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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

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**AGENDA**

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July 2, 2019 - 9:00 a.m.

CALL TO ORDER

**ROLL CALL:** **County Board:** Matthew Prochaska, PBZ Committee Chair; **County Highway Department:** Fran Klaas, County Engineer; **Wills Burke Kelsey:** Greg Chismark, Stormwater Consultant; **County Health Department:** Aaron Rybski, Director Environmental Health; **Forest Preserve District:** David Guritz, Director; **SWCD:** Megan Andrews, Resource Conservationist; **Sheriff's Office:** Commander Jason Langston; **GIS:** Meagan Briganti; **PBZ:** Brian Holdiman, Code Official; Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of the April 2, 2019 ZPAC Meeting Minutes (Pages 2-10)

PETITIONS:

1. **19 – 25 – Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner) (Pages 11-31)**  
Request: Renew the Special Use Permit Granted by Ordinance 2004-43 and Renewed by Ordinance 2017-14 Allowing the Placement of an Outdoor Advertising Sign (Billboard) at the Subject Property  
PIN: 03-01-127-006  
Location: Southeast Corner of the Intersection of U.S. 34 and Hafenrichter (Farnsworth) in Oswego Township  
Purpose: Petitioner Wishes to Renew Special Use Permit for Billboard
  
2. **19 – 26 – Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant) (Pages 32-67)**  
Request: Special Use Permit for a Landscaping Business  
PINs: 09-13-400-006  
Location: 276 U.S. Route 52, Seward Township  
Purpose: Petitioners Want to Operate a Landscaping Business on the Subject Property; Property is Zoned A-1

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 17-28 Outdoor Gun Range Zoning Regulations (Pages 68-80)
2. Petition 19-07 RV Parking Regulations
3. Petition 19-08 Rezoning Property East of 8225 Galena Road
4. Petition 19-09 Text Amendment for Shooting Ranges in Oswego Township
5. Petition 19-13 Text Amendment Regarding Research and Development Home Occupations

OLD BUSINESS/ NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

ADJOURNMENT- Next meeting on August 6, 2019

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)**  
**April 2, 2019 – Unapproved Meeting Minutes**

PBZ Committee Chairman Matthew Prochaska called the meeting to order at 9:00 a.m.

Present:

Megan Andrews – Soil and Water Conservation District (Arrived at 9:03 a.m.)  
Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS  
David Guritz – Forest Preserve (Arrived at 9:05 a.m.)  
Deputy Commander Mitchell Hattan – Sheriff’s Department  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Aaron Rybski – Health Department  
Matthew Prochaska – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Mark Caldwell, Adam Theis, and JoAnn Bright-Theis

**AGENDA**

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented. With a voice vote of all eyes, the motion carried unanimously.

**MINUTES**

Mr. Hattan made a motion, seconded by Mr. Klaas, to approve the March 5, 2019, meeting minutes. With a voice vote of all eyes, the motion carried unanimously.

**PETITIONS**

**Petition 19-11 Mark Caldwell on Behalf of Dickson Valley Ministries – Major Amendment to a Special Use Permit by Repealing and Replacing Their Approved Site Plan at 8250 Finnie Road in Fox Township**

Mr. Asselmeier summarized the request.

The subject property is approximately one hundred sixty (160) acres in size and has a special use permit for a youth camp and retreat center. The use at the subject property was originally established in 1971. The subject property was zoned A-1 with a special use permit for a youth camp and retreat center following the 1974 Countywide rezoning.

Ms. Andrews arrived at this time (9:03 a.m.).

The existing zoning regulations on the property were established by Ordinance 2014-05. This ordinance repealed several pre-existing ordinances and combined the conditions and restrictions placed upon Dickson Valley Ministries into one (1) ordinance. The restrictions placed on the special use permit were:

1. The property can be utilized all year long.
2. At such time if the not-for-profit status is discontinued for any reason a new special use shall be applied for if the property is to be used for profit.
3. The number of over-night campers shall be limited to no more than 350 at any one time.
4. No more than 8 hook-ups for RV’s.
5. The sign shall be in conformance with the standards of sign illumination as set forth in the Kendall County Zoning Ordinance and can be externally lit.

Ordinance 2014-05 also included a site plan, which the Petitioner wishes to amend.

The Petitioner desires the update to their existing site plan in order to meet their needs. The long-range plan will take no less than ten (10) years and will occur as funding allows.

Mr. Guritz arrived at this time (9:05 a.m.)

The proposed changes are as follows:

1. Clarification on the conditional statement that total capacity is three hundred fifty (350) "overnight campers." This number is inclusive of as many as one hundred (100) day-only campers during the summer.
2. Clarification that the live-on-site staff needed in supporting the ministry is composed of as many as six (6) full-time, long-term families; currently this figure is five (5).
3. Clarification of staffing levels at twenty-four (24) single short-term, twelve (12) month program staff, and sixty-four (64) seasonal summer staff.
4. Development A, Day Camp Area, shall consist of a Multipurpose Field-house with no more than a total of twelve thousand square feet (12,000 sq. ft.) under roof. The capacity for meetings and activities for up to two hundred fifty (250) campers year-round with some sections for open air activities. The plan also calls for various freestanding decks for small groups or activities, two (2) open air camper pavilion areas with maximum capacity of fifty (50) people each at two thousand square feet (2,000 sq. ft.) in size. The area will also host day camp activities, including water activities (i.e. splash pad, or wading fountain). The fifty thousand square feet (50,000 sq. ft.) of combined septic field serving all new restrooms will also be located in this area. A picture of the Development A is included as Attachment 5.
5. Development B, Resident Camp Area, shall consist of four (4) year-round camper cabins of no more than two thousand five hundred square feet (2,500 sq. ft.) each for total house of twenty (20) persons per cabin. There will be one (1) additional summer staff cabin at two thousand square feet (2,000 sq. ft.). A picture of Development B is included as Attachment 6.
6. Development C, Activity Area shall consist of an outdoor high ropes course, by sky-tracks or similar, mini golf course, ice rink pavilion, free standing decks for small groups and one (1) summer staff cabin of no more than two thousand square feet (2,000 sq. ft.) A picture of Development C is included as Attachment 7.
7. Development D, Entrance Parking, shall consist of welcome pavilions for day camp, a chapel in the woods with seating up to three hundred fifty (350), camper check-in area, and volunteer RV hook-ups. The Petitioner is also considering placing a freestanding office structure in this area. A picture of Development D is included as Attachment 8.
8. Development E, Entrance Drive, shall consist of a gatehouse for a controlled entrance and a six (6) bay staff lodge garage near the Whitaker Lodge just outside the zone. Upgrades to the driveway and entrance will occur and the lighted sign will remain. Landscaping will be updated. A picture of Development E is included as Attachment 9.
9. Development F, Maintenance Area, shall consist of a new shop not to exceed eight thousand square feet (8,000 sq. ft.) and removal of the old shop or remodel the old shop into storage.
10. Development G, Acorn Lodge Area, shall consist of a separate activities pavilion and separate program/meeting building. A picture of Development G is included as Attachment 10.
11. Development H, North Activity Area, shall consist of primitive campsites, no permanent structures, a parking area off of Finnie Road, high climbing tower, zip lines, miscellaneous team activities and a pedestrian walkway over/under/across Finnie Road.
12. The Retreat Development Zone shall consist of a water filtration station, including possible new structures or addition to the existing well. A new building for recreation room, snack shop, and host offices are also planned for this zone.

13. Addition 1, Director's Lodge, shall consist of a fourteen foot by eighteen foot (14' x 18') dining room addition. The current structure is one hundred twenty-six feet (126') offset from the road and the addition may encroach no more than an additional three feet (3'). A picture of Addition 1 is included as Attachment 11.
14. Addition 2, Chrouser Lodge, shall consist of an addition for dining space to the north or west, which will increase seating from two hundred (200) to two hundred fifty (250). A lower level of addition could include offices or meeting space and the kitchen will be upgraded as needed. A picture of Addition 2 is included as Attachment 12.
15. Addition 3, Dickson Lodge, shall consist of additional meeting spaces to accommodate eighty to one hundred (80-100) people, an addition of two (2) separate "leaders" rooms with restrooms, and remodel and add-on to program office for camp store. A picture of Addition 3 is included as Attachment 13.
16. Addition 4, Oulund Chalet, shall consist of remodeling of the upper level to improve housing space and remodeling of restrooms. A picture of Addition 4 is included as Attachment 14.
17. Addition 5, Silver Fox Lodge, shall consist of an addition for new restrooms and an addition for four (4) separate "leaders" rooms with restrooms. A picture of Addition 5 is included as Attachment 15.
18. Addition 6, Sports Center, shall consist of a south addition for upgraded activities, remodels to restrooms, and development of an exterior high ropes courses or similar. A picture of Addition 6 is included as Attachment 16.
19. Addition 7, Acorn Lodge, shall consist of a remodel of the current lodge for updated plumbing and housing and Additions to lodge for possible staff housing and extra space. A picture of Addition 7 is included as Attachment 17.

As noted on the proposed site plan, the final locations, sizes, and designs will be approved at the time of permitting and with the approvals of local regulatory bodies.

The future land use map calls for this area to be agricultural, open space, and countryside residential. The adjacent zoning districts are A-1 and R-1. Zoning within one half (1/2) mile are A-1 and R-1.

Finnie Road is considered a scenic route and no trails are planned in the area.

There are floodplains and wetlands on the property. None of the proposed development is occurring in the floodplain or wetlands.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location, Dixon Valley Sedge Meadow INAI Site, Fox River INAI Site, Dickson Sedge Meadow Natural Heritage Landmark, and River Redhorse (*Moxostoma carinatum*). Negative impacts to the above are considered unlikely and consultation was terminated.

The Petitioner submitted an application for NRI.

Petition information was sent to Fox Township on March 26, 2019.

Petition information was sent to the Village of Millbrook on March 26, 2019.

Petition information was sent to the Sandwich Fire Protection District on March 26, 2019.

Any new buildings would have to meet applicable building codes.

As noted on the proposed site plan, lighting will be intentionally left low.

The subject property is heavily wooded. As noted on the proposed site plan, the Petitioner considers the natural landscape important to their operations.

Stormwater permits will be required as the proposal is implemented and will be reviewed on a project-by-project basis.

The Petitioner proposes to make adjustments to their wells and septic systems. These changes will be evaluated as the proposal is implemented. Electricity is already onsite.

Before issuing a recommendation, Staff would like consultation with ZPAC members, the Fox Township Highway Commissioner, and the Sandwich Fire Protection District regarding any concerns to the public health and safety they may possess.

Mr. Rybski asked if more employees will be added onsite. Mr. Caldwell stated the number of people onsite will not change from what was proposed in 2014. The projected increase in people onsite is forty percent (40%).

Mr. Caldwell stated that they (Dickson Valley Ministries) wanted to show everything on the site plan. The mission of the organization has not changed.

Mr. Klaas asked if any complaints had been filed regarding this property with Building and Zoning. Mr. Holdiman responded not to his knowledge.

Discussion occurred regarding a right-of-way dedication for Finnie Road. Mr. Caldwell requested clarification on how a dedication occurred. Mr. Klaas explained the process. Mr. Caldwell will take the request to his board at the end of April to discuss the dedication. The suggestion was made to have right-of-way dedication within ten (10) years. The sign would encroach into the setback if a dedication occurred.

If the plan was developed fully, the investment would be Four Point Five Million Dollars (\$4.5 Million).

Mr. Guritz discussed the EcoCat Report. Mr. Caldwell stated that the development will not occur near the protected areas.

Mr. Klaas made a motion, seconded by Mr. Rybski, to forward the major amendment to the Kendall County Regional Planning Commission with the following conditions:

1. The conditions and restrictions of Ordinance 2014-05 shall remain in effect including the clarifications stated in the Site Plan attached to this Ordinance amending the existing special use permit.
2. The Site Plan attached as Exhibit A to Ordinance 2014-05 is hereby repealed and replaced with the proposed Site Plan. The site shall be developed substantially in conformance with the attached Site Plan.
3. The operators of the use allowed by this special use permit shall follow applicable Federal, State, and Local laws related to the operation of this type of use.
4. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2014-05 could result in the amendment or revocation of the special use permit.
5. If one or more of the above conditions or restrictions or any of the conditions or restrictions contained in Ordinance 2014-05 are declared invalid by a court of competent jurisdiction, the remaining conditions and restrictions shall remain valid.
6. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

Ayes (9): Andrews, Asselmeier, Briganti, Guritz, Hattan, Holdiman, Klaas, Rybski, and Prochaska  
Nays (0): None  
Present (0): None  
Absent (1): Chismark

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on April 24, 2019.

