

KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE MEETING
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
AGENDA

Monday, April 9, 2018 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Lynn Cullick, Bob Davidson (Chair), Judy Gilmour, Scott Gryder, and Matt Kellogg (Vice Chair)

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes from March 12, 2018 Meeting (Pages 4-12)

EXPENDITURE REPORT: Review of Expenditures from the Prior Month (Pages 13-14)

PUBLIC COMMENT:

PETITIONS:

1. **18 – 05 – Keith and Kathleen Warpinski (Pages 15-60)**
Request: Map Amendment Rezoning Subject Property from A-1 to R-1
PIN: 05-21-400-011
Location: North Side of Walker Road Approximately 0.31 miles east of Route 47, Kendall Township
Purpose: Petitioner would like the Ability to Construct a Single-Family Home on the Property.
2. **18-10 – LaSalle National Trust #47016 Represented by Drew Daniels (Pages 61-117)**
Request: Temporary Use Permit to Operate a Temporary Concrete Ready-Mix or Asphalt Plant
PINs: 02-30-200-023, 02-19-400-009, and 02-19-400-010
Location: 11443 U.S. Route 34, Yorkville, Bristol Township
Purpose: Request to Allow Polte Construction, Inc. to Operate a Temporary Concrete Plant at the Subject Property. Property is Zoned A-1.
3. **18-12 – Mary C. Auer (Page 118-128)**
Request: Request to Revoke a Special Use Permit for a Gravel Mining Operator Awarded by Ordinance 72-08
PIN: 02-06-400-005
Location: East Side of West Beecher Road Approximately 2.5 Miles South of Galena Road, Bristol Township
Purpose: Petitioner No Longer Desires the Special Use Permit for a Gravel Mining Operation at Subject Property. Property is Zoned A-1.
4. **Amended Petition 17-29 – Kendall County Planning, Building and Zoning Committee (Pages 129-142)**
Request: Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural
Purpose: Text Amendment Increases Notification Requirement from Five Hundred Feet (500') to One Thousand Feet (1,000') Instead of Two Thousand Six Hundred Feet (2,600') as

Originally Proposed for Applications for Special Use Permits on Properties Zoned A-1 and Clarifying that Only Adjoining Properties must be Notified on Special Use Permit Applications for Properties not Zoned A-1.

NEW BUSINESS:

1. Request from the Kendall County Regional Planning Commission to Amend Petition 18-07 Pertaining to Establishing Procedures for Renewing Special Use Permits (Pages 143-149)
2. Approval of Proposal from WBK Engineering for Work Related to the Submittal of the Annual Report for the 2018 NPDES – MS 4 Requirements in an Amount of \$1,700 Plus Reimbursable Costs (Costs + 10%) (Pages 150-165)
3. Approval of an Intergovernmental Agreement between the Village of Plattville and the County of Kendall to Administer the County's Ordinances for Zoning, Building Code, Subdivision Control, Comprehensive Plan, and Stormwater Management within the Jurisdiction of the Village of Plattville for a Term of One (1) Year in the Amount of \$1.00 Plus Associated Costs Paid by the Village of Plattville to the County of Kendall (Pages 166-177)
4. Review and Approval of Fees for Special Use Related Applications to Reflect Transfer of Hearing Authority from the Hearing Officer to the Zoning Board of Appeals (Page 178-180)
5. Approval of a Procedure for Prosecuting Ordinance Violations (Page 181)
6. Discussion of Holding a Training Seminar for Township Planning Commissioners and Other Interested Parties (Pages 182-186)

OLD BUSINESS:

1. Approval of a Resolution to Release All Claims on a Bank Account Owned by Whitetail Ridge Golf Club, LLC at First National Bank in the Amount of \$3,000.00 Pursuant to Condition 18 of Ordinance 2016-11 (Granting a Special Use Permit at 9111 Ashley Road in Kendall Township to Operate a Banquet Hall) (Pages 187-190)
2. Approval of Amendments to Petition 17-28 Pertaining to Outdoor Target Practice and Shooting Zoning Regulations
3. Authorize State's Attorney to Initiate Litigation against Mark Antos and Any Other Owners for the Removal of the Culvert Crossing of Aux Sable Creek near 13360 McKanna Road, Minooka, Illinois - Committee Could Also Grant Mr. Antos' Request to Complete Bridge by the End of Spring or Summer 2018 (Pages 191-207)
4. Planning, Building and Zoning Staffing Issues-Recommendation on Senior Planner Job Description (Pages 208-211)
5. Update on 45 Cheyenne Court-Committee Could Approve Forwarding Violation to Either State's Attorney's Office or Hearing Officer (Pages 212-214)

REVIEW VIOLATION REPORT: (Pages 215-217)

1. Update on Violation of Inoperable Vehicle Ordinance at 190 Boulder Hill Pass, Montgomery

REVIEW NON-VIOLATION COMPLAINT REPORT: (Page 218)

