To: Kendall County Zoning Board of Appeals  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: July 25, 2019  
Re: Petition 19-26 Request for a Special Use Permit for a Landscaping Business at 276 Route 52 in Seward Township– Petitioner Requests a Layover

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 276 Route 52 in Seward Township.

At the July 24, 2019, Kendall County Regional Planning Commission meeting, discussion occurred regarding the site plan and landscaping plan for the property. The Petitioner request a layover until the August 28th Kendall County Regional Planning Commission meeting.

The notice of the Zoning Board of Appeals hearing was already printed prior to the ZPAC meeting. The Petitioner requests that the hearing be continued until after the requested site plan and landscaping plan are submitted.

If you have any questions regarding this request, please let me know.

Thanks,

MHA
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

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Farmstead/Agricultural</th>
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</thead>
<tbody>
<tr>
<td>Future Land Use</td>
<td>Commercial</td>
</tr>
<tr>
<td>Roads</td>
<td>Route 52 is a State Highway classified as a Major Arterial Road.</td>
</tr>
<tr>
<td>Trails</td>
<td>Joliet has a trail planned along Route 52.</td>
</tr>
<tr>
<td>Floodplain/ Wetlands</td>
<td>No floodplains or wetlands are present.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>Land Resource Management Plan</th>
<th>Zoning within ½ Mile</th>
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<tr>
<td>North</td>
<td>Farmstead/Agricultural/Residential</td>
<td>A-1</td>
<td>Suburban Residential (1.00 DU/Acre) and Public Institutional</td>
<td>A-1</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Suburban Residential</td>
<td>A-1</td>
</tr>
</tbody>
</table>

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). The LESA score was 214 indicating a medium level of protection. The NRI Report is included as Attachment 15.

ACTION SUMMARY

SEWARD TOWNSHIP
Petition information was sent to Seward Township on June 24, 2019. The Seward Township Planning Commission met on July 22, 2019. Discussion occurred regarding burning of material onsite, the placement of a berm along Route 52, the placement of trees along the east, west, and south sides, organization and storage of materials, maintenance of buildings, proper parking, and well and septic concerns. The Petitioner told the Commission that they will clean up the property. The Seward Township Planning Commission recommended approval with one (1) member absent. The Seward Township Board also met on July 22, 2019 and discussed similar concerns as the Seward Township Planning Commission. Discussion occurred regarding placing a berm on three (3) sides of the property and demolishing one (1) of the barns and replacing it with a new barn. The Seward Township Board recommended approval with one (1) member absent. The minutes of the Seward Township Planning Commission are included as Attachment 16 and the corrected minutes of the Seward Township Board meeting are included as Attachment 17.

VILLAGE OF SHOREWOOD
Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the Sign Ordinance. The Village’s email is included as Attachment 12.

CITY OF JOLIET
Petition information was sent to the City of Joliet on June 24, 2019. On June 24, 2019, the City of Joliet submitted an email saying they would not comment on this Petition and would honor their boundary agreement with the Village of Shorewood. The City’s email is included as Attachment 13.

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

ZPAC
ZPAC reviewed this proposal at their meeting on July 2, 2019. Greater specificity was needed regarding the location and size of berms and other screening. Concerns were expressed regarding
stormwater runoff control. The Kendall County Health Department requested that the septic field be located. The Petitioners withdrew their request for a sign variance; they intend to install a two (2) sided sign. The consensus of ZPAC members was to forward the proposal to the Kendall County Regional Planning Commission. The minutes of this meeting are included as Attachment 14.

KCRPC
The Kendall County Regional Planning started their review of this proposal at their meeting on July 24, 2019. Discussion occurred regarding the nature, location, and timing of installation of fencing, berming, and plantings. Discussion also occurred regarding the location and timing for construction of a new pole barn on the building. The Petitioners requested a layover in order add greater specificity to their site plan and landscaping. The minutes of this meeting are included as Attachment 18.

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 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 Kendall 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. At ZPAC, the Petitioners agreed to have only one (1) sign, which will be double-sided.
SCREENING
No berming or fencing was proposed.

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

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

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed 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 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. The subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use should not adversely impact adjacent uses.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location of the septic field is unknown and no restroom facilities exist on the property. A restriction is required to ensure that landscaping debris does not create drainage problems.*

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided no sign variance is necessary, the proposed business and site plan conform to all other applicable regulations of the A-1 Zoning 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. The LRMP encourages agriculture and agribusiness (Page 3-3). The proposed use is consistent with the purpose and objectives of the LRMP.*

RECOMMENDATION
Staff recommends approval of the requested special use permit subject to the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan with changes as outlined in the following conditions.

2. One (1) business related sign shall be allowed on the subject property in one (1) of the locations shown on the site plan. The sign will not be illuminated.

3. The parking area shown on the site plan shall be relocated to comply with the Kendall County Zoning Ordinance.

4. A berm three feet (3’) in height as measured from the top of the berm to the base of the berm shall be erected along the northern portion of the property used for the special use allowed by this ordinance, except for the area used as ingress/egress. The berm shall be installed within sixty (60) days of the approval of this special use permit ordinance. (Area in white on site plan).
5. Within sixty (60) days of the approval of this special use permit, the owner and/or operator of the use allowed by this special use permit ordinance shall plant arborvitaes at least six feet (6’) in height at the time of planting along the east, west, and south sides of the area used for the landscaping business to block the visibility of the operations from adjoining properties. The arborvitaes shall be planted in sufficient numbers to create a complete buffer within five (5) years of the approval of this special use permit. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. (Area in white on site plan).

6. Any materials associated with the landscaping business stored outdoors must be stored with blocks on three sides of the materials. (See Attachment 8).

7. Equipment and vehicles related to the business may be stored outdoors.

8. Within sixty (60) days of the approval of this special use permit, the Petitioners shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioners and the Kendall County Health Department.