**Petition 19-12 Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis – Special Use Permit for a Banquet Center at 10978 Crimmin Road in Fox Township**

Mr. Asselmeier summarized the request.

JoAnn Bright-Theis would like to establish the BrighterDaze Farm and Events banquet facility at the subject property which is currently owned in a trust represented by her father, Robert Bright.

No variances were requested and the Petitioner will operate the banquet center in compliance with the regulations currently stated in the Zoning Ordinance.

The business plan for the proposed operations, building elevations, landscaping plan, parking illumination plan, and interior plan were provided.

According to the information provided to the County, the proposed banquet facility will utilize the existing approximately eight thousand (8,000) square foot barn for weddings and similar events. The maximum capacity will be approximately two hundred eighty (280) people, with one (1) additional employee. While banquets will occur inside the existing barn, prospective clients could use the exterior grounds for pictures and outdoor ceremonies. The interior of the barn is converted arena with a concrete floor. The barn is approximately twenty-six feet (26') tall at its peak and ten feet (10') tall at the ends.

An existing pond is located east of the horse barn.

The hours of operation will be Monday through Thursday from 9:00 a.m. until 10:00 p.m. and Friday and Saturday from 9:00 a.m. until Midnight. The facility would be open on the eve and day of all federal holidays. Tours of the facility for prospective customers by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>.

The proposed business would use local sub-contractors for uses on the site, including linens, decorations, food services, beverage services, bathroom services, and cleanup services. Because Fox Township is a dry township, no cash bars are allowed.

The proposed business would use luxury trailer bathrooms for events with the intention to have permanent restroom facilities by 2021. Restroom facilities will be located north of the barn by the parking area.

The dumpster shall be located next to the parking lot by the barn.

If approved, the Petitioners hope to start operations as quickly as possible.

Ancillary items, such as Brighter Daze shirts and glasses, may be sold on the premises.

The subject property is approximately thirty-eight acres (38) acres in size.

Crimmin Road is a major collector and scenic route. No trails are planned along the road.

A riverine wetland is located along the southwest edge of the subject property.

The adjacent land uses are agricultural related, farmsteads, religious, or forest preserve. The adjacent zonings are A-1. Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location, Millington Fen INAI Site, Fox River INAI Site, Millington Railroad Fen Natural Landmark, Tucker-Millington Fen Natural Preserve, and River Redhorse (*Moxostoma carinatum*). Negative impacts to the above are considered unlikely and consultation was terminated.

The NRI application was submitted on March 14, 2019.

Fox Township was emailed information on March 27, 2019.

Newark Fire Protection District was emailed information on March 27, 2019.

The Village of Newark was emailed information on March 27, 2019.

An updated Occupancy Permit will be required reflecting the change of use from a horse barn to a banquet facility.

Portable bathrooms will be used for events.

The property fronts Crimmin Road.

According to the site plan, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces will be located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

Two (2) new lights are proposed for site. According to the parking illumination plan, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

One entrance and one exit sign will be installed on the property. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

As shown the on proposed site plan, the site contains approximately one hundred sixty-six trees of varying heights encircling the venue.

All music and noise shall originate inside the venue except for processions and recessions at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face east and the barn doors will remain closed after 7:00 p.m.

With the combination of distance and plantings, the Petitioners believe noise will not be an issue.

Before issuing a recommendation, Staff would like the following issues addressed/clarified:

1. Input from the Kendall County Sheriff's Department and the Newark Fire Protection District regarding any concerns regarding having a facility at this location.
2. Input from the Kendall County Health Department regarding the septic and well facilities.
3. Input from WBK regarding the need for a stormwater management permit.
4. Acknowledgement from the Petitioners that they are aware and will follow Kendall County's Right to Farm Clause.
5. Acknowledgement from the Petitioners that they agree to follow all applicable Federal, State, and Local laws governing this type business and the implications for not following such laws.

Mr. Rybski asked about food preparation. All events will be catered.

Mr. Rybski asked about the number of events. Mr. Theis responded that they anticipate ten-twenty (10-20) events with fifty percent (50%) growth after that time. Mr. Rybski explained the well testing requirements. A site survey will be completed to define the location of the existing septic system.

Deputy Commander Hattan asked about traffic control. Mr. Theis explained the internal traffic control system. The Petitioner will contract with a company to direct traffic on and off Finnie Road.

No new structures will be constructed onsite. New lighting will be installed onsite as shown on the site plan.

Mr. Guritz will forward the Forest Preserve regulations related to equestrian use to the Petitioner. Horses will not be involved with proposed business. The equestrian business will continue at the property as a separate business.

Outside company will supply alcohol; no alcohol will be sold onsite.

Ms. Andrews requested clarification on the acreage of the property. Mr. Theis will provide clarification on the size of the property.

Noise will be controlled by existing landscaping and trees; music will initiate indoors and face east inside the venue. Business will close at 10:00 p.m.

Mr. Klaas discussed the planned the realignment of Crimmin Road.

Mr. Klaas made a motion, seconded by Mr. Holdiman, to forward the special use permit request to the Kendall County Regional Planning Commission with the following conditions proposed by Staff.

Ayes (8): Andrews, Asselmeier, Briganti, Hattan, Holdiman, Klaas, Rybski, and Prochaska  
Nays (0): None  
Present (1): Guritz  
Absent (1): Chismark

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on April 24, 2019.

**Petition 19-13 Kendall County Planning, Building and Zoning Committee – Text Amendment to Sections 4.06 and 4.07 of the Kendall County Zoning Ordinance by Allowing Research and Development Related Home Occupations to be Conducted Outside of a Dwelling or Permitted Accessory Structure and Adding the Phrase “Unless Otherwise Permitted by Law” to the End of Section 4.06.f and Section 4.07.g**

Mr. Asselmeier summarized the request.

At their meeting February 27, 2019, the Comprehensive Land Plan and Ordinance Committee requested that Staff prepare a proposed text amendment to the Kendall County Zoning Ordinance allowing research and development related home occupations to be conducted outside the dwelling or accessory structure and to address noise, dust, fumes, and odor issues.

For reference, “Home Occupation” related terms are defined as follows:

HOME OCCUPATION Any occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental and secondary to the use of the dwelling as a residence.

HOME OCCUPATION - AGRICULTURAL. A home occupation in an agricultural zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be "home occupation". (*Amended 04/18/2000*)

HOME OCCUPATION- RESIDENTIAL A home occupation in a residential zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be a "home occupation".

Home Occupations are permitted uses in the A-1 District and all Residential Districts. Home Occupations are special uses in the RPD Districts.

At their meeting on March 27, 2019, the Kendall County Regional Planning Commission voted to initiate the text amendment.

Mr. Rybski asked about home occupations that could be impacted by this proposal. Mr. Asselmeier suggested that individuals wanted to construct firearms and test those firearms outdoors would be impacted. Mr. Asselmeier also suggested a business creating telescopes could be impacted.

Mr. Asselmeier read the definition of research and development from the Zoning Ordinance.

County regulations cannot supersede federal or state regulations.

Mr. Rybski made a motion, seconded by Ms. Andrews, to forward the text amendment to the Kendall County Regional Planning Commission.

Ayes (9): Andrews, Asselmeier, Briganti, Guritz, Hattan, Holdiman, Klaas, Rybski, and Prochaska  
Nays (0): None  
Present (0): None  
Absent (1): Chismark

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on April 24, 2019.



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

None

**OLD BUSINESS/NEW BUSINESS**

None

**CORRESPONDENCE**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

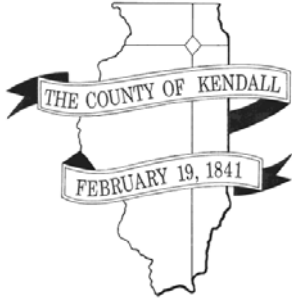
Mr. Hattan made a motion, seconded by Mr. Rybski to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:47 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner

**KENDALL COUNTY  
ZONING & PLATTING ADVISORY COMMITTEE  
APRIL 2, 2019**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Mark Caldwell		
Ada B. Jurek		
CLIFF FOX	110 FLYING NEWARK IL 60541	ADMIN@NEWARK.IL.US



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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**Petition 19-25**

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

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

**INTRODUCTION**

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. Restriction Number 1 of the special use permit and Section 12.06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

**SITE INFORMATION**

**PETITIONER** Dave Hamman on Behalf of KEKA Farms, LLC and Pulte Group

**ADDRESS** No Address Has Been Assigned to the Sign

**LOCATION** Northeast Corner of Route 34 and Hafenrichter (Farnsworth)



**TOWNSHIP** Oswego

**PARCEL #** 03-01-127-006

**LOT SIZE** 42.93 acres (Sign is on a the southwest corner.)

EXITING LAND USE Agricultural

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

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

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

APPLICABLE REGULATIONS Section 12.06.A – Signs – General Standards

Section 12.12 – Signs – Special Use Signs: Commercial off-premise advertising structures may be permitted via a special use only in the M-2 and M-3 Manufacturing Districts.

Section 13.08 – Special Use Procedures

**SURROUNDING LAND USE**

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

## **PHYSICAL DATA**

### **ENDANGERED SPECIES REPORT**

Not Required

### **NATURAL RESOURCES INVENTORY**

Not Required

## **ACTION SUMMARY**

### **OSWEGO TOWNSHIP**

Petition information was sent to Oswego Township on June 19, 2019.

### **CITY OF AURORA**

Petition information was sent to the City of Aurora on June 19, 2019.

### **OSWEGO FIRE PROTECTION DISTRICT**

Petition information was sent to Oswego Fire Protection District on June 19, 2019.

## **GENERAL INFORMATION**

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

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

The restrictions imposed by Ordinance 2017-14 include:

1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
2. The sign will not be illuminated.
3. The advertising on the sign is restricted to Pulte Group's residential development.
4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
9. The appearance of the signs were included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

A picture of the sign is included as Attachments 4.

**BUILDING CODES**

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

**ACCESS**

Not Applicable

**TRAILS**

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

**PARKING**

Not Applicable

**LIGHTING**

The sign will not be illuminated.

**SIGNAGE**

Not Applicable

**SCREENING**

Not Applicable

**STORMWATER**

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

**EASEMENTS**

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

**FINDINGS OF FACT**

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

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

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

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

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

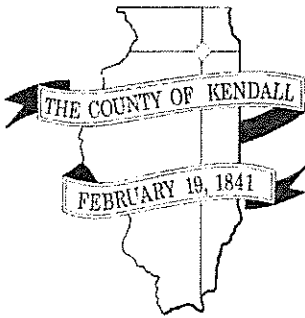
**RECOMMENDATION**

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

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

**ATTACHMENTS**

1. Application (Including Renderings, Site Plan, and Applicant's Findings of Fact)
2. Ordinance 2004-43
3. Ordinance 2017-14
4. Picture of Sign



**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</b> Heather Lawson		
<b>CURRENT LANDOWNER/NAME(s)</b> Dave Hamman		
<b>SITE INFORMATION</b> ACRES 42.39	<b>SITE ADDRESS OR LOCATION</b> SE corner Hafenrichter and Route 34	<b>ASSESSOR'S ID NUMBER (PIN)</b> PIN 03-01-127-006
<b>EXISTING LAND USE</b>	<b>CURRENT ZONING</b> M2	<b>LAND CLASSIFICATION ON LRMP</b>
<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><sup>1</sup>PRIMARY CONTACT</b> Heather Lawson	<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><sup>2</sup>ENGINEER CONTACT</b> NA	<b>ENGINEER MAILING ADDRESS</b> NA	<b>ENGINEER EMAIL</b> NA
<b>ENGINEER PHONE #</b> NA	<b>ENGINEER FAX #</b> NA	<b>ENGINEER OTHER # (Cell, etc.)</b> NA
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>SIGNATURE OF APPLICANT</b> [REDACTED]		<b>DATE</b> 5/15/19

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



Please fill out the following findings of fact to the best of your capabilities. §13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

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

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

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

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

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

# BILLBOARD LEASE AGREEMENT

Lessee:

Pulte Home Corporation



Contact: Heather Lawson, Marketing Manager

Ph: [Redacted]

Fax: [Redacted]

Lessor:

NGH Farms, LLC

Attn: Dave Hamman



Ph: [Redacted]

Fax 1: [Redacted]

Fax 2: [Redacted]

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

Sign Information: 12' X 16' double face sign

### Terms of Contract

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

I HAVE READ AND UNDERSTAND THE LEASE AGREEMENT STATED ABOVE

### AUTHORIZED SIGNATURES

DocuSigned by:  
[Redacted Signature]

Signature of Pulte Home Corporation

5/30/2019

Date

[Redacted Signature]

Signature of Lessor

June 10, 2019  
Date

KEKA Farms, LLC  
Dave Hamman

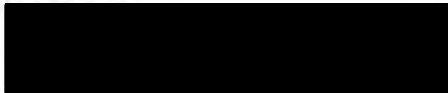


Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60560-1498

Planning, Building & Zoning Department:

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

Sincerely,



Dave Hamman

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



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

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

Approval Signature \_\_\_\_\_

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

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

Signs@SignsNowNaperville.com



Pulte confirms that the sign was relocated in 2017 and is still in the correct position as indicated on this drawing.