UPDATE FOR HISTORIC PRESERVATION COMMISSION:

1. Approval of Proclamation Declaring May Historic Preservation Month in Kendall County (Page 219)

REVIEW PERMIT REPORT: (Pages 220-227)

REVIEW REVENUE REPORT: (Page 228)

CORRESPONDENCE:

PUBLIC COMMENT:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT:

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

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 & 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of March 12, 2018 – Unofficial until approved

CALL TO ORDER

The meeting was called to order by Chairman Bob Davidson at 6:30 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick, Bob Davidson (Chairman), Judy Gilmour, Scott Gryder, and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Jim Williams, David Lombardo, Jerry Lizalek, Laura Hubbard, Robert Delaney, Roger Singleton, Nate Howell, Timothy Moran, and Vicky Schnabel

APPROVAL OF AGENDA

Motion by Member Kellogg, seconded by Member Cullick, to approve the agenda as presented. With a voice vote of five ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Member Cullick, seconded by Member Kellogg, to approve the minutes of the February 13, 2018 meeting. With a voice vote of five ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims report. Mr. Asselmeier noted that the legal publications line item was over sixty-two percent (62%) used. This line item funds notices of text amendments. The Department will look for other ways of cutting from other line items, but if the Committee continues doing text amendments, the Department may spend more than is budgeted.

Member Gryder asked about the Fox Metro project. Mr. Asselmeier reported that most of the expenditures related to Fox Metro were inspections after one inch (1") rainfalls. The money is paid out of the Fox Metro escrow account.

Motion by Member Cullick, seconded by Member Kellogg, to forward the claims to the Finance Committee. With a voice vote of five ayes, the motion carried.

PUBLIC COMMENT

None

PETITIONS

Petition 17-33-Kendall County Planning Building and Zoning Committee's Request for Text Amendments to Sections 4.19, 5.08, 6.07.G.2, 7.01, 8.02, 8.03, 10.01.C.27, 10.03.I and 13 of the Kendall County Zoning Ordinance Transferring the Authority to Hear Applications. Major

Amendments and Revocations of Special Use Permits from the Hearing Officer to the Kendall County Zoning Board of Appeals and Related Citation Amendments

Mr. Asselmeier reported that this the request to transfer the power and duties of the Hearing Officer to hear special use permit applications, applications for major amendments to special use permits, and non-owner initiated revocations of special use permits.

ZPAC, the Regional Planning Commission, and Zoning Board of Appeals recommended approval. Walter Werderich testified at the Zoning Board of Appeals hearing and said that he did not have an opinion on the matter. No townships submitted comments on the proposal.

If the proposal is adopted, the Hearing Officer would continue to exist for administrative adjudication reasons, but the Hearing Officer would no longer applications for special use permits.

Motion by Member Kellogg, seconded by Member Gilmour, to forward the petition to the County Board.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. This matter will go to the County Board on March 21st.

Amended Petition 17-29-Kendall County Planning, Building and Zoning Committee's Request for a Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier summarized the request. The proposal increases the notification requirement to one thousand feet (1,000') for properties requesting a special use permit if the property is zoned A-1. Non A-1 zoned properties would only notify adjoining landowners. By practice, the County only requires that properties zoned A-1 notify neighbors up to five hundred feet (500').

ZPAC, the Regional Planning, and Zoning Board of Appeals recommended that the notification distance for A-1 zoned properties be five hundred feet (500'). No member of an advisory committee voted in favor raising the distance to one thousand feet (1,000'). The reasons were:

1. A one thousand foot (1,000') requirement was larger than neighboring counties (ZPAC).
2. The cost of Six Dollars and Seventy-Four Cents (\$6.74) to do the mailings to more people would be a burden to petitioners (ZPAC, RPC, ZBA).
3. The added time for the applicant to mail the notices (ZPAC).
4. The added time for Staff to process the additional green cards (ZPAC).
5. No method exists to notify everyone that thinks they should be notified (ZPAC)
6. Anyone could attend the hearing and the testimony of the person that received notice has equal weight as a person that did not receive the notice (ZBA).

7. Neighbors tell neighbors; social media allows neighbors to communicate and mailing the notice is not the only way neighbors find out about hearings (ZBA).

One member of the ZBA favored the proposal in agricultural areas, but did not see how the Department could separate an A-1 zoned area near residential use with an A-1 zoned property in the middle of agricultural lands.

Discussion occurred regarding the proper distance requirement and other methods, like signage, for notifying neighbors.

Motion by Member Davidson, seconded by Member Gryder, to recommend that the distance requirement be set at seven hundred feet instead of one thousand feet.

Yeas (2): Davidson and Gryder
Nays (3): Cullick, Gilmour, and Kellogg
Abstain (0): None
Absent (0): None

The motion failed.

Motion by Member Gilmour, seconded by Member Cullick, to recommend the distance be set at one thousand feet and that the proposal be forwarded to the Committee of the Whole.