9. No landscape waste generated off the property can be burned on this site.

10. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.

11. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.

12. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.

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

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

15. 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 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
12. 7-2-19 Village of Shorewood Email
13. 6-24-19 City of Joliet Email
14. 7-2-19 ZPAC Minutes
15. NRI Report
16. 7-22-19 Seward Township Planning Commission Minutes
17. 7-22-19 Seward Township Board Minutes (Corrected)
18. 7-24-19 Kendall County Regional Planning Commission Minutes
**APPLICATION**

**PROJECT NAME** SUP - TZ Landscaping, LLC  
**FILE #** 19-24

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<tr>
<th>NAME OF APPLICANT</th>
<th>TZ Landscaping, LLC</th>
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<tr>
<td><strong>CURRENT LANDOWNER/NAMES</strong></td>
<td>Ed Baltz</td>
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<tr>
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<th>SITE ADDRESS OR LOCATION</th>
<th>ASSESSOR'S ID NUMBER (PIN)</th>
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<tr>
<td>ACRES</td>
<td>10.8</td>
<td>276 Rt. 52, Minooka, Illinois 60447</td>
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<tr>
<td>EXISTING LAND USE</td>
<td>agricultural</td>
<td>CURRENT ZONING</td>
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**REQUESTED ACTION** (Check All That Apply):

- [X] SPECIAL USE  
  - MAP AMENDMENT (Rezone to ___)  
  - VARIANCE
- ___ ADMINISTRATIVE VARIANCE  
  - A-1 CONDITIONAL USE for: 
- ___ TEXT AMENDMENT  
  - RPD (___ Concept; ___ Preliminary; ___ Final)  
  - ADMINISTRATIVE APPEAL
- ___ PRELIMINARY PLAT  
  - FINAL PLAT  
  - OTHER PLAT (Vacation, Dedication, etc.)
- ___ AMENDMENT TO A SPECIAL USE (___ Major; ___ Minor)

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<tr>
<th>PRIMARY CONTACT</th>
<th>PRIMARY CONTACT MAILING ADDRESS</th>
<th>PRIMARY CONTACT EMAIL</th>
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<tr>
<td>Thomas Zurliene</td>
<td><a href="mailto:tzlandscaping@gmail.com">tzlandscaping@gmail.com</a></td>
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<tr>
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<th>PRIMARY CONTACT OTHER # (Cell, etc.)</th>
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<tr>
<td></td>
<td></td>
<td><a href="mailto:Lschoenstad@ckeplawfilm.com">Lschoenstad@ckeplawfilm.com</a></td>
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<th>ENGINEER FAX #</th>
<th>ENGINEER OTHER # (Cell, etc.)</th>
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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 correspondence 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.

**SIGNATURE OF APPLICANT** [Redacted]  
**DATE** 4/23/19

**FEE PAID:** $1,150  
**CHECK #:** 1222

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

Attachment 1, Page 1

Last Revised: 11.24.14
Special Use
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, LLC 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**

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 29th 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: [signature]

[redacted]

Attest: [signature]

[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 28th day of October, A.D. 2011.

Notary Public.

PROPERTY ADDRESS
See Attached

PERMANENT INDEX NUMBER
See Attached

MAIL TAX BILL TO
ERB Properties, LLC
26124 Seil Road
Shorewood, IL 60404
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 806.67 Feet Thereof, in Kendall County, Illinois.
PIN No.: 09-13-400-006
Commonly known As: 276 US Highway 52, Shorewood, IL
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 255 FEET; THENCE DUE SOUTH FOR A DISTANCE OF 150 FEET; THENCE DUE EAST FOR A DISTANCE OF 25 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 17, 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 Fractional 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 Fractional 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 Fractional 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 Fractional 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, 81.74 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
Debbie Gillette
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS )
) SS
COUNTY OF KENDALL )

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

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

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

SUBSCRIBED AND SWORN TO BEFORE ME

This ______ day of ____, 20__

Signature of Affiant

[Signature]

Signature of Notary Public

[Seal]

OFFICIAL SEAL
LEAH M SALAZAR
NOTARY PUBLIC, STATE OF ILLINOIS

111 W. Fox Street - Yorkville, IL 60560 - 1496
Tel: (630) 553-4112 Fax: (630) 557-4191
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
KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant  ERB Properties
   Address  24124 Seil Rd., Orland Park, IL 60464
   City ____________________________ State ______ Zip ______

2. Nature of Benefit Sought  Special Use Permit

3. Nature of Applicant: (Please check one)
   X 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:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>INTEREST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edward J. Bruzt</td>
<td></td>
<td>50%</td>
</tr>
<tr>
<td>Robert D. Bruzt</td>
<td></td>
<td>50%</td>
</tr>
</tbody>
</table>

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

   J.C. Lawson, 124 W. Washington St., Morris, 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)

Notary Public

"OFFICIAL SEAL"
NICOLEA BILLINGSLEY
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 8/28/2022
KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant  TZ Landscaping, LLC

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:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>INTEREST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas Zurliene</td>
<td></td>
<td>50%</td>
</tr>
<tr>
<td>Tyler Zurliene</td>
<td></td>
<td>50%</td>
</tr>
</tbody>
</table>

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

   I, [Redacted], being 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, 2019, A.D.