ALTA/NSPS LAND TITLE AND TOPOGRAPHIC SURVEY

OF NE COR. OF FARNSWORTH & OGDEN AVE AURORA, ILLINOIS

PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS.

UTILITY ATLAS NOTES:

AREA TABLE

Table with 3 columns: GROSS, R.O.W., NET. Values: 1,931,560 SQ. FT. (44.3425 ACRES), 77,369 SQ. FT. (1.7761 ACRES), 1,854,191 SQ. FT. (42.5664 ACRES).

Table with 2 columns: CONTACTS, RESPONSE. Lists utility companies like AT&T, COMCAST, FOX METRO, etc. and their responses.

NOTES FROM SCHEDULE B

Table with 3 columns: EXCEPTIONS, PLOTTED HEREON, YES/NO. Lists various easements and their plotting status.

ALL OTHER SCHEDULE B ITEMS ARE NON-PLOTTABLE OR NOT A SURVEY MATTER



FLOOD HAZARD NOTE

THIS PROPERTY IS IN AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN (ZONE X) AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF KANE COUNTY AND KENDALL COUNTY, ILLINOIS & INCORPORATED AREAS, MAP NO. 170593C0057G, EFFECTIVE DATE AUGUST 3, 2009 AND MAP NO. AND MAP NO. 170593C0057G, EFFECTIVE DATE FEBRUARY 4, 2009.

GENERAL NOTES

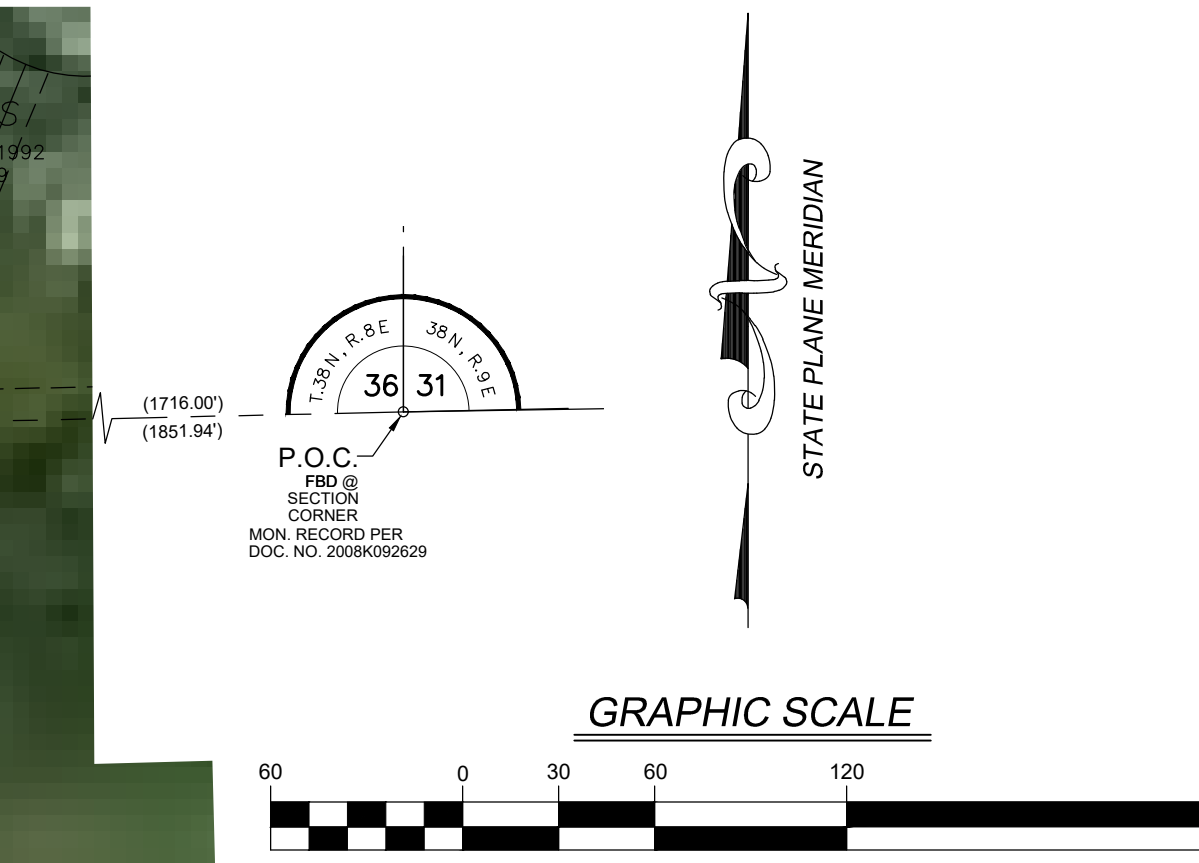
- 1. COMPARE THIS PLAT, LEGAL DESCRIPTION AND ALL SURVEY POINTS AND MONUMENTS BEFORE ANY CONSTRUCTION... 2. DO NOT SCALE DIMENSIONS FROM THIS PLAT... 3. THE LOCATION OF THE PROPERTY LINES SHOWN ON THE FACE OF THIS PLAT ARE BASED UPON THE DESCRIPTION AND INFORMATION FURNISHED BY THE CLIENT...

LEGAL DESCRIPTION

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING, THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34, THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 398.50 FEET, THENCE WEST ALONG A LINE FORMING AN ANGLE OF 159 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36, THENCE SOUTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 667.83 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36, THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U.S. ROUTE NO. 34, THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF SAID HAFENRICHTER ROAD, THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING, THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET, THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.33 FEET, THIS LINE HEREINAFTER REFERRED TO AS LINE "A", FOR THE POINT OF BEGINNING, THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE, THEREFROM 740.85 FEET, THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 527.11 FEET, THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 300.0 FEET, 244.0 FEET, THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34, THENCE NORTHWESTERLY ALONG SAID CENTER LINE 633.00 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A", THENCE SOUTHWESTERLY ALONG SAID EXTENDED LINE "A", 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING, THENCE NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.83 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 87 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.89 FEET TO A POINT OF CURVE, THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4, THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 514.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 20070013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

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



BENCHMARK: CITY OF AURORA BENCHMARKS. STATION DESIGNATION: 35E. ESTABLISHED BY: CITY OF AURORA. DATE: 08-17-18. ELEVATION: 700.68 (PUBLISHED AND HELD).

SITE: STATION DESIGNATION: SSM #1. ESTABLISHED BY: V3. DATE: 09-17-18. ELEVATION: 684.81 (MEASURED). DATUM: NAVD83. DESCRIPTION: SOUTHEAST TAGGED FLANGE BOLT ON FIRE HYDRANT, ON NORTH SIDE AT WEST END OF HEATING DRIVE.

SOURCE: CITY OF AURORA BENCHMARKS. STATION DESIGNATION: 35E. ESTABLISHED BY: CITY OF AURORA. DATE: 08-17-18. ELEVATION: 700.68 (PUBLISHED AND HELD).

THE ELEVATIONS ABOVE WERE KNOWN TO BE ACCURATE AT THE TIME THEY WERE ESTABLISHED. V3 DOES NOT CERTIFY TO THE ACCURACY THEREOF. V3 ASSUMES RESPONSIBILITY FOR THE MISUSE OR MIS-INTERPRETATION OF THE INFORMATION SHOWN HEREON.

IT IS ADVISED THAT ALL OF THE ABOVE ELEVATIONS BE CHECKED BETWEEN EACH OTHER AND WITH A MINIMUM OF 10 SURROUNDING UTILITY RM ELEVATIONS AND AN ADJACENT BUILDING FINISHED FLOOR OR TOP OF FOUNDATION ELEVATIONS SHOWING PRIOR TO USE OR COMMENCEMENT OF ANY CONSTRUCTION OR OTHER WORK.

PERSONS USING THIS INFORMATION ARE TO CONTACT V3 IMMEDIATELY WITH ANY DISCREPANCIES FOUND PRIOR TO THE START OF ANY WORK.

LEGEND table listing symbols for various features like Cable TV, Traffic Light Pole, Gas Valve, etc.

ABBREVIATIONS table listing symbols for Property Line, Easement Line, Building Footprint, etc.

RECORD INFORMATION: SCALE: 1" = 250'. DATE: 10/17/18.

SURVEYOR'S CERTIFICATE: STATE OF ILLINOIS, I, CHARLES W. BARTOZ, A PROFESSIONAL LAND SURVEYOR NO. 35-1188, DO HEREBY CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARDS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 7(a), 8 AND 11 OF TABLE THEREOF.

THE FIELD WORK WAS COMPLETED ON OCTOBER 15, 2018. DATED THIS 17TH DAY OF OCTOBER, A.D. 2018.

CHARLES W. BARTOZ, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-1188. PROJECT NO. 1801000902. THIS DESIGN FIRM NUMBER EXPIRES APRIL 30, 2019.

Vertical sidebar containing project information: Project No. 18222, Group No. VP03.1, Drawn By: M.L.P., Checked By: C.W.B., Scale: 1" = 60', and a table of REVISIONS.

03-01-127-006

03-01-200-012

03-01-127-004

Zoning Petition #0457

State of Illinois  
County of Kendall

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

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

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

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

WHEREAS, said property is legally described as follows:

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

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

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

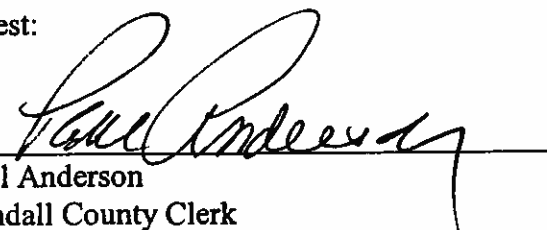
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a SPECIAL USE PERMIT to permit an off-premise advertising sign on the subject parcel as depicted in Group Exhibits "A" and "B" attached hereto and made a part hereof, subject to the following conditions:

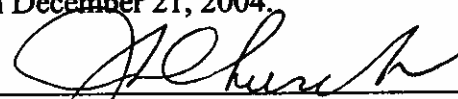
1. The sign will be removed or Centex Homes will apply to renew their special use in three years from the date of this ordinance.
2. The sign will not be illuminated; and
3. The advertising on the sign is restricted to Centex Homes' developments.

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

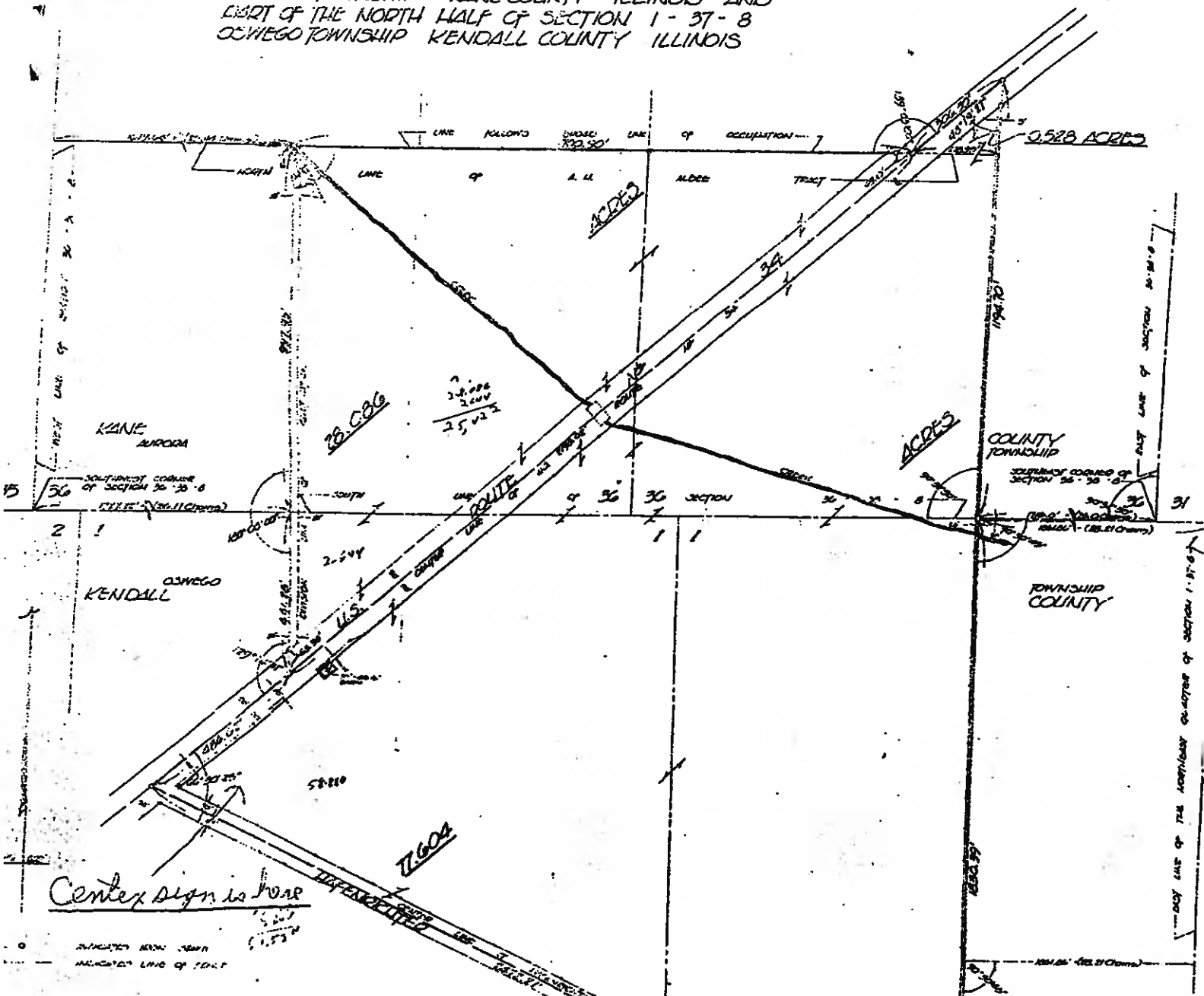
IN WITNESS OF, this ordinance has been enacted on December 21, 2004.