Yeas (3): Cullick, Gilmour, and Kellogg
Nays (2): Davidson and Gryder
Abstain (0): None
Absent (0): None

The motion carried. This matter will go to the Committee of the Whole on March 15th.

Petition 18-06-Request from Laura Hubbard for a Conditional Use Permit to Hold a Seasonal Event on June 30, 2018 and September 29, 2018 at 7626 Ashley Road, Yorkville, Kendall Township

Mr. Asselmeier reported that Ms. Hubbard makes this request every year. She is rerouting traffic off of Route 126, but no other changes exist to her proposal. The Sheriff's Department expressed no concerns regarding this proposal.

Motion by Member Gryder, seconded by Member Gilmour, to approve of the conditional use permit as requested.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

NEW BUSINESS

Approval of a Resolution to Release All Claims on a Bank Account Owned by Whitetail Ridge Golf Club, LLC at First National Bank in the Amount of \$3,000.00 Pursuant to Condition 18 of Ordinance 2016-11 (Granting a Special Use Permit at 9111 Ashley Road in Kendall Township to Operate a Banquet Hall)

Mr. Asselmeier summarized the request. Whitetail Ridge Golf Club, LLC established a bank account at First National Bank in the amount of Three Thousand Dollars (\$3,000) as required by Ordinance 2016-11. The owner of 9092 Ashley Road has not submitted a request for an appraisal or proof that an appraisal occurred. Whitetail Ridge Golf Club, LLC has completed the requirement of the applicable restriction imposed by Ordinance 2016-11 and the County's claims could be withdrawn.

Vicky Schanbel, Ashley Road, expressed her concerns that the County was not adequately enforcing the provisions of the special use permit. Several Committee Members urged Ms. Schnabel to obtain the appraisal allowed by the special use permit. The appraiser is chosen by the Schanbels.

Motion by Member Gryder, seconded by Member Kellogg, to continue this matter to the April Planning, Building and Zoning Committee meeting. With a voice vote of five ayes, the motion passed unanimously.

OLD BUSINESS

Approval of Amendments to Petition 17-28 Pertaining to Outdoor Target Practice and Shooting Zoning Regulations

David Lombardo provided comments on the proposal. His recommendations focused on containment of projectiles on the range, sound control, insurance requirements, and land stewardship.

Members agreed to remove the requirement that the safety plan require everyone on the firing line to wear hearing protection and safety glasses.

Members did not specify if the hazardous waste plan needed to meet the requirements of the National Rifle Association, National Shooting Sports Foundation or U.S. Environmental Protection Agency.

Discussion occurred regarding range design. The phrase "based on surrounding conditions" was removed from the baffling requirement. Berm heights would be set at twenty feet (20') in height for a three hundred foot (300') range and for every three feet (3') of firing line distance over twenty feet (20'), the berm height shall increase by ten feet (10') in height as example. The installation of baffling was changed from "shall" to "may be required based on the types of activities performed on the range" and language related to no blue sky over the firing line was added. The specifics of berm height shall be stated in the safety plan. No blue sky baffling would be costly.

Members agreed to remove the minimum acreage requirements; ranges must meet the setbacks of the zoning district.

Members agreed that a sign should be required based on firearm types based on the special use permit and the reference to velocity would be removed.

Members agreed to replace the certified range inspector with a qualified person. A qualified person or person with equivalent experience must be present at all times.

A cone was added to the list of ways to notify people that ranges were active. The specific size and dimension of the range flag was removed.

Access would be by gated entrance. Berming would substitute for fencing.

The direct access requirement instead of easement access was removed.

The noise exemption for powered lawn equipment was removed.

The distance from neighboring houses was removed and replaced with following the setback requirements.

Nate Howell was advised to contact Mr. Asselmeier regarding changes to their range's site plan.

The consensus of the Committee was that the County not be named additional insured.

Jerry Lizalek's suggestions regarding public and private ranges and open to the public be added to proposed sections t and u. Mr. Lizalek also suggested that "yard" be replaced with "on your own property" in definition of outdoor target practice and shooting ranges.

Motion by Member Gryder, seconded by Member Kellogg, to have Staff incorporate the changes in the proposal and to forward the changes to the State's Attorney's Office for review. With a voice vote of five ayes, the motion carried.

Discussion of Proposed Solar Panel Regulations for Offsite Consumption of Energy-Committee Could Initiate Text Amendments to the Zoning Ordinance

Mr. Asselmeier presented a table comparing the solar panel regulations of Boone, DeKalb, Grundy, Kankakee, Tazewell, and Will Counties. Mr. Asselmeier noted that DeKalb County amended their proposal in the preceding month by tightening restrictions.

Several Committee members wanted to get the process started. Due to the availability of incentives and the time required to adopt a text amendment, the argument was that this process should be started as soon as possible. The consensus was that the amended DeKalb County proposal should be used as a guide.