   (seal)    

   ASHLEE COLEMAN
   Official Seal
   Notary Public - State of Illinois
   My Commission Expires Jun 14, 2021
NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: TZ Landscaping, LLC
Address: 276 Rt. 52
City, State, Zip: MInooka, IL 60447
Phone Number: ( )
Email: tzlandscaping@gmail.com

Contact Person: Thomas Zurliene

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

Site Location & Proposed Use
Township Name Seward
Parcel Index Number(s) 09-13-400-006
Proposed Use: Landscaping business
Proposed Number of Lots 1
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 $ 375.00
10 Additional Acres at $18.00 each $ 180.00
Total NRI Fee $ 453.00

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

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

Petitioner or Authorized Agent
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 _________
Attachment 1, Page 15

EcoCAT
Ecological Compliance Assessment Tool

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

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 Assemeier
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
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.
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.
EcoCAT Receipt

APPLICANT
TZ Landscaping, LLC
Frank Cservenyak

DATE
6/17/2019

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>FEE</th>
<th>CONVENIENCE FEE</th>
<th>TOTAL PAID</th>
</tr>
</thead>
<tbody>
<tr>
<td>EcoCAT Consultation</td>
<td>$125.00</td>
<td>$2.94</td>
<td>$127.94</td>
</tr>
</tbody>
</table>

TOTAL PAID $127.94

Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
217-785-5500
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.
June 20, 2019

- Arrow 100
- Arrow 400
- FromTo 100
- FromTo 400
- Hook 100
- Hook 400
- Tip 100
- Tip 400

Road Names

1:3,261

0 0.0275 0.055 0.11 mi
0 0.0425 0.085 0.17 km
Matt,

In response to the submitted request for a Special Use to operate a Landscape Business at 276 Route 52, I offer the following:

1. While the Village’s Future Land Use Plan calls for Commercial uses on the subject property, this use is industrial in nature as it is essentially a storage yard. They do not have employees onsite and they do not even have access to the house for restroom facilities. This use would be considered Business Park use in our Future Land Use Plan. As such, we are opposed to granting the Special Use as it is inconsistent with our Comprehensive Plan.

2. Per Kendall County’s regulations, the operation of a business should be within an enclosed building. If this Special Use is granted with the ability to store materials outside, the Village would recommend installation of an 8-foot tall privacy fence to screen the storage of all materials stored outside.

3. The existing property lacks proper maintenance. For example, there is a large hole in the roof of the eastern barn and other dilapidation of the structures can be seen in the photographs. In fact, as a way to compensate for the lack of maintenance, the business has put at least one cargo container onsite. Additionally, there is a brush pile and other piles of debris throughout the property. The application states that this property has been occupied by the business for seven years but it appears that the property has been allowed to fall into disrepair. If this Special Use is granted, we would recommend that these property maintenance issues be addressed as a condition of approval.

4. It appears that there has been impervious area added since the business began operating at this location. If the Special Use were granted, the Village recommends evaluating the amount of impervious that has been added already plus the addition of compacted gravel for the parking lot to determine if detention or BMPs would be needed.

5. A double-sided sign could serve the purpose of creating exposure for the business from both directions on Route 52. The Village would oppose granting a variance for two signs, as no hardship has been presented.

In summary, the Village opposes granting the Special Use for a landscape storage yard at the subject property. However, if the County were to approve the Special Use, the Village recommends the following conditions: 1) install an 8-foot tall privacy fence to fully screen the materials being stored outside; 2) properly maintain the existing structures and clean up the debris on the property; and 3) ensure adequate stormwater management of existing and proposed impervious area. With regard to the sign variance, the Village opposes erecting two signs when a double-sided sign can serve the same purpose.

Please let me know if I can offer any clarifications.

Regards,

Kelley Chrisse, AICP
Economic Development Director

Shorewood
ILLINOIS

Village of Shorewood
Matt Asselmeier

From: Schwarz, Michael <mschwarz@jolietcity.org>
Sent: Monday, June 24, 2019 4:02 PM
To: Matt Asselmeier
Cc: Jackson, Kendall B; Torri, James N; Bernhard, Jayne; Miller, Helen; clambert@vil.shorewood.il.us; kchrisse@vil.shorewood.il.us
Subject: [External] RE: Kendall County Zoning Petition 19-26
Attachments: Joliet-Shorewood Boundary Agreement Map.pdf; Ord. No. 16866.pdf

Matt,

Thank you for providing the attached notice of the proposed Kendall County Zoning Petition 19-26: Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property.

Although the subject property is located with 1.5-miles of the City of Joliet, the subject property is located outside of the City’s extraterritorial planning area pursuant to the Joliet-Shorewood boundary agreement. The subject property is located on the Shorewood side of mutual planning boundary in this area, which extends from east to west along the a line located one-half mile north of and generally parallel to US Route 52 between County Line Road and Brisbin Road (IGA and map attached). Although the Joliet-Shorewood Boundary Agreement expired in 2014, City staff will honor the previous planning boundary line until a new boundary agreement is established. We do encourage Kendall County to carefully consider any potential impacts that the use may have on the watersheds in this area.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Mike

Michael J. Schwarz, AICP
Planning Director
City of Joliet, Planning Division
150 W. Jefferson St.
Joliet, IL 60432
Phone: (815) 724-4041
Email: mschwarz@jolietcity.org

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Monday, June 24, 2019 3:13 PM
To: Anne Vickery <home4728@gmail.com>; Jean Homerding (Seward Township) <home1519@yahoo.com>; Jessica Nelsen (Seward Township Plan Commission) <Jessicanelsen73@yahoo.com>; scasey1948@sbcglobal.net (Seward Planning Commission) <scasey1948@sbcglobal.net>; Sharleen Smith (Seward Township Clerk) <sharleen smith7@gmail.com>; Al Yancey <yanceya@minookafire.com>; Schwarz, Michael <mschwarz@jolietcity.org>
City Clerk <cityclerk@jolietcity.org>; dlambert@vil.shorewood.il.us; kchrisse@vil.shorewood.il.us
Subject: Kendall County Zoning Petition 19-26

To All:

Kendall County received a request for a special use permit for a landscaping business at 276 Route 52 in Seward Township.
PBZ Committee Chairman Matthew Prochaska called the meeting to order at 9:01 a.m.