Attest:

  
Paul Anderson  
Kendall County Clerk

  
John A. Church  
Kendall County Board Chairman

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



State of Illinois )  
 County of Kane )

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

Dated at Geneva, Illinois, April 3, 1973

*John D. Donahue*  
 Illinois Registered Land Surveyor No. 1740

DONAHUE AND THORNHILL  
 GENEVA ILLINOIS




8'

**CENTEX HOMES**

**Crossings at Wolf Creek**

---

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

 Buyer's Welcome

South on Rte. 59 to 119th West

7.5"

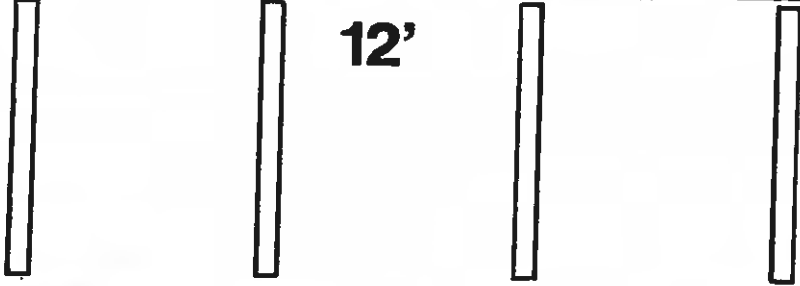
14.5"

19"

7"

12'

48" ABOVE GRADE




8'

**CENTEX HOMES**

**Springbrook at Farmington Lakes**

---

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

 Buyer's Welcome

Rte. 34 West to Douglas North

7.5"

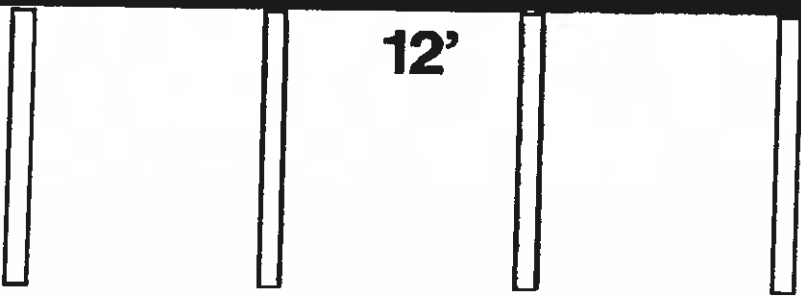
14.5"

19"

7"

12'

48" ABOVE GRADE



State of Illinois  
County of Kendall

Zoning Petition  
#17-19

ORDINANCE NUMBER 2017 - 14

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

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

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

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

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

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

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

WHEREAS, said property is legally described as:

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

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

WHEREAS, the Findings of Fact were approved as follows:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided that the sign is placed in a location in compliance with Section 12 of the Kendall County Zoning Ordinance, the special use will not be detrimental to or endanger the public***

State of Illinois  
County of Kendall

Zoning Petition  
#17-19

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

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

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

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **True, the proposed special use shall conform to the applicable regulations of the district.***

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

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

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

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

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

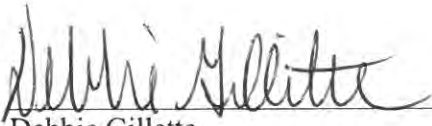
State of Illinois  
County of Kendall

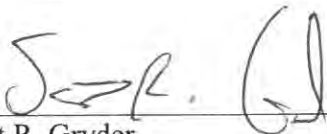
Zoning Petition  
#17-19

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

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

Attest:

  
\_\_\_\_\_  
Debbie Gillette  
Kendall County Clerk

  
\_\_\_\_\_  
Scott R. Gryder  
Kendall County Board Chairman

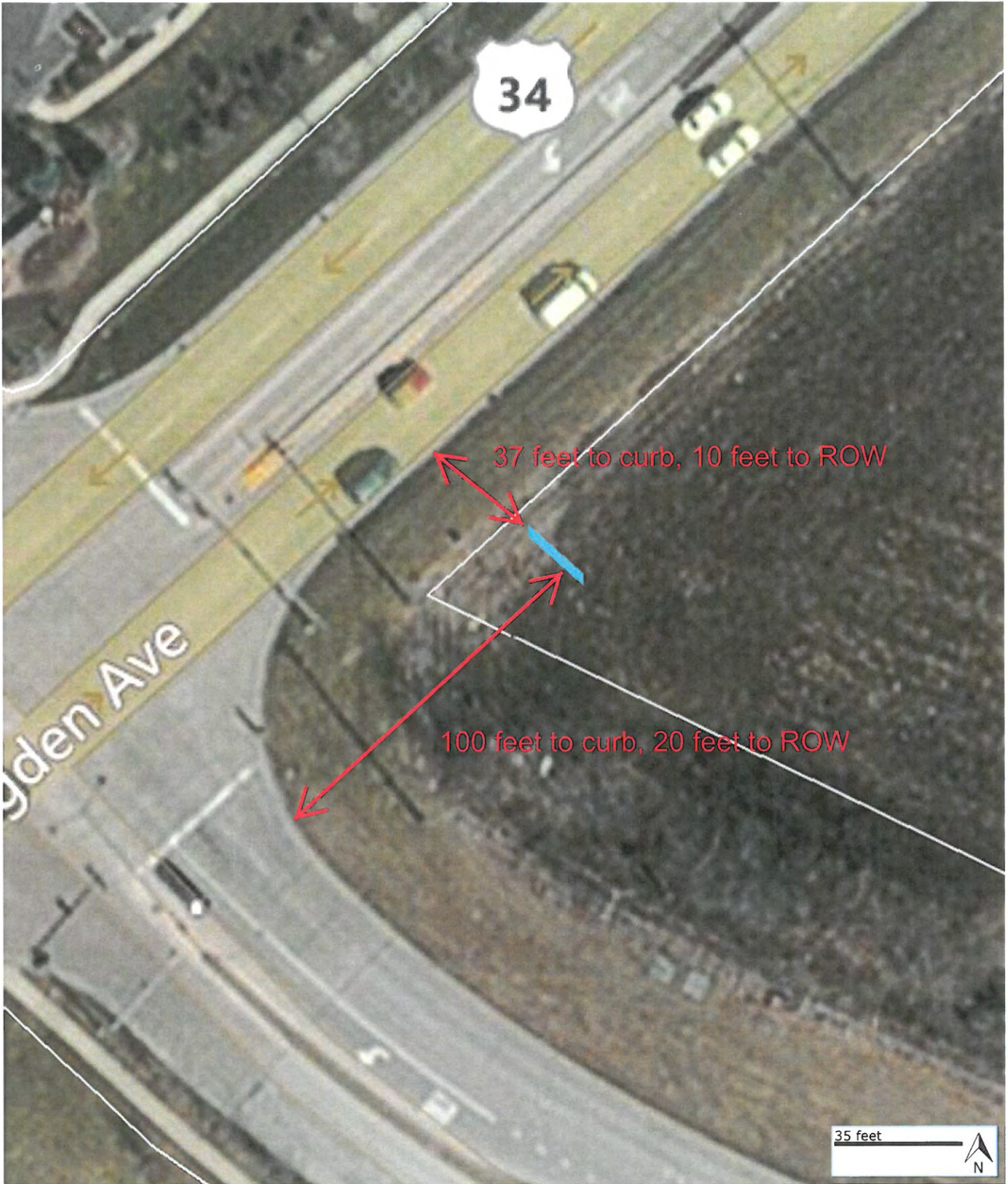


Exhibit B

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

192 SQ. FT.



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

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

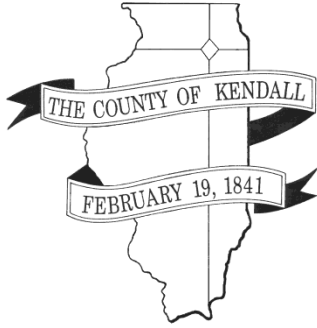
Approval Signature

signsnow215@gmail.com

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

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





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 19-26**

**Edward and Robert Baltz on Behalf of Erb Properties, LLC  
(Owner) and Thomas and Tyler Zurliene on Behalf of TZ  
Landscaping, LLC (Tenant)**

**A-1 Special Use – Landscape Operation**

**INTRODUCTION**

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

Application material is included as Attachment 1 and an aerial of the property is included as Attachment 2.

**SITE INFORMATION**

**PETITIONER** Edward and Robert Baltz, on behalf of Erb Properties, LLC (Owner) and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC (Tenant)

**ADDRESS** 276 Route 52

**LOCATION** Approximately 0.25 Miles West of Line Road on the South Side of Route 52



**TOWNSHIP** Seward

**PARCEL #** 09-13-400-006

**LOT SIZE** 21.6 +/- acres (Total); Landscaping Business 10.8 +/- acres



EXISTING LAND USE Farmstead/Agricultural

ZONING A-1 Agricultural District

LRMP	Existing Land Use	Farmstead/Agricultural
	Future Land Use	Commercial
	Roads	Route 52 is a State Highway classified as a Major Arterial Road.
	Trails	Joliet has a trail planned along Route 52.
	Floodplain/Wetlands	No floodplains or wetlands are present.

REQUESTED ACTION A-1 Special Use to operate a landscaping business

APPLICABLE REGULATIONS Section 7.01 D.28 – A-1 Special Uses – Permits Landscape Businesses with the following stipulations:

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. (Amended 7/17/2007)
3. No landscape waste generated off the property can be burned on this site

Section 13.08 – Special Use Procedures

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Farmstead/Agricultural/Residential	A-1	Suburban Residential (1.00 DU/Acre) and Public Institutional	A-1
South	Agricultural	A-1	Suburban Residential	A-1

East	Agricultural	A-1	Suburban Residential	A-1 and A-1 SU (Kendall County) A-1 (Will County)
West	Agricultural/Residential	A-1	Suburban Residential and Commercial	A-1, A-1 SU, and B-2

Pictures of the property are included as Attachments 3-11.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

The EcoCAT Report was submitted and consultation was terminated (See Attachment 1, Pages 15-18).

**NATURAL RESOURCES INVENTORY**

Application submitted on June 17, 2019 (See Attachment 1, Page 14).

**ACTION SUMMARY**

**SEWARD TOWNSHIP**

Petition information was sent to Seward Township on June 24, 2019.

**VILLAGE OF SHOREWOOD**

Petition information was sent to the Village of Shorewood on June 24, 2019.

**CITY OF JOLIET**

Petition information was sent to the City of Joliet on June 24, 2019.

**MINOOKA FIRE PROTECTION DISTRICT**

Petition information was sent to the Minooka Fire Protection District on June 24, 2019.

**BUSINESS OPERATION**

According to the information provided to the County in Attachment 1, Page 2, TZ Landscaping, LLC will use the existing barns and garage on the subject property. They will store landscaping materials, including mulch, rock, and gravel on the property outside on the property. The company's trucks will be stored on the property after business hours inside one (1) of the two (2) buildings.