Motion by Member Gryder, seconded by Member Kellogg, to initiate a text amendment to the Kendall County Zoning Ordinance for solar panel regulations modeled on DeKalb County's more restrictive proposal. With a voice vote of five ayes, the motion carried.

Update on Bridge Issue at 13360 McKanna Road, Minooka (Bridge Owned by Mark Antos)

Mr. Asselmeier reported that neither the State's Attorney's Office nor the Planning, Building and Zoning Department received correspondence from Mr. Antos since Mr. Antos requested permission to complete the bridge by May 1st. The consensus of the Committee was to have the State's Attorney's Office ready to file paperwork in court if Mr. Antos fails to remove the low water crossing by May 1, 2018.

Request for Guidance RE: Conditional Use Permits

Mr. Asselmeier read his memo on the subject. He divided each conditional use into permitted or special use based on potential negative impacts to neighborhoods.

The consensus of the Committee was to lay this proposal over to the April meeting.

Discussion of Citation Writing Possibility

Mr. Asselmeier reported that the PBZ Department has not met with the State's Attorney's Office on this matter.

The consensus of the Committee was to lay this proposal over to the April meeting.

Planning, Building and Zoning Staffing Issues- Review and Recommendation of Senior Planner Assuming the Duties of the Zoning Administrator and Plat Officer

Mr. Asselmeier read his memo on the subject. Under the proposal, the Senior Planner would assume the duties of the Plat Officer. The consensus of the Committee was agreement with this proposal.

Planning, Building and Zoning Staffing Issues-Review and Recommendation of County Administrator Continuing the Duties of the Director of Planning, Building and Zoning Department

Mr. Asselmeier read his memo on the subject. Under the proposal, the County Administrator would continue the duties of the Director of the Planning, Building and Zoning Department. The consensus of the Committee was agreement with this proposal.

The Administration Office is working on the job descriptions for Planning, Building and Zoning Department Staff. After draft job descriptions are prepared, the proposed job descriptions will be sent to the Planning, Building and Zoning Committee for review.

REVIEW VIOLATION REPORT

The Committee reviewed the Violation Report.

Approval to Forward Violation of Inoperable Vehicle Ordinance at 93 Longbeach Road, Montgomery to Either the State's Attorney's Office or Hearing Officer

Mr. Asselmeier summarized the alleged violation.

Timothy Moran, property owner, explained his financial situation. He stated that it would take at least six (6) months for him to get the three (3) vehicles operational.

Chairman Davidson made a motion to give the owner six (6) months to remove the three (3) vehicles. The motion died for lack of a second.

Motion by Member Kellogg, seconded by Member Gryder, to forward the alleged violation to the State's Attorney's Office on September 10, 2018, if the violations have not been remedied.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

Approval to Forward Violation of Inoperable Vehicle Ordinance at 190 Boulder Hill Pass to Either the State's Attorney's Office or Hearing Officer

Mr. Asselmeier summarized the alleged violation.

Motion by Member Gryder, seconded by Member Kellogg, to forward the alleged violation to the State's Attorney's Office.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the Non-Violation Report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

February 21, 2018 Event

Mr. Asselmeier provided the minutes from the February 21st event.

REVIEW PERMIT REPORT

The Committee reviewed the permit report. Mr. Asselmeier will check the Revenue Report to see where the Two Hundred Fifty Thousand Dollar (\$250,000) figure for the two (2) new homes originated.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

Churchill Club Stormwater Issue

Mr. Asselmeier read the emails on this matter.

Correspondence Related to Fields of Farm Colony Stormwater Issue

Mr. Asselmeier read the emails on this matter.

Correspondence Related to 45 Cheyenne Court

Mr. Asselmeier read the emails on this matter. The consensus of this Committee was to bring this issue back next month with a timeline from the owner.

PUBLIC COMMENT

Jim Williams, Boulder Hill, did not think the owner at 93 Longbeach will have the money in six (6) months. Mr. Williams asked about the process that occurs after a complaint is filed. Mr. Asselmeier explained the process. The Planning, Building and Zoning Department is a complaint driven department.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