Present:
Megan Andrews – Soil and Water Conservation District
Matt Asselmeier – PBZ Department
Meagan Briganti – GIS
David Guritz – Forest Preserve
Commander Jason Langston – Sheriff’s Department
Aaron Rybski – Health Department
Matthew Prochaska – PBZ Committee Chair

Absent:
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department

Audience:
Mr. Zurliene and Lorien Schoenstedt

AGENDA
Mr. Rybski made a motion, seconded by Ms. Andrews, to approve the agenda as presented. With a voice vote of all ayes, the motion carried unanimously.

MINUTES
Ms. Andrews made a motion, seconded by Mr. Guritz, to approve the April 2, 2019, meeting minutes. With a voice vote of all ayes, the motion carried unanimously.

PETITIONS
Petition 19-25 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner)
Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. 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.

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

The property is approximately forty-three (43) acres in size.

The property is zoned M-2 with a special use permit for a billboard.

The County’s Land Resource Management Plan calls for the property to be residential and the City of Aurora’s Comprehensive Plan calls for the property to be commercial.

Route 34 is a State maintained highway and Hafenrichter is a local road maintained by Oswego Township. The City of Aurora has a trail planned along Hafenrichter.

There are no floodplains or wetlands in the area.

The adjacent land uses are industrial, commercial, residential, and agricultural. The zoning in the area is a mix of residential, commercial, and industrial. The future land uses in the area are also residential, commercial, and industrial.

The endangered species report was not required.

The NRI was not required.

Petition information was sent to Oswego Township on June 19, 2019, and the Oswego Township Highway Department had not objections.
Petition information was sent to the City of Aurora on June 19, 2019, and they had no objections.

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

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.

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.

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.

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

Access from an adjacent road is not applicable.

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

Parking regulations are not applicable.

The sign will not be illuminated.

Screening regulations are not applicable.

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.

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

The proposed findings of fact were as follows:
That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

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

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

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

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

If approved, Staff 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.

Mr. Guritz made a motion, seconded by Ms. Andrews, to recommend approval of renewing the special use permit as requested subject to the conditions proposed by Staff.

Ayes (7): Andrews, Asselmeier, Briganti, Guritz, Langston, Rybski, and Prochaska
Nays (0): None
Present (0): None
Absent (3): Chismark, Holdiman, and Klaas

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

Petition 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 (Tenant)
Mr. Asselmeier summarized the request.
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 located at 276 Route 52 in Seward Township.

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.

The property is approximately twenty-two (22) acres in size and the landscaping business operates on approximately eleven (11) of those acres.

The property is zoned A-1 and is used as an agricultural/farmstead. The future land use of the property is commercial. Route 52 is a State maintained highway. The City of Joliet has a trail planned along Route 52.

No floodplains or wetlands are present. The adjacent land uses and zoning classifications are agricultural, with residential uses planned in the future.

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.

The EcoCAT Report was submitted and consultation was terminated.

The Natural Resource Inventory application was submitted on June 17, 2019.

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

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the sign ordinance.

Petition information was sent to the City of Joliet on June 24, 2019. They declined to submit comments per their boundary agreement with the Village of Shorewood.

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

According to the information provided to the County, 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.

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

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.

The property fronts Route 52.
The City of Joliet’s plans call for a trail along Route 52.

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.

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

According to the site plan, two (2) signs are proposed. Per Section 12.08.A of the Kendall 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.

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

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

Mr. Asselmeier asked why a sign variance was necessary. Mr. Zurliene responded the variance was needed to increase visibility of the business. Mr. Zurliene clarified that they did not want two (2) signs and will use a double-faced sign. He verbally withdrew the sign variance request.

Mr. Guritz questioned the parking location in relation to the road. Mr. Zurliene stated that parking lot will be relocated to meet regulations, with a fence and berming.

Mr. Asselmeier asked about the location of berming. Mr. Zurliene said berming will be placed along the front to block visibility from Route 52. Mr. Zurliene said they would construct a two to three foot (2'-3') berm with a fence on top of the berm, if a fence is required.

Mr. Asselmeier asked about runoff control and advised Mr. Zurliene to careful consider which restrictions he approves.

Mr. Rybski asked about new parking areas. Mr. Zurliene said the parking area will be moved to comply with the Zoning Ordinance.

Mr. Rybski asked if the location of the septic system was known. Mr. Rybski advised Mr. Zurliene to located the septic system. Mr. Rybski advised that the water well be protected.

Mr. Rybski advised that landscaping material cannot be hauled onto the site and burned.

Ms. Andrews said that the Kendall County Soil and Water Conservation District is working on the NRI Report.

The consensus of the Committee was to forward the proposal to the Kendall County Regional Planning Commission provided that the septic field is located, the sign variance request is withdrawn, and the berm height and fencing is determined.

Ayes (7): Andrews, Asselmeier, Briganti, Guritz, Langston, Rybski, and Prochaska
Nays (0): None
Present (0): None
Absent (3): Chismark, Holdiman, and Klaas

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

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-28, pertaining to the Kendall County gun range zoning regulations, was approved by the County Board and provided a summary of the regulations.

Mr. Asselmeier reported that Petition 19-07, pertaining to the parking and storage of mobile homes, trailers, and RVs, was withdrawn by the Planning, Building and Zoning Committee.
Mr. Asselmeier reported that Petition 19-08, pertaining to a rezoning on property east of 8225 Galena Road, was approved.

Mr. Asselmeier reported that Petition 19-13, pertaining to research and development home occupations, was rejected at the County Board, but could be considered again in the future.

**OLD BUSINESS/NEW BUSINESS**

Mr. Asselmeier reported that someone wants to build a house at the corner of Sheridan Road and Route 71 and a change to the Land Resource Management Plan and a rezoning are required in order to permit the construction of a house at that location.

Mr. Asselmeier reported that he is reviewing the changes to the Zoning Ordinance identified by Teska Associates.

Mr. Asselmeier reported that the Department is waiting on guidance from the County Board regarding recreational marijuana zoning regulations.