TZ Landscaping, LLC currently has two (2) owners and eight (8) full-time employees. These employees work part-time during the winter season. The number of employees could expand to fifteen (15) in the next five (5) years if the business grows as anticipated. No office personnel or sales employees shall report to the property for work related to the proposed use.

The hours of operation are 6:00 a.m. until 8:00 p.m., Monday through Saturday between April and November. The business is on-call twenty-four (24) hours per day every day between December and March.

TZ Landscaping, LLC has been in business for seven (7) years with customers in Shorewood, Minooka, Channahon, Joliet, and Plainfield.

**BUILDING CODES**

Since the buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

**PUBLIC HEALTH**

TZ Landscaping, LLC does not use the house that is currently on the property. There are no other sources of water on the property and no bathroom facilities outside of the house. Employees would have to go offsite for bathroom facilities. No customers are planned to come onto the property.

**ACCESS**

The property fronts Route 52.

**TRAILS**

The City of Joliet's plans call for a trail along Route 52.

**PARKING**

The site plan shows parking east of the existing house. This parking area will need to be moved at further south to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. No customers will come to the property.

**LIGHTING**

Currently, one (1) pole light and one (1) exterior barn light are located on the property. No additional lighting was proposed.

**SIGNAGE**

According to the site plan, two (2) signs are proposed. Per Section 12.08.A of the Kendal County Zoning Ordinance, only one (1) non-illuminated sign is allowed on the property. The sign can be a maximum of thirty-two (32) square feet. If the Petitioners desire more than one (1) sign, a variance will be required.

**SCREENING**

No berming or fencing is planned. Because the Petition plans to store materials outdoors, discussion will be needed regarding berming.

**STORMWATER**

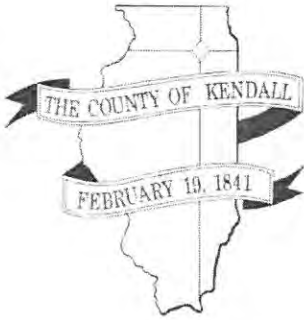
The property drains to the southwest of the proposed business operations.

**RECOMMENDATION**

Before issuing a recommendation, Staff would like additional input from ZPAC.

**ATTACHMENTS**

1. Application (Including Site Plan and Petitioner's Findings of Fact)
2. Aerial
3. Looking Southwest from 52
4. Looking South from 52
5. Employee Parking
6. Storage Area North
7. Storage Area North Close Up
8. Storage Area Middle
9. Storage Area South
10. Southeast Barn
11. Looking East



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

**APPLICATION**

PROJECT NAME SUP - TZ Landscaping, LLC

FILE # 19-26

<b>NAME OF APPLICANT</b>		
TZ Landscaping, LLC		
<b>CURRENT LANDOWNER/NAME(s)</b>		
Ed Baltz		
<b>SITE INFORMATION</b>		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
10.8	276 Rt. 52, Minooka, Illinois 60447	09-13-400-0006
<b>EXISTING LAND USE</b>		
agricultural	A-1	commercial
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input checked="" type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b><sup>1</sup>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Thomas Zurliene	[REDACTED]	tzlandscaping@gmail.com
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>
[REDACTED]	[REDACTED]	Lschoenstedt@rcclawfirm.com
<b><sup>2</sup>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>SIGNATURE OF APPLICANT</b>	[REDACTED]	<b>DATE</b> 4/23/19

FEE PAID: \$ 1155  
 CHECK #: 1753

<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

RECEIVED  
 JUN 20 2019  
 KENDALL COUNTY  
 PLANNING, BUILDING  
 & ZONING

PROPOSAL FOR BUSINESS PLAN  
TZ LANDSCAPING, LLC  
276 RT. 52  
MINOOKA, ILLINOIS

**HOURS OF OPERATION:**

April-November  
Monday – Saturday  
6:00 AM – 8:00 PM

December-March  
On call 24 hours a day 7 days a week  
dependent on weather.

**NUMBER OF EMPLOYEES:** 2 owners and 8 full time employees during summer during peak season who work part-time during winter season.

**DESCRIPTION OF BUSINESS:** TZ Landscaping, LC is a privately owned landscaping company. The owners are Thomas Zurliene and Tyler Zurliene. They have been in business for 7 years serving Shorewood, Minooka, Channahon, Joliet, and Plainfield with their landscaping needs. We service lawns, install mulch and rock, clean up landscaping, install walkways, patios, retaining walls, plant trees and shrubs, install sod, and install drainage pipes in yards.

**BUSINESS PLAN:** Continue to use the 2 existing barns and garage on the premises. The area will be used for storing landscaping material such as mulch, rock, and gravel. The trucks will also be stores on the premises after hours of operation. The number of employees may increase to 12 - 15 in the next five years depending on community need for our services.

**TZ Landscaping, LLC**

**Legal Description for 276 Rt. 52, Minooka, IL 60447**

THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE SOUTH 544 00 FEET OF THE WEST 480 FEET THEREOF, IN KENDALL COUNTY, ILLINOIS



TRUSTEE'S DEED

201100019108

DEBBIE  
GILLETTE  
KENDALL COUNTY, IL

RECORDED: 11/17/2011 1:04 PM  
TRSD: 52.00 RHSPS FEE: 10.00  
PAGES: 7

**THIS INDENTURE** Made this 23rd day of September, 2011 between **FIRST MIDWEST BANK**, Joliet, Illinois, as Trustee or successor Trustee under the provision of a deed or deeds in trust, duly recorded and delivered to said Bank in pursuance of a trust agreement dated the 29<sup>th</sup> day of December, 1988, and known as Trust Number 5220, party of the first part and **ERB PROPERTIES, LLC**, of 26124 Seil Road, Shorewood, IL 60404, party of the second part.

**WITNESSETH**, that said party of the first part, in consideration of the sum of TEN and no/100, (\$10.00) Dollars and other good and valuable considerations in hand paid, does hereby convey and quit claim unto said party of the second part, all interest in the following described real estate, situated in Kendall County, Illinois, to-wit:

**Legal Description attached hereto and made a part hereof**

together with the tenement and appurtenances thereunto belonging.

**TO HAVE AND TO HOLD** the same unto said party of the second part and to the proper use, benefit and behoof of said party of the second part forever.

Subject to: Liens, encumbrances, easements, covenants, conditions and restrictions of record, if any; general real estate taxes for the year 2011 and subsequent; and

This deed is executed pursuant to and in the exercise of the power and authority granted to and vested in said trustee by the terms of said deed or deeds in trust delivered to said trustee in pursuance of the trust agreement above mentioned. This deed is made subject to the lien of every trust deed or mortgage (if any there be) of record in said county given to secure the payment of money and remaining unreleased at the date of the delivery hereof.

**IN WITNESS WHEREOF**, said party of the first part has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its Trust Officer and attested by its Trust Officer, the day and year first above written.

**FIRST MIDWEST BANK**, as Trustee as aforesaid,

By: \_\_\_\_\_

Trust Officer

Attest: \_\_\_\_\_

Trust Officer

Exempt under provisions of Paragraph 2  
Section S1-45, Property Tax Code.

10/29/11  
Date [Redacted]  
Buyer, Seller or Representative [Redacted]

STATE OF ILLINOIS,  
Ss:  
COUNTY OF KANKAKEE \_\_\_\_\_

I, the undersigned, a Notary Public in and for said County, in the State aforementioned DO  
HEREBY CERTIFY that Rosa Arias Angeles, Trust Officer of FIRST MIDWEST BANK, Joliet,  
Illinois and Robert Lee, the attesting Trust Officer thereof, personally known  
to me to be the same persons whose names are subscribed to the foregoing instrument as such Trust  
Officer and the attesting Trust Officer respectively, appeared before me this day in person and  
acknowledged that they signed and delivered the said instrument as their own free and voluntary act,  
and as the free and voluntary act of said Bank, for the uses and purposes therein set forth; and the  
said attesting Trust Officer did also then and there acknowledge that she as custodian of the  
corporate seal of said Bank did affix the said corporate seal of said Bank to said instrument as her  
own free and voluntary act, and as the free and voluntary act of said Bank for the uses and purposes  
therein set forth.

GIVEN under my hand and seal this 28<sup>th</sup> day of October, A.D. 2011.



[Redacted]  
Notary Public.

THIS INSTRUMENT WAS PREPARED BY  
Peggy Regas  
First Midwest Bank, Trust Division  
2801 W. Jefferson St.  
Joliet, IL 60435

PROPERTY ADDRESS  
See Attached

AFTER RECORDING  
MAIL THIS INSTRUMENT TO  
Andrew C. Dystrup  
822 Infantry Drive  
Joliet, IL 60435

PERMANENT INDEX NUMBER  
See Attached

MAIL TAX BILL TO  
ERB Properties, LLC  
26124 Seil Road  
Shorewood, IL 60404

Buyer, Seller or Representative \_\_\_\_\_ Date \_\_\_\_\_

Exempt under provisions of Paragraph \_\_\_\_\_  
Section S1-45, Property Tax Code.



**FIRST MIDWEST TRUST 5220  
PROPERTIES**

**KENDALL COUNTY**

**PARCEL 1:**

AN UNDIVIDED 92.5% INTEREST IN THE NORTH HALF OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN TOWNSHIP OF SEWARD, KENDALL COUNTY, ILLINOIS.

Commonly known As: 1562 Jones Road, Minooka, IL

PIN No.: 09-11-300-001-0000

**PARCEL 2:**

THE NORTHWEST FRACTIONAL ONE-QUARTER OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN THE TOWN OF SEWARD, KENDALL COUNTY, ILLINOIS

PIN No.: 09-19-100-001

**PARCEL 3:**

THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN: EXCEPTING THEREFROM THE SOUTH 544.00 FEET OF THE WEST 480 FEET THEREOF, IN KENDALL COUNTY, ILLINOIS.

PIN NO.: 09-14-100-006

**PARCEL 4**

THE NORTH 806.65 FEET OF THE WEST 1296.00 FEET OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE SOUTH 80.67 FEET THEREOF, IN KENDALL COUNTY, ILLINOIS.

PIN NO.: 09-13-400-006

COMMONLY KNOWN AS: 276 US HIGHWAY 52, SHOREWOOD, IL

UNOFFICIAL

LEGAL DESCRIPTION

PARCEL 5:

THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, KENDALL COUNTY, ILLINOIS, EXCEPT THE FOLLOWING DESCRIBED TRACTS:

EXCEPTION TRACT A:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1477.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG THE SAID EAST LINE FOR A DISTANCE OF 150 FEET; THENCE DUE WEST FOR A DISTANCE OF 235 FEET; THENCE DUE SOUTH FOR A DISTANCE OF 150 FEET; THENCE DUE EAST FOR A DISTANCE OF 235 FEET TO THE POINT OF BEGINNING, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF SEWARD, COUNTY OF KENDALL AND STATE OF ILLINOIS.

EXCEPTION TRACT B:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1277.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID EAST LINE FOR A DISTANCE OF 200 FEET; THENCE DUE WEST FOR A DISTANCE OF 235 FEET; THENCE DUE SOUTH FOR A DISTANCE OF 200 FEET; THENCE DUE EAST FOR A DISTANCE OF 235 FEET TO THE POINT OF BEGINNING, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF SEWARD, COUNTY OF KENDALL AND STATE OF ILLINOIS.

PARCEL II:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 7, LYING SOUTH OF THE INDIAN BOUNDARY LINE, AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 17, LYING NORTH OF THE INDIAN BOUNDARY LINE ALL LYING WEST OF GROVE ROAD, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS.

PIN NO.: 09-18-200-004

A 92.5% UNDIVIDED INTEREST IN THE FOLLOWING PARCELS:

LEGAL DESCRIPTION OF PARCEL 6

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:  
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 444.50 feet for the point of beginning; thence Southerly, along said West Line, 551.94 feet; thence Easterly, parallel with the North Line of said Southwest Fractional Quarter, 821.68 feet to the East Line of the West Half of said Southwest Fractional Quarter; thence Northerly, along said East Line, 551.96 feet to a line drawn Easterly from the point of beginning which is parallel with said North Line; thence Westerly, parallel with said North Line, 823.82 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.4247 acres.

LEGAL DESCRIPTION OF PARCEL 7

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:  
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 996.44 feet for the point of beginning; thence Southerly, along said West Line, 551.93 feet; thence Easterly, parallel with the North Line of said Southwest Fractional Quarter, 819.55 feet to the East Line of the West Half of said Southwest Fractional Quarter; thence Northerly, along said East Line, 551.95 feet to a line drawn Easterly from the point of beginning which is parallel with said North Line; thence Westerly, parallel with said North Line, 821.68 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.3974 acres.