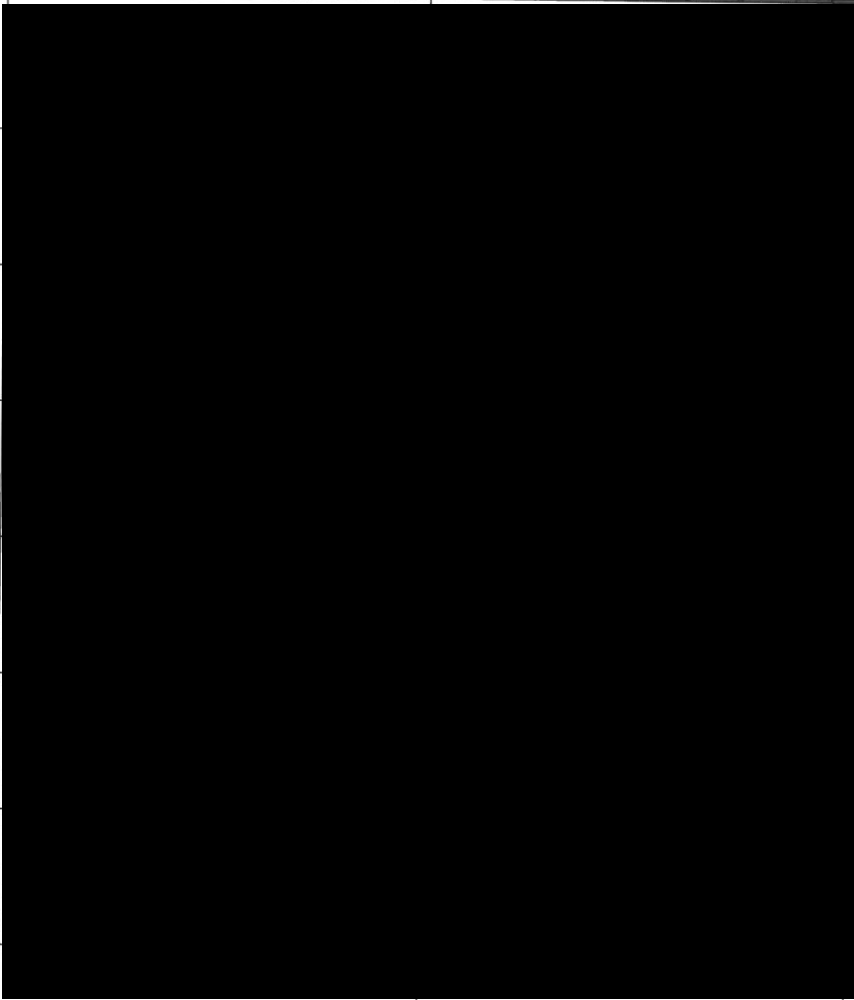
ADJOURNMENT

Member Kellogg motioned to adjourn, seconded by Member Gryder. With a voice vote of five ayes, Chairman Davidson adjourned the meeting at 9:24 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

Enc.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
MARCH 12, 2018**

NAME	ADDRESS	EMAIL ADDRESS
David Lombardo		
Laura Hubbard		
Vim Williams		
Robert Delaney		
Jerry Lizalek		
Roger Singleton		
Timothy J. Moore		

frmPrctClaim Kendall County

Claims Listing

03/06/18 12:02:55 PM

Page 001

Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
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BUILDING AND ZONING

1	091223	IACZO - KRISTAL DEININGER, TRE 2018	ZONING MEMBERSHIP -	03/06/18	01020026203	DUES	10.00 10.00*
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2	020541	BUILDING & ZONING PETTY CASH	FEB 21, 2018	03/06/18	01020026204	CONFERENCES	18.50 18.50*
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3	012290	AUTOMOTIVE SPECIALTIES INC	22763	03/06/18	01020026217	VEHICLE MAINT/REPAIRS	88.78
4	110531	KENDALL CO HIGHWAY DEPT	FEB 2018	03/06/18	01020026217	VEHICLE MAINT/REPAIRS	34.18 122.96*

5	261005	RANDY ERICKSON	FEBRUARY 2018	03/06/18	01020026361	PLUMBING INSPECTIONS	980.00 980.00*
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6	020541	BUILDING & ZONING PETTY CASH	2/21/2018	03/06/18	01020026363	CONSULTANTS	13.41 13.41*
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7	190816	SHAW MEDIA	021810101009(2)	03/06/18	01020026380	REGIONAL PLAN COMMISSION	293.88 293.88*
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8	190816	SHAW MEDIA	021810101009	03/06/18	01020026383	HISTORICAL PRESERVATION C	87.42 87.42*
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Total BUILDING AND ZONING 1,526.17*

ENGINEERING/CONSULTING ESCROW ACCT

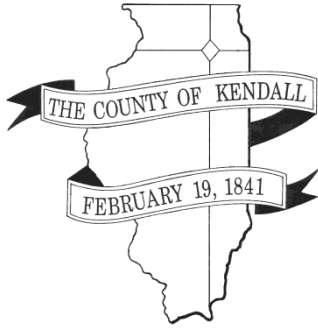
9	230933	WBK ENGINEERING, LLC	18769	03/06/18	59020000046	FOX METRO WATER REC DIST	686.10 686.10*
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10	230933	WBK ENGINEERING, LLC	18770	03/06/18	59020000057	NICOR - US 34 ELDAMAIN &	238.89 238.89*
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Total ENGINEERING/CONSULTING ESCROW 924.99*