**CORRESPONDENCE**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Mr. Guritz made a motion, seconded by Mr. Langston to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:25 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner
NATURAL RESOURCE INFORMATION (NRI) REPORT: 1908

Petitioner: TZ Landscaping, LLC
Contact: Thomas Zurliene

Location:

NW1/4 SE1/4 Sec. 13
T.35N-R.8E
(Seward Township)

Legend

NRI 1908 Project Site

Prepared by:

Kendall County Soil & Water Conservation District
7775A Route 47 • Yorkville, Illinois 60560
Phone: (630)553-5821 x3 • Fax: (630)553-7442
www.kendallswcd.org
**Petitioner:** TZ Landscaping, LLC  
**Contact Person:** Thomas Zurliene  
**County or Municipality the petition is filled with:** Kendall County  
**Location of Parcel:** NW¼ SE¼ Section 13, T.35N.-R.8E. (Seward Township) of the 3rd Principal Meridian  
**Project or Subdivision Name:** TZ Landscaping, LLC  
**Existing Zoning & Land Use:** A-1; Cropland, Farmstead with partial use as Landscaping Business  
**Proposed Zoning & Land Use:** Special Use Permit; Landscaping Business  
**Proposed Water Source:** Well  
**Proposed Type of Sewage Disposal System:** Septic  
**Proposed Type of Storm Water Management:** N/A  
**Size of Site:** 10.3 acres  
**Land Evaluation Site Assessment Score:** 214 (Land Evaluation: 94 ; Site Assessment: 120)

### Natural Resource Findings

**Soil Map:**

![Soil Map Image](attachment:15)

**NRI Report 1908**

**Soil Map:** Kendall County Soil Survey 2008

**Location:** NW1/4 SE1/4 Sec. 13 T.35N-R.8E (Seward Township)

**Legend**

- Soil Map Units
- NRI 1908 Project Site

**SOIL INFORMATION:**

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; if completed, please refer to onsite soil test results for planning/engineering purposes):
Table 1:

<table>
<thead>
<tr>
<th>Map Unit</th>
<th>Soil Name</th>
<th>Drainage Class</th>
<th>Hydrologic Group</th>
<th>Hydric Designation</th>
<th>Farmland Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>189A</td>
<td>Martinton silt loam, 0-2% slopes</td>
<td>Somewhat poorly drained</td>
<td>C/D</td>
<td>Non-hydric; Hydric inclusions likely</td>
<td>Prime Farmland</td>
</tr>
<tr>
<td>541A</td>
<td>Graymont silt loam, 0-2% slopes</td>
<td>Moderately well drained</td>
<td>C</td>
<td>Non-hydric</td>
<td>Prime Farmland</td>
</tr>
<tr>
<td>541B</td>
<td>Graymont silt loam, 2-5% slopes</td>
<td>Moderately well drained</td>
<td>C</td>
<td>Non-hydric</td>
<td>Prime Farmland</td>
</tr>
<tr>
<td>541C2</td>
<td>Graymont silt loam, 2-5% slopes, eroded</td>
<td>Moderately well drained</td>
<td>C</td>
<td>Non-hydric</td>
<td>Prime Farmland</td>
</tr>
</tbody>
</table>

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

- **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

- **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.

- **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

- **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

**Hydric Soils:** A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, none are classified as being a hydric soil. However, one soil type found onsite, 189A Martinton silt loam, is designated as likely to have hydric inclusions.

**Prime Farmland:** Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, all are designated as prime farmland.

**Soil Limitations:** Limitations for dwellings without basements, dwellings with basements, small commercial building, shallow excavations, lawns/landscaping and conventional septic systems.

Table 2a:

<table>
<thead>
<tr>
<th>Soil Type</th>
<th>Dwellings Without Basements</th>
<th>Dwellings With Basements</th>
<th>Small Commercial Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>189A</td>
<td>Very Limited</td>
<td>Very Limited</td>
<td>Very Limited</td>
</tr>
<tr>
<td>541A</td>
<td>Somewhat Limited</td>
<td>Very Limited</td>
<td>Somewhat Limited</td>
</tr>
<tr>
<td>541B</td>
<td>Somewhat Limited</td>
<td>Somewhat Limited</td>
<td>Somewhat Limited</td>
</tr>
<tr>
<td>541B2</td>
<td>Somewhat Limited</td>
<td>Somewhat Limited</td>
<td>Somewhat Limited</td>
</tr>
</tbody>
</table>
Table 2b:

<table>
<thead>
<tr>
<th>Soil Type</th>
<th>Shallow Excavations</th>
<th>Lawns/Landscaping</th>
<th>Conventional Septic Systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>189A</td>
<td>Very Limited</td>
<td>Somewhat Limited</td>
<td>Suitable</td>
</tr>
<tr>
<td>541A</td>
<td>Very Limited</td>
<td>Somewhat Limited</td>
<td>Suitable</td>
</tr>
<tr>
<td>541B</td>
<td>Somewhat Limited</td>
<td>Somewhat Limited</td>
<td>Suitable</td>
</tr>
<tr>
<td>541B2</td>
<td>Somewhat Limited</td>
<td>Somewhat Limited</td>
<td>Suitable</td>
</tr>
</tbody>
</table>

**Septic Systems:** The factors considered for determining suitability are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. Soils are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department (811 W. John Street, Yorkville, IL; (630)553-9100 ext. 8026).

**Kendall County Land Evaluation and Site Assessment (LESA):**

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

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
  - The Land Evaluation score for this site is 94, indicating that this site is currently well suited for agricultural uses.

- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.
  - The Site Assessment score for this site is 120.

The LESA Score for this site is 214 which indicates a medium level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.
**Wetlands:** The U.S. Fish & Wildlife Service’s National Wetland Inventory map does not indicate the presence of a wetland(s) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

**Floodplain:** The parcel is not located within the floodplain.

**Sediment and Erosion Control:** Development on this site should include an erosion and sediment control plan in accordance with local, state and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the Illinois Urban Manual (http://www.aiswcd.org/illinois-urban-manual/) for appropriate best management practices.