LEGAL DESCRIPTION OF PARCEL 8

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:  
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 1548.37 feet for the point of beginning; thence Southerly, along said West Line, 551.93 feet; thence Easterly, parallel with the North Line of said Southwest Fractional Quarter, 817.41 feet to the East Line of the West Half of said Southwest Fractional Quarter; thence Northerly, along said East Line, 551.95 feet to a line drawn Easterly from the point of beginning which is parallel with said North Line; thence Westerly, parallel with said North Line, 819.55 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.3704 acres.

LEGAL DESCRIPTION OF PARCEL 9:

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:  
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 2100.30 feet for the point of beginning; thence Southerly, along said West Line, 551.93 feet to the Southwest Corner of said Southwest Fractional Quarter; thence Easterly, along the South Line of said Southwest Fractional Quarter, 815.23 feet to the Southeast Corner of the West Half of said Southwest Fractional Quarter; thence Northerly, along the East Line of the West Half of said Southwest Fractional Quarter, 558.79 feet to a line drawn Easterly from the point of beginning which is parallel with the North Line of said Southwest Fractional Quarter; thence Westerly, parallel with said North Line, 817.41 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.4074 acres.

Commonly Known As: 41.99 Acres of Vacant Farmland US Rt. 52  
Minooka, IL

PIN No.: Part of 09-18-300-001

Unofficial Copy



**Debbie Gillette**  
**Kendall County Clerk & Recorder**

**PLAT ACT AFFIDAVIT OF METES AND BOUNDS**

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF KENDALL )

Andrew C. Dystrup of 822 Infantry Drive, Joliet, IL \_\_\_\_\_, being duly sworn on oath, And further states that: (please check the appropriate box)

A.  That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or  
B.  That the attached deed is not in violation of 765 ILCS 205/1(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).

AFFLIANT 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 TO BEFORE ME

This 10<sup>th</sup> day of Nov, 20 11

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

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



111 W. Fox Street · Yorkville, IL 60560 - 1498  
Tel: (630) 553-4112 · Fax: (630) 553-5101

CORTINA, MUELLER & FROBISH, P.C.

ATTORNEYS AT LAW  
124 W. Washington Street  
Morris, IL 60450

Frank J. Cortina, Jr.  
Joseph A. Mueller  
Eric P. Frobish  
Matthew J. Mueller  
Jacob C. Lawson

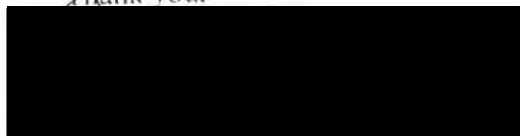
Telephone: (815) 942-0635  
Fax: (815) 942-0647  
Real Est. Fax: (815) 941-9827  
staff@cortinamueller.com

June 19, 2019

To Whom It May Concern:

Please be advised that I represent ERB Properties, LLC in the sale of their property located in Kendall County more specifically described under PIN No. 09-13-400-006. This letter shall serve as further consent to TZ Landscaping, Inc. and Tom and Tyler Zurliene to apply to Kendall County for a Special Use Permit for the operation of their landscaping business. If you need any additional information, please do not hesitate to contact the undersigned.

Thank you.



JC Lawson  
Attorney for ERB Properties, LLC

JCL:nb

KENDALL COUNTY  
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant ERB Properties  
Address 26124 Seil Rd. Shorewood, IL 60404  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. Nature of Benefit Sought Special Use Permit

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

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

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

NAME	ADDRESS	INTEREST
<u>EDWARD J. BALTZ</u>	[REDACTED]	<u>50%</u>
<u>ROBERT D. BALTZ</u>	[REDACTED]	<u>50%</u>

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

J.C. Lawson, 124 W. Washington St. Moline, IL - Attorney

VERIFICATION

I, J.C. Lawson, Attorney, 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 19 day of June, A.D. 2019

(seal)

[REDACTED]  
Notary Public



KENDALL COUNTY  
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant TZ Landscaping, LLC  
Address 276 Rt. 52  
City Minooka State IL Zip 60447

2. Nature of Benefit Sought Special Use Permit

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

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

Limited Liability Company

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
Thomas Zurliene	[REDACTED]	50%
Tyler Zurliene	[REDACTED]	50%

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

Thomas Zurliene, 25619 Roan Ln., Shorewood, IL 60404 - Co-Owner of TZ Landscaping, LLC

VERIFICATION

I, [REDACTED], 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 23 day of April, A.D. 2019

(seal)



[REDACTED]  
Notary Public





Kendall County Soil & Water Conservation District

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

[www.kendallswcd.org](http://www.kendallswcd.org)

**NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION**

**Petitioner:** TZ Landscaping, LLC **Contact Person:** Thomas Zurliene  
 Address: 276 Rt. 52  
 City, State, Zip: Minooka, IL 60447  
 Phone Number: ( )   
 Email: tzlandscaping@gmail.com

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

**Site Location & Proposed Use**

Township Name Seward Township 35 N, Range 8 E, Section(s) 13  
 Parcel Index Number(s) 09-13-400-006  
 Project or Subdivision Name \_\_\_\_\_ Number of Acres 10.8  
 Current Use of Site Farm - AG 1 Proposed Use landscaping business  
 Proposed Number of Lots 1 Proposed Number of Structures \_\_\_\_\_  
 Proposed Water Supply Well Proposed type of Wastewater Treatment \_\_\_\_\_  
 Proposed type of Storm Water Management \_\_\_\_\_

**Type of Request**

Change in Zoning from \_\_\_\_\_ to \_\_\_\_\_  
 Variance (Please describe fully on separate page)  
 Special Use Permit (Please describe fully on separate page)  
 Name of County or Municipality the request is being filed with: Kendall

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

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

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

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

Fee for first five acres and under	\$ <u>375.00</u>
<u>10</u> Additional Acres at \$18.00 each	\$ <u>108.00</u>
<b>Total NRI Fee</b>	\$ <u>483.00</u>

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

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

\_\_\_\_\_  
 Petitioner or Authorized Agent 6/17/19  
Date

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

**FOR OFFICE USE ONLY**

NRI# \_\_\_\_\_ Date initially rec'd \_\_\_\_\_ Date all rec'd \_\_\_\_\_ Board Meeting \_\_\_\_\_  
 Fee Due \$ \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ Over/Under Payment \_\_\_\_\_ Refund Due \_\_\_\_\_



1 of 3



**Applicant:** TZ Landscaping, LLC  
**Contact:** Tom Zurliene  
**Address:** 276 Rt. 52  
 Minooka, IL 60447

**IDNR Project Number:** 1911969  
**Date:** 06/17/2019

**Project:** TZ Landscaping  
**Address:** 276 Rt. 52, Minooka

*Description:* Special Use Permit to use the 2 existing barns and garage on the premises. The area will be used for storing landscaping material.

**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:*  
 35N, 8E, 13

**IL Department of Natural Resources  
 Contact**  
 Kyle Burkwald  
 217-785-5500  
 Division of Ecosystems & Environment

**Government Jurisdiction**  
 Kendall County  
 Matthew Asselmeier  
 111 West Fox Street  
 Yorkville, Illinois 60560 -1498

**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.

**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

## Attachment 1, Page 16

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.

Page 1 of 3



2 of 3 Find Next

IDNR Project Number: 1911969



- 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.



3 of 3 End | Next

IDNR Project Number: 1911969



<b>EcoCAT Receipt</b>	<b>Project Code</b> 1911969
-----------------------	-----------------------------

<b>APPLICANT</b>	<b>DATE</b>
------------------	-------------

TZ Landscaping, LLC  
Frank Cservenyak

6/17/2019



DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
-------------	-----	-----------------	------------

EcoCAT Consultation	\$ 125.00	\$ 2.94	\$ 127.94
---------------------	-----------	---------	-----------



TOTAL PAID \$ 127.94

Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702  
217-785-5500  
[dnr.ecocat@illinois.gov](mailto:dnr.ecocat@illinois.gov)

Please fill out the following findings of fact to the best of your capabilities. §13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

*That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.* The storage of landscaping material in the existing barns and garage on the premises will not be detrimental to public health, safety, morals, comfort, or general welfare. Further, trucks are stored on the premises after business hours which will also not cause disruption.

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

The special use will have no negative affect on the use and enjoyment of other properties or diminish or impair property values. The use is an existing use and the business has operated on the property for 7 years. The proposed use will comply with all code requirements and does not adversely impact adjacent uses or properties.

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

All utilities are adequate and access roads and points of ingress and egress are not impaired. All drainage is provided for. Emergency vehicles have access to and from the property.

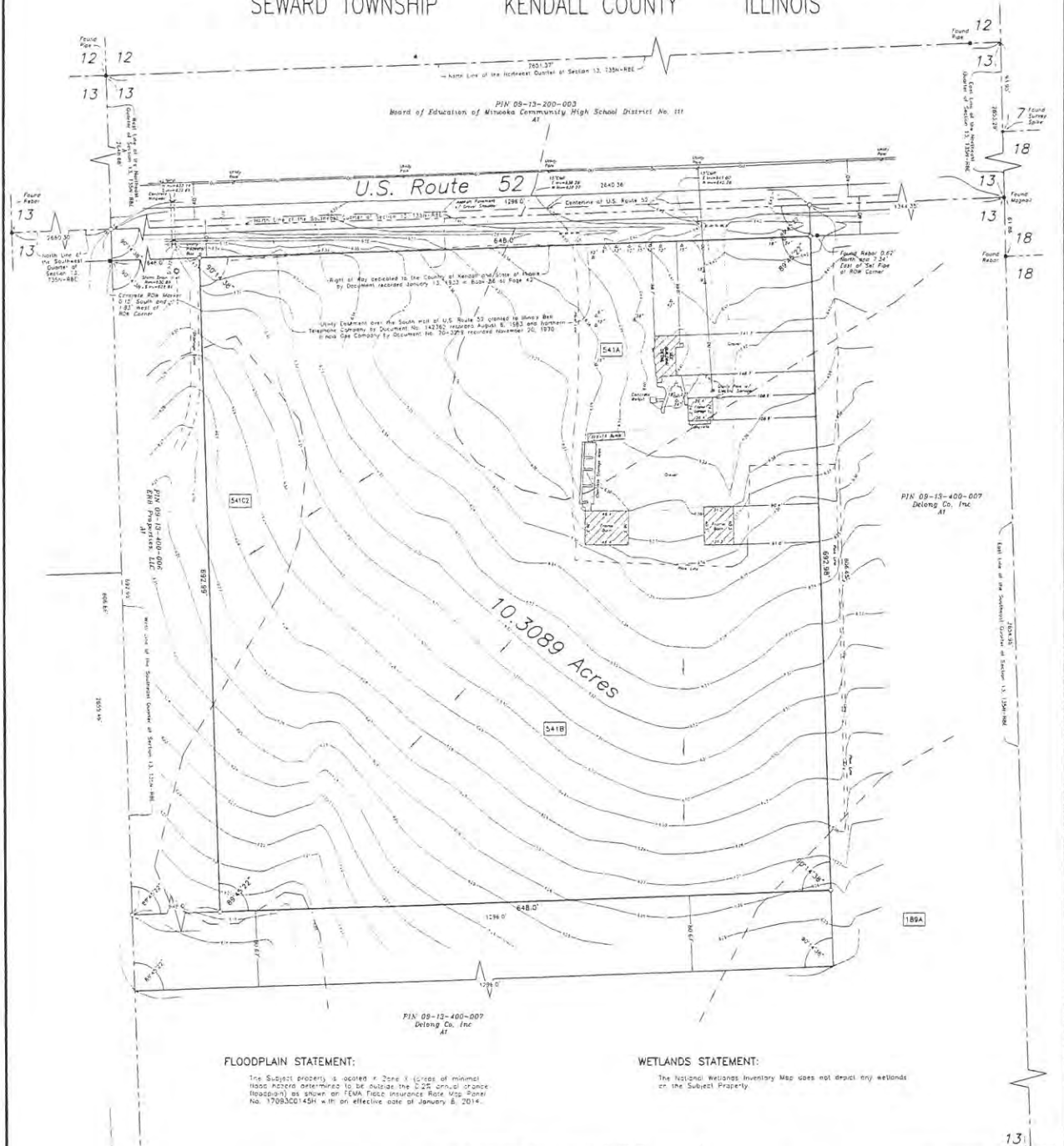
*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals* The special use conforms to the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

A-1 and the applicant requests to use the barn and storage for landscaping material and to allow trucks on the premises.

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

The special use is in line with the purpose and objectives. Applicants will comply with all requirements and policies adopted by the County or other applicable municipal plans.

# ZONING PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 13, T35N-R8E, 3rd PM SEWARD TOWNSHIP KENDALL COUNTY ILLINOIS



**FLOODPLAIN STATEMENT:**  
The Subject property is located in Zone X (Areas of minimal flood hazard determined to be outside the 1% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map, Panel No. 1709300145H with an effective date of January 8, 2014.