GRAND TOTAL 2,451.16**

firmPrctClaim	Kendall County	Supplemental Claims Listing		03/21/18	9:13:07 AM	Page 001	
Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
BUILDING AND ZONING							
1 191522	SOURCE ONE OFFICE PRODUCTS	426538	OFFICE SUPPLIES	03/21/18	01020026200	OFFICE SUPPLIES	6.00
2 191522	SOURCE ONE OFFICE PRODUCTS	532169	OFFICE SUPPLIES	03/21/18	01020026200	OFFICE SUPPLIES	30.72
Total BUILDING AND ZONING							36.72*
GRAND TOTAL							36.72**



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: April 4, 2018
Re: Petition 18-05 – Request from Keith and Kathleen Warpinski for Map Amendment on Walker Road Property

Keith and Kathleen Warpinski are requesting a map amendment rezoning the subject property from A-1 to R-1 in order to have the ability to construct a single-family home on their property located approximately zero point three one (0.31) miles east of Route 47 on the north side of Walker Road.

Two (2) houses are located east of the property; one (1) house is located to the south of the property; one (1) house is located west of the property.

Staff recommended approval of the request because the request complied with the future land use map contained in the Land Resource Management Plan.

Petition information was sent to Kendall Township on 2.20.18. The Kendall Township Planning Commission met on 2.7.18 and the Township Board met on 2.20.18. Both bodies recommended denial of the request. No written reason for recommending denial was provided. Kendall Township verbally informed Staff that they would not submit a formal objection to the proposed map amendment.

Petition information was sent to the United City of Yorkville 2.20.18. The Yorkville Planning and Zoning Commission met on 3.14.18 and unanimously recommended approval of the proposal. The Yorkville City Council reviewed this proposal on 3.27.18 and expressed no objections.

ZPAC met on this proposal on 3.6.18 and unanimously recommended approval.

The Kendall County Regional Planning Commission reviewed this proposal on 3.28.18. They asked why the petitioners were pursuing a map amendment instead of an A-1 building permit. The petitioners' attorney responded that the publication and notification requirements were stricter for map amendments. Also, the County Board had a similar petitioner in 2017 and favored the map amendment approach instead of an A-1 building permit. The Kendall County Regional Planning Commission unanimously recommended approval of the proposal.

The Kendall County Zoning Board of Appeals held a public hearing on the proposal on April 2nd. The petitioners' attorney was the only person that testified on the proposal; no one from the public submitted comments or questions at the hearing. The Kendall County Zoning Board of Appeals unanimously recommended approval of the request.

The record of decision from the April 2nd hearing and a draft ordinance are attached to this memo for your consideration.

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

Thanks,

MHA

ENC: Record of Decision of Warpinski Zoning Board of Appeals Hearing
Proposed Ordinance

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
April 2, 2018 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Scott Cherry, Karen Clementi, Tom LeCuyer, Randy Mohr, Dick Thompson, and One Vacancy

Members Absent: Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Robert Davidson, Dan Kramer, Barry Niles, Nick Porter, Russ Ginn, Steven Huey, and Jason Engberg

PETITIONS

At this time Chairman Mohr swore in those members of the public that wished to speak on the petitions.

The Zoning Board of Appeals started their review of Petition 18-05 at 7:02 p.m.

18 – 05 – Keith and Kathleen Warpinski

Request: Map Amendment Rezoning Subject Property from A-1 to R-1

PIN: 05-21-400-011

Location: North Side of Walker Road Approximately 0.31 miles east of Route 47, Kendall Township

Purpose: Petitioner would like the Ability to Construct a Single-Family Home on the Property.

Mr. Asselmeier summarized the request. The Petitioners desire a map amendment in order to be able to construct a house on the property.

ZPAC reviewed the proposal on March 6th and unanimously recommended approval.

The Kendall Township Planning Commission and Kendall Township Board reviewed the proposal in February and recommended denial. Kendall Township will not be submitting a formal objection.

The United City of Yorkville's Planning and Zoning Commission met on March 14th and recommended approval. The United City of Yorkville's City Council met on March 27th and did not have any objections.

The Kendall County Regional Planning Commission reviewed this proposal on March 28th and unanimously recommended approval.

Mr. Asselmeier noted that the certificate of publication and green cards were on file in the Planning, Building and Zoning Department Office.

Mr. LeCuyer made a motion, seconded by Mr. Cherry, to open the public hearing. With a voice vote of all ayes, the motion carried. Chairman Mohr opened the public hearing at 7:07 p.m.

Dan Kramer, attorney for the Petitioners, agreed with the information contained in the Staff Report. Mr. Kramer noted that the Petitioners planted trees on the northern portion of the property. A one hundred (100) year flood mark is located south of the trees. Mr. Kramer stated that an easement would be placed on the property noting the location of future trails along the northern and southern portions of the property. A new house would have no difficulty meeting the setback requirements and avoiding the pipeline on the property. Mr. Kramer stated that the Kendall Township Planning Commission met on this proposal; this was the first time that the Kendall Township Planning Commission had met in several years. The opinion of the Kendall Township Planning Commission was they did not want additional houses in the area.