**LAND USE FINDINGS:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner TZ Landscaping, LLC for the proposed landscaping business project (A-1 Special Use Permit request) within Kendall County located in Section 13 of Seward Township (T.35N-R.8E) of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored an 94 out of a possible 100 points indicating the soils are well suited for agricultural uses. The total LESA Score for this site is 214 which indicates a medium level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. Additionally, of the soils found onsite, 100% are classified as prime farmland.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 20.4% are very limited for dwellings with basements and shallow excavations while 1.9% of the soils are very limited for dwellings without basements and small commercial building. This information is based on the soil in an undisturbed state. Since the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within both the Illinois River Watershed and Aux Sable Creek subwatershed. This development should include a soil erosion and sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution; eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

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

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

7/23/2019
Date

Chair
The Seward Township Plan Commission met on July 22, 2019 to review a request submitted to Kendall County by TZ Landscape, requesting a special use permit to operate a Landscape business at 276 Route 52. Members present included Rob Lombardo, Jessica Nelsen, Daniel Dugan and Suzanne Casey. Elaine Beutel was absent. Following the pledge to the Flag, Chairman Lombard commenced the discussion of the landscape business special use permit request.

Other documents available for committee review included a document from the Village of Shorewood summarizing their concerns regarding the granting of the permit for the proposed landscape business, as well a communication sent to Matt Asselmeier from the City of Joliet, also objecting to the approval.

A summary of the discussion by the Seward Township committee with the TZ Landscape representative present addressed the following issues:

- The burning of materials/spoils brought in from other property.
- The sound, organized management of the land/property, including recommendations for the berm at Route 52 and for the trees planted on the other 3 perimeter property lines.
- An organization of materials on the property, with proper storage available for said materials.
- The maintenance of buildings, so that the structures are not falling down and in need of major repair.
- Proper parking for employee vehicles available in an organized parking area of the property.
- Well and Septic were also questioned.

After a discussion, the TZ Landscape representative assured the committee that it was his intention to clean up the property and organize his daily operation with the necessary materials and planning, once he gained ownership of the property. He did not want to assume any of that until he knew he could own the property and operate his business from there with the necessary permit.

The Seward Township Board will be meeting at 7:30 Monday night, immediately following this meeting, and this recommendation will be provided to them.

Minutes of this meeting will be provided to Matt Asselmeier on Tuesday, July 23 for his use at the Regional Plan Commission meeting on Wednesday, July 24.

Minutes submitted by:

Suzanne Casey

July 22, 2019
STATE OF ILLINOIS  
Kendall County  
Town of Seward  

A Special meeting of the Board of Trustees met at the office of the Town Clerk at Seward Town Hall on July 22, 2019. This meeting was to review a request by TZ Landscapers to open a business on 276 Route 52.

Present:  
  Mrs. Jean Homerding, Supervisor  
  Ms Sharleen Smith, Clerk  
  Mr. Tom Fleming, Trustee  
  Mr. Phil Chaney, Trustee  
  Mr. Jim Martin, Trustee  
Absent: Dan Roberts, Trustee

Jean Homerding, Chairperson and Sharleen Smith, Clerk conducted the following business.

The Seward Township Special Meeting on July 22, 2019 meeting was called to order at 7:30 p.m. All Trustees were present except Dan Roberts. The Board met to discuss the recommendation from the Seward Township Plan Commission on TZ Landscapers to operate a business a 276 Route 52. A representative from TZ Landscapers was present to address concerns and questions. He indicated that once he was able to purchase the property (approximately 10 acres) and obtain the correct permits he would clean up the place, put up a berm on three sides with trees, take down 1 barn and replace it with a pole barn for storage of trucks. There will be 1 sign per Kendall County zoning rules. This will not be a retail business so there will be no customers creating a traffic problem on Route 52. Jim Martin made a motion to recommend the Special Use Permit and Phil Chaney seconded. All members voting Aye, motion carried.

Sharleen Smith will forward a copy of these minutes to Suzanne Casey of the Seward Township Plan Commission and to Matt Asselmeier of the Regional Plan Commission.

The Special session was adjourned at 7:41pm after a motion was made by Tom Fleming and seconded by Phil Chaney. All members voting Aye, motioned carried.

Attest  
Sharleen Smith  
Clerk
Chairman Ashton called the meeting to order at 7:05 p.m.

ROLL CALL
Members Present:  Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, and Claire Wilson
Members Absent:  Karin McCarthy-Lange and John Shaw
Staff Present:  Matthew H. Asselmeier, Senior Planner, Lorien Schoenstedt, Tyler Zurliene, and Suzanne Casey

APPROVAL OF AGENDA
No objections were made regarding the agenda.

APPROVAL OF MINUTES
Member Nelson made a motion, seconded by Member Rodriguez, to approve the minutes of the June 26, 2019, meeting. With a voice vote of seven (7) ayes, the motion carried unanimously.

PETITIONS
19-25  Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner)
Mr. Asselmeier summarized the request.

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

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.
The property is approximately forty-three (43) acres in size.
The property is zoned M-2 with a special use permit for a billboard.
The County’s Land Resource Management Plan calls for the property to be residential and the City of Aurora’s Comprehensive Plan calls for the property to be commercial.

Route 34 is a State maintained highway and Hafenrichter is a local road maintained by Oswego Township. The City of Aurora has a trail planned along Hafenrichter.
There are no floodplains or wetlands in the area.
The adjacent land uses are industrial, commercial, residential, and agricultural. The zoning in the area is a mix of residential, commercial, and industrial. The future land uses in the area are also residential, commercial, and industrial.
The endangered species report was not required.

The NRI was not required.

Petition information was sent to Oswego Township on June 19, 2019, and the Oswego Township Highway Department had not objections.