**WETLANDS STATEMENT:**  
The National Wetlands Inventory Map does not depict any wetlands on the Subject Property.

**DEVELOPER:**  
T.J. Landscaping, LLC  
Thomas and Tyler Zurbene  
1001 Layne Court  
Shorewood, Illinois 60448

**PROPERTY LOCATION:**  
PIN: 09-13-400-006  
276 US Highway 52  
Minooka, Illinois 60447

**AREA TO BE REZONED:**  
10.3089 Acres

**PRESENT ZONING:**  
A-1

**PROPOSED ZONING:**  
A-1, SU

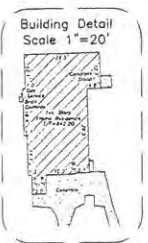


- SCALE**  
1"=50'
- 0 50 100 150
- Indicates Iron Stake Found
  - Indicates Iron Stake Set
  - Indicates Concrete Right of Way Monument
  - Indicates Line of Fence
  - Indicates Overhead Utilities
  - Indicates Soil's Boundary
  - Indicates Tree Location and Diameter
  - Indicates Spot Elevation
  - Indicates Contour Elevation
  - Indicates Direction of Flow

**LEGAL DESCRIPTION OF TRACT TO BE REZONED:**  
The East half of the North 80.665 feet of the West 1296.0 feet of the Southeast Quarter of Section 13, Township 35 North, Range 8 East of the First Principal Meridian, EXCEPT the South 80.67 feet thereof, in Kendall County, Illinois.

**SOILS (From Web Soil Survey)**

189A	Marion Soil Loam, 0%-2% slopes
541A	Graymont Silt Loam, 0%-2% slopes
541B	Graymont Silt Loam, 2%-5% slopes
541C	Graymont Silt Loam, 5%-10% slopes, eroded



PIN: 09-13-400-006

June 13, 2019

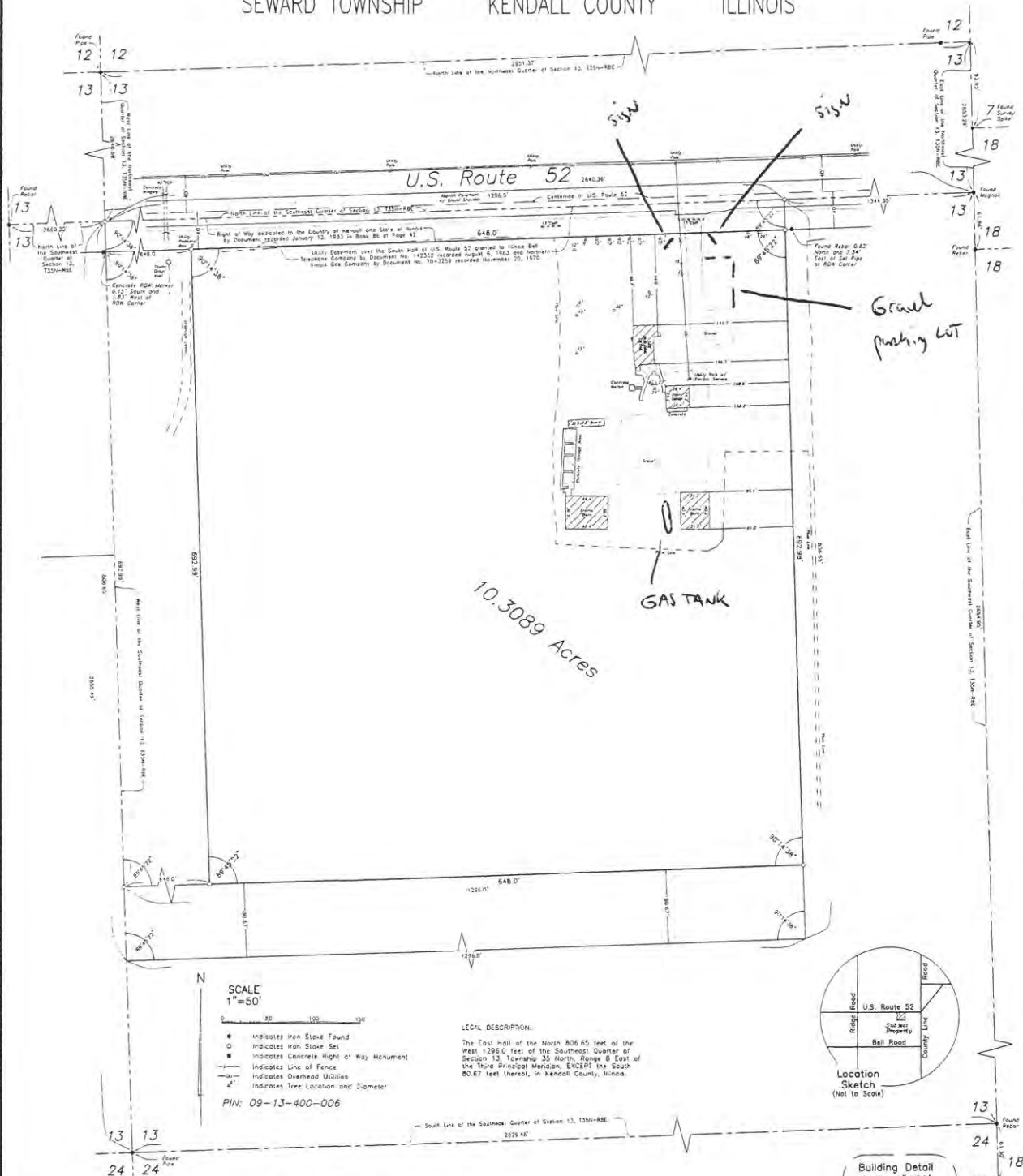
JOB NO.	19100
JOB NAME	ERB PROPERTIES
DWG FILE	19100S
REVISION DATE	

**Phillip D. Young and Associates, Inc.**  
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic. #184-002775

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

# Attachment 1, Page 21

## ALTA/ACSM LAND TITLE SURVEY PART OF THE SOUTHEAST QUARTER OF SECTION 13, T35N-R8E, 3rd PM SEWARD TOWNSHIP KENDALL COUNTY ILLINOIS



SCALE  
1"=50'

● Indicates Iron Stake Found  
 ○ Indicates Iron Stake Set  
 ■ Indicates Concrete Right of Way Monument  
 — Indicates Line of fence  
 — Indicates Overhead Utilities  
 Δ Indicates Tree Location and Diameter

PIN: 09-13-400-006

LEGAL DESCRIPTION:  
The East half of the North 80.65 feet of the West 1296.0 feet of the Southeast Quarter of Section 13, Township 35 North, Range 8 East of the Third Principal Meridian, EXCEPT the South 80.67 feet thereof, in Kendall County, Illinois.



State of Illinois ) SS  
County of Kendall )  
To: ERB Properties, LLC  
Thomas and Tyler Zurlene  
Chicago Title Insurance Company

This is to certify that this map or plan and the survey on which it is based were made in accordance with the 2016 Minimum Standards Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 8, 9, and 11 of Table A thereof. The field work was completed on May 22, 2019.

Dated June 13, 2019 at Yorkville, Illinois

Phillip D. Young  
Illinois Professional Land Surveyor No. 2676 (Expires 11/30/20)

- SURVEYOR'S NOTES:
- Regarding Item 2 of Table A: The Subject Property is commonly known as 276 US Highway 52, Minooka, Illinois 60447.
  - Regarding Item 3 of Table A: The Subject Property is located within Zone B (Areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map No. 17093C0145B with an effective date of January 8, 2014.
  - Regarding Item 4 of Table A: The area of the Subject Property is 445.055 sq./ft. (= 10.3086 acres).
  - Regarding Item 6(a) of Table A: The Subject Property has Kendall County Zoning A-1 (Agricultural District). No Zoning Report or Letter was furnished to the Surveyor.
  - Regarding Item 9 of Table A: There are no striped parking spaces on the Subject Property.
  - Regarding Item 11 of Table A: Underground utilities shown are based on surface improvements. The Surveyor will not be held responsible for the location of underground utilities.
  - The assessments shown are those shown on the recorded plat of subdivision and/or Chicago Title Insurance Company Commitment No. A43257-1900390 with an effective date of May 2016 and a printing date of May 29, 2019 transmitted from the Client to the Surveyor.
  - Stensora Oil Company, Pipeline established in a Document recorded January 6, 1947 in Book 102 at Page 403, lay approximately 1300 feet Southwest of the Subject Property.

JOB NO.	15100
JOB NAME	ERB PROPERTIES
DWG FILE	15100A
REVISION DATE	

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

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





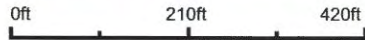
THOUSANDS OF ACRES SOLD

**Barrett & Brummel**  
Farmland & Commercial Real Estate

MARK J. BRUMMEL  
Broker

Mobile: (312) 470-2266  
Office/Fax: (312) 943-9999  
Website: [www.barrettbrummel.com](http://www.barrettbrummel.com)  
Email: [mjbrummel@barrett.com](mailto:mjbrummel@barrett.com)

map center: 41° 30' 45.06, -88° 15' 38.1



**13-35N-8E**  
**Kendall County**  
**Illinois**



4/14/2019

Maps Provided By:

**surety**  
CUSTOMIZED ONLINE MAPPING

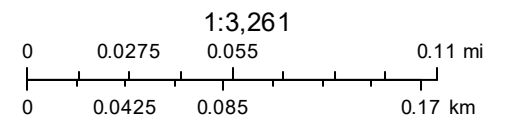
© AgriData, Inc. 2019 [www.AgrIDataInc.com](http://www.AgrIDataInc.com)

Field borders provided by Farm Service Agency as of 5/21/2008. Soils data provided by University of Illinois at Champaign-Urbana.



June 20, 2019

- Arrow 100      — FromTo 400      — Tip 100
- Arrow 400      — Hook 100        — Tip 400
- FromTo 100     — Hook 400        Road Names







Attachment 5 Employee Parking







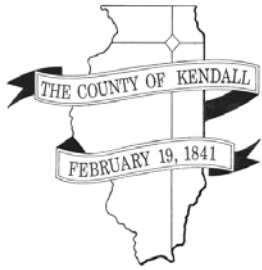












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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**MEMORANDUM**

---

To: Kendall County ZPAC

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: May 15, 2019

Re: Amended Petition 17-28 Proposed Text Amendments to Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting on Your Own Yard)

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At their meeting on May 7, 2019, the Kendall County Board approved Ordinance 2019-09, a text amendment to the Kendall County Zoning Ordinance pertaining to outdoor target practice and shooting ranges (not including private shooting on your own yard).

The following is a summary of the changes:

1. Submittal of plans as outlined in the 2012 NRA Range Source Book.
2. The 2012 NRA Range Source Book shall be the main guide in the design of ranges.
3. A bond shall be required for site remediation.
4. Berming, range length, and downrange safety area are more defined.
5. Firing lines must be 1,000 feet from the property lines of residentially zoned properties.
6. Duties and qualifications of range safety officers are defined.
7. A cone may be used as a warning that the range is active.
8. Hearing protection and safety glasses must be worn on the firing line.
9. Range must provide public restrooms.
10. Minimum acreage requirement raised to 20 acres from 5 acres.
11. Hours and days of operation shall be specified in the special use permit and determined by the County Board. However, between October 1<sup>st</sup> and March 31<sup>st</sup>, no firing shall take place prior to 10:00 a.m. or after 5:00 p.m. and between April 1<sup>st</sup> and September 30<sup>th</sup>, no firing shall take place prior to 10:00 a.m. or after 8:30 p.m. However, notwithstanding the aforementioned hours of operation, up to twelve (12) night shoots per year shall be allowed ending no later than 10:00 p.m.
12. Signage requirements more defined.
13. Berming as fencing substitute added.
14. Prohibition of marijuana added.
15. Insurance requirement added.
16. Noise regulations added.
17. Existing ranges are exempt from this regulation.