Mr. Cherry asked if the Petitioners intended to build a house at the site for themselves. Mr. Kramer responded that the Petitioners already owned a house and they are trying to sell the property. Mr. Cherry asked if the property would be worth more money if it was rezoned. Mr. Kramer responded that the property would be worth more money and would be usable for residential instead of agricultural uses.

Mr. Davidson asked how all of the neighboring houses were constructed and property was divided after providing a history of the property owners in the area. Mr. Kramer explained that all of the nearby properties are zoned A-1; the subject property is the only property to ask for a map amendment to R-1. Mr. Kramer explained the evolution of the forty (40) acre rule. Mr. Asselmeier explained the Plat Act exemptions that allow for five (5) acre divisions of land and the transferring of land between adjoining property owners without going through the subdivision process. The parcel immediately west of the subject property is a flag lot with the wide portion located on the Walker Road side of the property. The flag lot could not be built upon without a map amendment. Mr. Davidson expressed concerns that, by rezoning the subject property, the adjoining properties could also be rezoned. The lots surrounding the subject property could not be divided easily without a subdivision.

Chairman Mohr asked why the Petitioners chose the map amendment request instead of an A-1 Building Permit request. Mr. Kramer responded that the notification and publication requirements for a map amendment were stricter than the notification requirements for an A-1 Building Permit. Mr. Kramer also noted that the County Board favored a map amendment over an A-1 Building Permit in a similar case in 2017. Mr. Asselmeier also noted that people could use the five (5) acre and transferring property to adjoining owners exemptions in the Plat Act to get around the forty (40) acre rule. Mr. Asselmeier stated that Staff recommends rezoning for the surrounding parcels to R-1 to comply with the Land Resource Management Plan.

Mr. Davidson expressed a desire to have uniformity of zoning in area when a municipality annexes land in the area.

Chairman Mohr adjourned the public hearing on this matter at 7:23 p.m.

Mr. Davidson expressed concerns about the creation flag lots in the area.

Ms. Clementi made a motion, seconded by Mr. LeCuyer, to approve the Finding of Fact as presented.

The votes were as follows:

Ayes (5): Cherry, Clementi, LeCuyer, Mohr, and Thompson
Nays (0): None
Absent (1): Whitfield

The motion passed.

Mr. LeCuyer, seconded by Mr. Thompson, made a motion to recommend approval of the map amendment as proposed.

The votes were as follows:

Ayes (5): Cherry, Clementi, LeCuyer, Mohr, and Thompson
Nays (0): None
Absent (1): Whitfield

The motion passed. Kendall Township will be notified of the Board's recommendation. This matter will go to the Kendall County Planning, Building and Zoning Committee on April 9th.

The Zoning Board of Appeals concluded review of Petition 18-05 at 7:24 p.m.

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

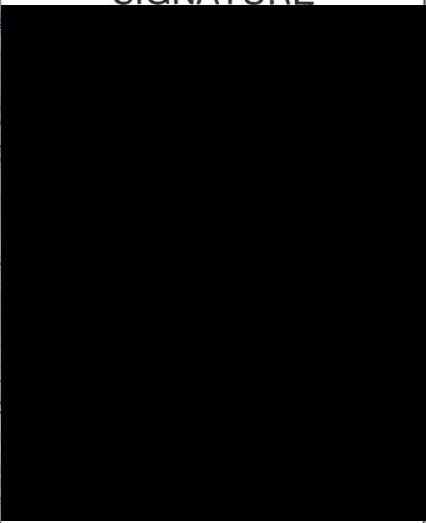
Exhibits

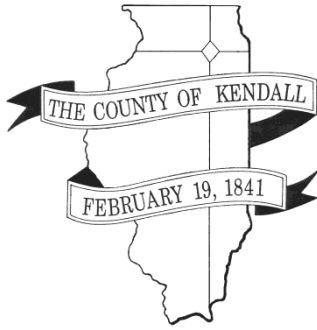
1. Staff Report on Petition 18-05 Dated March 29, 2018.
2. Certificate of Publication and Proof of Mailing for Petition 18-05 (Not Included with Report but on file in Planning, Building and Zoning Office).

KENDALL COUNTY
ZONING BOARD OF APPEALS

April 2, 2018

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Don Keson	1107 A S. Bridge St Joliet, IL	
Nick Porter	44W340 IC Trail Maple Park, IL 60151	
BARRY NILES	810 TER. LN. YORKVILLE	
Russ Ginn	1004 PERCINE WAY HAMPSHIRE, IL 60140	



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 18-05

Keith and Kathleen Warpinski

Map Amendment Rezoning Property from A-1 to R-1

INTRODUCTION

Keith and Kathleen Warpinski are requesting a map amendment rezoning the subject property from A-1 to R-1 in order to have the ability to construct a single-family home on the property.