Petition information was sent to the City of Aurora on June 19, 2019, and they had no objections.

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

ZPAC reviewed the proposal at their meeting on July 2, 2019, and unanimously recommended approval.

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.

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.

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 was included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4 of the Zoning Ordinance, 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.

Since the sign is pre-existing, a building permit would not be required.
Access from an adjacent road is not applicable.

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

Parking regulations are not applicable.

The sign will not be illuminated.

Screening regulations are not applicable.

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.

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

The proposed findings of fact were as follows:

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

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

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

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

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

Member Wilson asked why this special use permit required renewal. Mr. Asselmeier responded that both the Kendall County Zoning Ordinance and Ordinance 2017-14 required two (2) year renewals of this type of special use permit.

No complaints regarding the sign have been received.

Member Wilson made a motion, seconded by Member Davis, to recommend approval of the requested special use permit renewal with conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Wilson
Nays (0): None
Absent (2): McCarthy-Lange and Shaw

The motion passed. This proposal will go to the Zoning Board of Appeals on July 29th.

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)

Mr. Asselmeier summarized the request.

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 located at 276 Route 52 in Seward Township.

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.

The property is approximately twenty-twenty (22) acres in size and the landscaping business operates on approximately eleven (11) of those acres.

The property is zoned A-1 and is used as an agricultural/farmstead. The future land use of the property is commercial.

Route 52 is a State maintained highway. The City of Joliet has a trail planned along Route 52.

No floodplains or wetlands are present.

The adjacent land uses and zoning classifications are agricultural, with residential uses planned in the future.

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.

The EcoCAT Report was submitted and consultation was terminated.

The Natural Resource Inventory application was submitted on June 17, 2019. The LESA Score was 214 indicating a medium level of protection.

Petition information was sent to Seward Township on June 24, 2019. The Seward Township Planning Commission met on July 22, 2019. Discussion occurred regarding burning of material onsite, the placement of a berm along Route 52, the placement of trees along the east, west, and south sides, organization and storage of materials, maintenance of buildings, proper parking, and well and septic concerns. The Petitioner told the Commission that they will clean up the property. The Seward Township Planning Commission recommended approval with one (1) member absent. The Seward Township Board also met on July 22, 2019 and discussed similar concerns as the Seward Township Planning Commission. Discussion occurred regarding placing a berm on three (3) sides of the property and demolishing one (1) of the barns and replacing it with a new barn. The Seward Township Board recommended approval with one (1) member absent.

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8’) tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the sign ordinance.

Petition information was sent to the City of Joliet on June 24, 2019. They declined to submit comments per their boundary agreement with the Village of Shorewood.

Petition information was sent to the Minooka Fire Protection District on June 24, 2019. To date, no comments have been received.

ZPAC reviewed this proposal at their meeting on July 2, 2019. Greater specificity was needed regarding the location and size of berms and other screening. Concerns were expressed regarding stormwater runoff control. The Kendall County Health Department requested that the septic field be located. The Petitioners withdrew their request for a sign variance; they intend to install a two (2) sided sign. The consensus of ZPAC members was to forward the proposal to the Kendall County Regional Planning Commission.
According to the information provided to the County, 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.

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

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.

The property fronts Route 52. The City of Joliet’s plans call for a trail along Route 52.

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.

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

According to the site plan, two (2) signs are proposed. Per Section 12.08.A of the Kendall 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.

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

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

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed 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 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. The subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use should not adversely impact adjacent uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location of the septic field is unknown and no restroom facilities exist on the property. A restriction is required to ensure that landscaping debris does not create drainage problems.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided no sign variance is necessary, the proposed business and site plan conform to all other applicable regulations of the A-1 Zoning 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. The LRMP encourages agriculture and agribusiness (Page 3-3). The proposed use is consistent with the purpose and objectives of the LRMP.

Staff recommends approval of the requested special use permit subject to the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan with changes as outlined in the following conditions.

2. One (1) business related sign shall be allowed on the subject property in one (1) of the locations shown on the site plan. The sign will not be illuminated.

3. The parking area shown on the site plan shall be relocated to comply with the Kendall County Zoning Ordinance.

4. A berm three feet (3’) in height as measured from the top of the berm to the base of the berm shall be erected along the northern portion of the property used for the special use allowed by this ordinance, except for the area used as ingress/egress. The berm shall be installed within sixty (60) days of the approval of this special use permit ordinance. (Area in white on site plan).

5. Within sixty (60) days of the approval of this special use permit, the owner and/or operator of the use allowed by this special use permit ordinance shall plant arborvitae at least six feet (6’) in height at the time of planting along the east, west, and south sides of the area used for the landscaping business to block the visibility of the operations from adjoining properties. The arborvitae shall be planted in sufficient numbers to create a complete buffer within five (5) years of the approval of this special use permit. Damaged or dead arborvitae shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. (Area in white on site plan).

6. Any materials associated with the landscaping business stored outdoors must be stored with blocks on three sides of the materials. Mr. Asselmeier referenced the picture included as Attachment 8 in the packet.

7. Equipment and vehicles related to the business may be stored outdoors.
8. Within sixty (60) days of the approval of this special use permit, the Petitioners shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioners and the Kendall County Health Department.

9. No landscape waste generated off the property can be burned on this site.

10. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.

11. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.

12. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.

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

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

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

The Petitioners requested that all recommendations with timeframes of sixty (60) days be extended to ninety (90) days because of the time needed to close on the purchase of the property.

Tyler Zurliene requested that the arborvitaes be three or four feet (3'-4') instead of six foot (6'). He noted that the current owner will not let them install any plants or berming. All plants, fences, and berming will be installed after closing. The closing date has not been finalized. Attorney Lorien Schoenstedt stated that the contract is executed, but is conditional on securing the proper zoning permits. The cost of the plants was the reason for wanting shorter plants. The total number of plants has not been determined.