A copy of Ordinance 2019-09 is attached.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENC: Text Amendment

ORDINANCE # 2019- 09

**TEXT AMENDMENT TO SECTIONS 7.01.D.32, 7.01.D.33 AND 10.03.B.4 OF THE KENDALL COUNTY ZONING ORDINANCE PERTAINING REGULATIONS OF OUTDOOR COMMERCIAL SPORTING ACTIVITIES AND OUTDOOR TARGET PRACTICE OR SHOOTING RANGES (NOT INCLUDING PRIVATE SHOOTING IN YOUR OWN YARD)**

*WHEREAS*, 55 ILCS 5/5-12001 grants Kendall County the authority to regulate and restrict the location and use of structures and uses for the purpose of promoting the public health, safety, morals, comfort and general welfare throughout the unincorporated areas of the County; and

*WHEREAS*, gun clubs were a permitted use in the A-1 Agricultural District under the Kendall County Zoning Ordinance adopted January 16, 1940; and

*WHEREAS*, gun clubs were reclassified as a special use in the A-1 Agricultural District under the Kendall County Zoning Ordinances adopted in 1959 and July 9, 1974; and

*WHEREAS*, outdoor shooting ranges were classified as a similar use to gun clubs per the hearing of the Kendall County Zoning Board of Appeals on September 30, 1982 and were included as a special use in the A-1 Agricultural District by Ordinance 82-11 adopted November 9, 1982; and

*WHEREAS*, the restrictions governing target practice or shooting (not including private shooting in your own yard) in the A-1 Agricultural District and M-3 Earth Materials Extraction, Processing and Site Reclamation District were established through Ordinance 2013-14 adopted July 16, 2013; and

*WHEREAS*, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

*WHEREAS*, on or about September 11, 2017, the Kendall County Planning, Building and Zoning Committee, hereinafter be referred to as "Petitioner", submitted a text amendment to the Kendall County Zoning Ordinance pertaining to outdoor target practice and shooting range zoning regulations; and

*WHEREAS*, on or about June 11, 2018, the Petitioner amended the proposed text amendment;

and

WHEREAS, following due and proper notice by publication in the Kendall County Record on August 9, 2018, the Kendall County Zoning Board of Appeals conducted a public hearing on August 27, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested text amendment and four (4) members of the public testified in favor of the request and eleven (11) members of the public testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended denial of the text amendment on August 27, 2018; and

WHEREAS, 55 ILCS 5/5-12014 (c) grants certain townships the right to file formal objections to proposed text amendments; and

WHEREAS, the Township of Na-Au-Say did file a formal objection in a manner permissible by State law; and

WHEREAS, 55 ILCS 5/5-12014 (c) requires the approval of at least three-fourths of a County Board to approve a text amendment over the formal objection of certain townships; and

WHEREAS, on or about February 11, 2019, the Petitioner amended the proposed text amendment and referred the proposal to the Kendall County Zoning Board of Appeals for rehearing; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 14, 2019, the Kendall County Zoning Board of Appeals conducted a public rehearing on April 1, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested text amendment and zero (0) members of the public testified in favor of the request and twelve (12) members of the public testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendment on April 1, 2019; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board the requested text amendment; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has

determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance as provided:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The existing language of Section 7.01.D.32 is hereby deleted and replaced with the following:

“7.01.D.32 Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting, noise, and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice or shooting, athletic fields with lights, paintball facilities and riding stables, including but not limited to polo clubs, and similar uses.”

- III. Amended Text: The existing language of Section 7.01.D.33 is hereby deleted and replaced with the following:

“7.01.D.33 Outdoor Target Practice or Shooting (not including private shooting on your own yard) with the following conditions:

- a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting range shall submit copies of all of the studies and plans suggested in the 2012 NRA Range Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan. Two (2) copies of the 2012 NRA Range Source Book shall be available for public access in the Kendall County Planning, Building and Zoning Department. One (1) of the copies of the 2012 NRA Range Source Book shall be made available for rent to members of the public.
  1. The above-referenced plans shall contain information as suggested by the National Rifle Association.
  2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. The narrative shall, at a minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
  3. The safety plan shall describe the duties and qualifications of the range supervisors.

4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirements of the National Rifle Association's standards, the standards of the National Shooting Sports Foundations standards, or the United States Environmental Protection Agency's best management practices standards.
  5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
  6. Any changes to the above-required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.
  7. A bond shall be provided for site remediation. The specific dollar amount shall be determined by the County Board.
- b. Range layout requires conformity with the 2012 National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100').
  - c. The site plan for the proposed outdoor target practice of shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
    1. The safety area shall conform to 2012 NRA Range Source Book for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
    2. For the purposes of this regulation, the term "downrange safety area" shall mean the area away from the launching site towards the target. In case of shooting ranges where targets are not stationary, appropriate baffling shall be provided.
  - d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top for ranges three hundred feet (300') in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty (30') feet of firing line distance over twenty feet (20'), the berm height shall increase by ten feet (10') in height as an example. Berms shall be located as follows:
    1. Shotgun ranges – No berming required.



2. Ranges for handguns and rifles
  - a. Target placement not to exceed twenty feet (20') from the backstop.
  - b. Lateral not closer than thirty feet (30') from the firing line.
3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
4. In addition to berms, appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from overshooting the berm.
5. The range shall be located on site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:
  - a. Shotgun ranges – one thousand five hundred feet (1500'), provided that shot size is limited to #4 or smaller.
  - b. Ranges for handguns and rifles not more powerful than .22 long rifle – seven thousand feet (7,000').
  - c. Ranges for rifles more powerful than a .22 long rifle – thirteen thousand five hundred feet (13,500').
  - d. The downrange safety area requirement for handgun and rifle ranges may be waived if the firing line is provided with overhead baffling, berming, or a combination thereof, meeting the standards of the 2012 National Rifle Association's Source Book or appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from overshooting the berm.
- e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.
- f. The firing line must be at least one thousand feet (1,000') from existing residential dwellings and property lines of schools, daycares, places of worship, airstrips, and residentially zoned property.
- g. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required
- h. At least one (1) designated range safety officer must be present during operational hours when discharging of firearms is taking place. A "range safety officer" means a person who is certified under the National Rifle Association's Range Safety Officer Program or other equivalent state or nationally-recognized range safety officer certification program as approved by the County Board, for the type of shooting being supervised. The range safety officer shall enforce all range rules.

- i. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.
- j. Everyone on the firing line is required to wear hearing protection and safety glasses.
- k. The range shall provide public bathroom facilities.
- l. The range shall require a minimum parcel size of twenty (20) acres.
- m. Hours and days of operation shall be specified in the special use permit and determined by the County Board. However, between October 1<sup>st</sup> and March 31<sup>st</sup>, no firing shall take place prior to 10:00 a.m. or after 5:00 p.m. and between April 1<sup>st</sup> and September 30<sup>th</sup>, no firing shall take place prior to 10:00 a.m. or after 8:30 p.m. However, notwithstanding the aforementioned hours of operation, up to twelve (12) night shoots per year shall be allowed ending no later than 10:00 p.m.
- n. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing.
- o. Must meet the existing setbacks of the zoning district.
- p. No alcohol, marijuana, or other illicit drugs allowed.
- q. No projectiles shall leave the boundaries of the site.
- r. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance shall be at a level standard and customary for outdoor target practice or shooting range. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit and the special use permit holder shall supply a copy of the insurance policy to the Kendall County Planning, Building and Zoning Department annually on or before February 1<sup>st</sup> of each year.

- s. All applicable Federal, State and County rules and regulations shall be adhered to.
- t. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).
- u. Notwithstanding the hours of operations set in the special use permit, the range shall abide by the following noise regulations, so as not to exceed allowable residential noise in accordance with the following:
  1. 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 use which exceeds sixty (60) 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.
  2. 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 use 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.
  3. 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.
- v. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (May 7, 2019) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.
- w. Outdoor target practice and shooting ranges open to the public established after the date of this ordinance (May 7, 2019) must comply with the above regulations or secure applicable variance(s)."

IV. Amended Text: The existing language of Section 10.03.B.4 is hereby deleted and replaced with the following:

“10.03.B.4 Outdoor Target Practice or Shooting (not including private shooting on your own yard) with the following conditions:

- a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting range shall submit copies of all of the studies and plans suggested in the 2012 NRA Range Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan. Two (2) copies of the 2012 NRA Range Source Book shall be available for public access in the Kendall County Planning, Building and Zoning Department. One (1) of the copies of the 2012 NRA Range Source Book shall be made available for rent to members of the public.
  1. The above-referenced plans shall contain information as suggested by the National Rifle Association.
  2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. The narrative shall, at a minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
  3. The safety plan shall describe the duties and qualifications of the range supervisors.
  4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirements of the National Rifle Association’s standards, the standards of the National Shooting Sports Foundations standards, or the United States Environmental Protection Agency’s best management practices standards.
  5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
  6. Any changes to the above-required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.
  7. A bond shall be provided for site remediation. The specific dollar amount of the bond shall be determined by the County Board.
- b. Range layout requires conformity with the 2012 National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and

landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100').

- c. The site plan for the proposed outdoor target practice of shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
  1. The safety area shall conform to 2012 NRA Range Source Book for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
  2. For the purposes of this regulation, the term "downrange safety area" shall mean the area away from the launching site towards the target. In case of shooting ranges where targets are not stationary, appropriate baffling shall be provided.
- d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top for ranges three hundred feet (300') in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty (30') feet of firing line distance over twenty feet (20'), the berm height shall increase by ten feet (10') in height as an example. Berms shall be located as follows:
  1. Shotgun ranges – No berming required.
  2. Ranges for handguns and rifles
    - a. Target placement not to exceed twenty feet (20') from the backstop.
    - b. Lateral not closer than thirty feet (30') from the firing line.
  3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
  4. In addition to berms, appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from overshooting the berm.
  5. The range shall be located on site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:
    - a. Shotgun ranges – one thousand five hundred feet (1500'), provided that shot size is limited to #4 or smaller.
    - b. Ranges for handguns and rifles not more powerful than .22 long rifle – seven thousand feet (7,000').
    - c. Ranges for rifles more powerful than a .22 long rifle – thirteen thousand five hundred feet (13,500').

- d. The downrange safety area requirement for handgun and rifle ranges may be waived if the firing line is provided with overhead baffling, berming, or a combination thereof, meeting the standards of the 2012 National Rifle Association's Source Book or appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from overshooting the berm.
- e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.
- f. The firing line must be at least one thousand feet (1,000') from existing residential dwellings and property lines of schools, daycares, places of worship, airstrips, and residentially zoned property.
- g. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required
- h. At least one (1) designated range safety officer must be present during operational hours when discharging of firearms is taking place. A "range safety officer" means a person who is certified under the National Rifle Association's Range Safety Officer Program or other equivalent state or nationally-recognized range safety officer certification program as approved by the County Board, for the type of shooting being supervised. The range safety officer shall enforce all range rules.
- i. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.
- j. Everyone on the firing line is required to wear hearing protection and safety glasses.
- k. The range shall provide public bathroom facilities.
- l. The range shall require a minimum parcel size of twenty (20) acres.
- m. Hours and days of operation shall be specified in the special use permit and determined by the County Board. However, between October 1<sup>st</sup> and March 31<sup>st</sup>, no firing shall take place prior to 10:00 a.m. or after 5:00 p.m. and between April 1<sup>st</sup> and September 30<sup>th</sup>, no firing shall take place prior to 10:00 a.m. or after 8:30 p.m. However, notwithstanding the aforementioned hours

of operation, up to twelve (12) night shoots per year shall be allowed ending no later than 10:00 p.m.

- n. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing.
- o. Must meet the existing setbacks of the zoning district.
- p. No alcohol, marijuana, or other illicit drugs allowed.
- q. No projectiles shall leave the boundaries of the site.
- r. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance shall be at a level standard and customary for outdoor target practice or shooting range. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit and the special use permit holder shall supply a copy of the insurance policy to the Kendall County Planning, Building and Zoning Department annually on or before February 1<sup>st</sup> of each year.
- s. All applicable Federal, State and County rules and regulations shall be adhered to.
- t. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).
- u. Notwithstanding the hours of operations set in the special use permit, the range shall abide by the following noise regulations, so as not to exceed allowable residential noise in accordance with the following:
  - 1. 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 use which exceeds sixty (60) 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.
  - 2. 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 use 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.

3. 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.

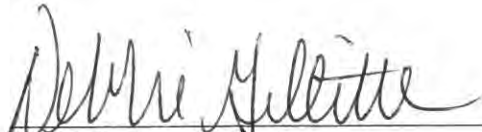
v. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (May 7, 2019) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.

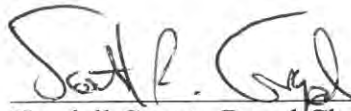
w. Outdoor target practice and shooting ranges open to the public established after the date of this ordinance (May 7, 2019) must comply with the above regulations or secure applicable variance(s)."

V. Any completed application submitted prior to the date of the adoption of this ordinance shall follow the application procedures, requirements and restrictions in effect on the date that the completed application was submitted.

IN WITNESS OF, this amendment to the Kendall County Zoning Ordinance has been enacted by a supermajority vote of the Kendall County Board this 7<sup>th</sup> day of May, 2019.

Attest:

  
\_\_\_\_\_  
Kendall County Clerk  
Debbie Gillette

  
\_\_\_\_\_  
Kendall County Board Chairman  
Scott R. Gryder