt Asselmeier**

---

**From:** Claude Ainsworth <cainsworth@oswegotownship.com>  
**Sent:** Monday, October 30, 2023 3:31 PM  
**To:** Matt Asselmeier  
**Subject:** RE: [EXTERNAL] RE: [EXTERNAL] RE: Stewart Road Question

35' FROM THE CENTER OF THE ROAD.

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Monday, October 30, 2023 2:06 PM  
**To:** Claude Ainsworth <cainsworth@oswegotownship.com>  
**Subject:** [EXTERNAL] RE: [EXTERNAL] RE: Stewart Road Question

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

How deep of a dedication do you want?

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

**From:** Claude Ainsworth <cainsworth@oswegotownship.com>  
**Sent:** Wednesday, October 25, 2023 6:36 AM  
**To:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Subject:** RE: [EXTERNAL] RE: Stewart Road Question

yes

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Tuesday, October 24, 2023 1:40 PM  
**To:** Fran Klaas <FKlaas@kendallcountyil.gov>; Claude Ainsworth <cainsworth@oswegotownship.com>  
**Cc:** Seth Wormley <swormley@kendallcountyil.gov>; Christina Burns <cburns@kendallcountyil.gov>  
**Subject:** [EXTERNAL] RE: Stewart Road Question

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

Claude:

# **The Annual Kendall County Regional Planning Commission Workshop Meeting**

The Kendall County Regional Planning Commission is pleased to announce its annual workshop meeting will take place on **Saturday, February 3, 2024**, at **9:00 am**, in the County Boardroom (Rooms 209 and 210) of the Kendall County Office Building – 111 West Fox Street, Yorkville.

One of the main objectives of this workshop meeting is to give the public and any other interested parties an opportunity to comment on the County's existing Land Resource Management Plan (LRMP) and to suggest and recommend proposed changes or modifications to the Plan.

The Annual Meeting is also an opportunity for County Staff, townships, communities, nearby counties, fire districts, school districts, park/forest preserves, economic development organizations, and non-profit organizations to share with everyone an overview of the activities and accomplishments from their organization from 2023 and the goals and objectives for 2024.

For additional information, please contact Matt Asselmeier at the Kendall County Planning, Building and Zoning Department at (630) 553-4139 or email at [masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov). We hope to see you on February 3<sup>rd</sup>!

No RSVP is needed.

**Saturday, February 3, 2024**  
**9:00 AM**  
**Kendall County Board Room (Rooms 209-210)**  
**111 West Fox Street**  
**Yorkville, IL 60560**