Discussion occurred about the need for screening. The property is near the entrance to the County and some neighbors are in the vicinity.

Chairman Ashton asked who came up with the six foot (6') arborvitae condition. Mr. Asselmeier responded that condition came from a previous special use permit related to solar panels.

Member Davis asked about the linear footage of screening. The linear footage was approximately one thousand (1,000) linear feet.

Chairman Ashton asked if Mr. Zurliene favored the fence or arborvitaes. Mr. Zurliene responded that he would like to do his due diligence and see which option was more cost effective. The height and type of fence would be determined as part of the special use permit.
Member Casey stated that the property is an eyesore. Mr. Zurliene said that he plans to clean-up the property after he assumes ownership. Mr. Zurliene said that he did not originally think that he would be able to purchase the subject property.

Member Nelson asked if the junk on the property was owned by Mr. Zurliene. Mr. Zurliene responded that the junk around barns was from previous farmers. The shipping container is owned by Mr. Zurliene. The broken concrete is also owned by Mr. Zurliene. One (1) dumpster is for the tenants.

Discussion occurred regarding the deadline for installing a fence or arborvitae. Several Commissioners wanted the deadline to be measured from the date of closing.

There are renters living on the property. Mr. Zurliene plans to evict the current tenants. The house will be rented.

Discussion occurred regarding restroom facilities. Mr. Zurliene stated that he plans to install porta-a-potties.

Member Casey pointed out that the Seward Township Planning Commission and the Seward Township Board disagreed on the placement of berms.

Member Wilson asked which building would be demolished and replaced. The crib shown in Attachment 10 would be removed. The new barn would not be constructed for another five (5) years.

Member Rodriguez asked about graveling the area. Mr. Zurliene responded that he intends to gravel the parking area after he assumes ownership of the property.

Suzanne Casey, Seward Township Planning Commissioner, stated the Commission recommended approval, but they had several concerns. She asked about running a business on the property and having someone living in the house. Mr. Asselmeier responded that someone living in the house is a permitted use in the A-1 Zoning District. Unless the property owner specifically gives up that use as part of the special use permit, the residential use could continue.

Ms. Casey expressed concerns regarding drainage of the property and the impact of a berm on the drainage of the area. The berm would be installed to improve the aesthetics of the area. Ms. Casey expressed concerns of having this use in close proximity to a future school and having the property look visually appealing. She advised Mr. Zurliene to consider the investment he is making and the maintenance responsibility he is undertaking if the special use permit is approved.

Member Wilson asked about the location of a farm and drainage in the area. Ms. Casey provided information about the farm and drainage in the area.

Chairman Ashton suggested a more detailed site plan showing the future development of the property. He suggested that the Petitioner layover this matter one (1) month to determine if they prefer a fence, berm arborvitae, or some combination. Ms. Schoenstedt stated they favor the fence option. Mr. Zurliene said they would do their due diligence on the matter.

Discussion occurred regarding installing a Menard’s stockade type fence, six feet (6’) in height along the east, west, and south sides. Discussion occurred regarding the trees along Route 52.
Discussion occurred regarding the timeline for assuming ownership on the property. Financing is secured. Closing could occur quickly. Ninety (90) days from the date of closing was agreed to be the deadline for installing berms, fencing, and/or arborvitae. Member Nelson made a suggestion that closing should occur within sixty (60) days of approval of the special use permit. Chairman Ashton suggested that the Petitioner be required to inform the Planning, Building and Zoning Department that closing occurred.

The Petitioner might have to remove vegetation in order to install a berm.

Member Davis requested a sample of the fencing and additional pictures of the trees along Route 52. Chairman Ashton requested a concept drawing of the sign for the business.

The Petitioner requested that the proposal be laid over until August meeting when an updated site plan will be submitted.

This matter will be on the August 28th Kendall County Regional Planning Commission agenda.

**CITIZENS TO BE HEARD/ PUBLIC COMMENT**

Suzanne Casey stated that several unpermitted businesses are occurring along Route 52 from O’Brien Road east to the County Line. Near Jughandle Road, there appears to be a banquet facility. She would like a stronger plan to control growth from Joliet and Shorewood.

Member Wilson asked if the County has a Junk and Debris Ordinance. Mr. Asselmeier responded yes and read the definition of junk and debris from Ordinance 19-12.

**NEW BUSINESS**

None

**OLD BUSINESS**

**Update on Petition 18-04 Request from the Kendall County Regional Planning Commission for Amendments to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township**

Mr. Asselmeier reported that Vulcan Materials Company claimed that several parcels shown as unincorporated on the map are inside the Village of Lisbon. Vulcan provided a signed annexation agreement. The matter was referred back to the Planning, Building and Zoning Committee.

**Update on Zoning Ordinance Project**

Mr. Asselmeier reported that the document received from Teska had redlines over everything that was changed, including changes in fonts and margins. The Comprehensive Land Plan and Ordinance Committee reviewed Sections 1-3 at their meeting earlier in the evening. They will continue to review sections of the Zoning Ordinance at future meetings.

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

Mr. Asselmeier reported that Petition 19-11, amending the site plan for Dickson Valley Ministries, was approved by the County Board.

Mr. Asselmeier reported that Petition 19-13, pertaining to research and development home occupations, was defeated at the County Board and the motion to reconsider was also defeated at the County Board.
OTHER BUSINESS/ANNOUNCEMENTS
Mr. Asselmeier reported that the property owner at the corner of Sheridan Road and Route 71 was exploring their options regarding whether or not to rezone the property in order to be able to construct a house at the site.

A proposal regarding recreational marijuana zoning regulations will be presented in the next month. A special meeting may be required in order to have recreational marijuana zoning regulations in place by January 1, 2020.

ADJOURNMENT
Member Wilson made a motion, seconded by Member Davis, to adjourn. With a voice vote of seven (7) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:27 p.m.

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

Enc.
KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JULY 24, 2019

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

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