SITE INFORMATION

PETITIONER: Keith and Kathleen Warpinski

ADDRESS: Between 9239 and 9125 Walker Road

LOCATION: 0.31 Miles East of Route 47 on the North Side of Walker Road



TOWNSHIP: Kendall

PARCEL #: 05-21-400-011

LOT SIZE: 6.57 acres

EXITING LAND USE: Residential/Agricultural

ZONING: A-1 Agricultural District

LRMP:	Land Use	Agricultural
	Roads	Walker Road is a Township Road classified as a Minor Collector Road
	Trails	Trails are planned along Walker Road and along the Middle Aux Sable Creek
	Floodplain/ Wetlands	The Middle Aux Sable Creek is located near the northern property line

REQUESTED ACTION: Map Amendment Rezoning Property from A-1 to R-1

APPLICABLE REGULATIONS: Section 13.07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Res.; Trans. Corridor	A-1; A-1 SU
South	Agricultural/Residential	A-1	Rural Estate Res.; Comm.; Trans. Corridor	A-1
East	Agricultural/Residential	A-1	Rural Res.	A-1
West	Agricultural/Residential	A-1	Rural Res.; Comm.; Trans. Corridor	A-1; B-3

Two (2) houses are located east of the property; one (1) house is located to the south of the property; one (1) house is located west of the property.

Commonwealth Edison also has a planned area along the east side of Route 47.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated.

NATURAL RESOURCES INVENTORY

LESA Score was 200 indicating a low level of protection.

ACTION SUMMARY

KENDALL TOWNSHIP

Petition information was sent to Kendall Township 2.20.18. The Kendall Township Planning Commission met on 2.7.18 and the Township Board met on 2.20.18. Both bodies recommended ZBA Memo – Prepared by Matt Asselmeier – March 29, 2018

Page 2 of 4

denial of the request.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville 2.20.18. The Yorkville Planning and Zoning Commission met on 3.14.18 and unanimously recommended approval of the proposal. The Yorkville City Council reviewed this proposal on 3.27.18 and expressed no objections.

ZPAC

ZPAC met on this proposal on 3.6.18 and unanimously recommended approval.

KCRPC

The Kendall County Regional Planning Commission reviewed this proposal on 3.28.18. They asked why the petitioners were pursuing a map amendment instead of an A-1 building permit. The petitioners' attorney responded that the publication and notification requirements were stricter for map amendments. Also, the County Board had a similar petitioner in 2017 and favored the map amendment approach instead of an A-1 building permit. The Kendall County Regional Planning Commission unanimously recommended approval of the proposal.

GENERAL INFORMATION

The petitioner desires the map amendment in order to have the ability to construct a house on the property at some point in the future. The subject property does not have an allocation for the construction of a home and does not possess forty (40) acres. Therefore, a map amendment is required in order to construct a home onsite.

The petitioner does not believe that the property is large enough for farming. Pictures of the property are included.

The Land Resource Management Plan calls for this area to be rural residential in the future. Existing single-family homes are located around the subject property. For these reasons, Staff does not believe that the approval of this request would constitute spot zoning.

The property is currently for sale.

BUILDING CODES

Any new homes or accessory structures would be required to meet applicable building codes.

ACCESS

The property fronts Walker Road. Pending comments from Kendall Township, Staff has no concerns regarding the ability of Walker Road to support a proposed home at this location.

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only. Staff does not foresee any concerns regarding lighting.

SCREENING

No fencing or buffer is presently planned for the property. Any new fences or plantings would be for a residential use. Any new fences would have to follow applicable regulations.

STORMWATER

The northern portion of the property touches the Middle Aux Sable Creek. Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

UTILITIES

Electricity is near the property. A new well and septic system would have to obtain applicable permits.

FINDINGS OF FACT

Existing uses of property within the general area of the property in question. The area is a mix of agricultural, farmstead, and rural estate residential uses.

The Zoning classification of property within the general area of the property in question. All of the adjacent properties are zoned A-1. However, six properties in the general area have a residential use.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is too small for most modern agricultural uses. Homes are located on adjoining properties and the subject property lacks an agricultural housing allocation which prevents the construction of a home on the property without a map amendment. The property would be suitable for most single-family residential related uses.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The proposed amendment fits the development of the area. This area will likely continue to become more residential if the United City of Yorkville continues to annex properties in the area. The proposed amendment benefits the petitioner by giving him the opportunity to sell the property for a residential purpose instead of a purely agricultural use.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Land Resource Management Plan.

RECOMMENDATION

Staff recommends approval of the proposed map amendment.

ATTACHMENTS

1. Application Materials (Including the Petitioner's Findings of Fact, Plat, and EcoCat)
2. NRI Executive Report
3. Aerial
4. Looking North
5. East Side of Property
6. West Property Line (Spring Picture)
7. Looking South (Spring Picture)
8. Chismark 2.21.18 Email
9. ZPAC Minutes 3.5.18
10. KCRPC Minutes 3.28.18



DEPARTMENT OF PLANNING, BUILDING & ZONING


111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

APPLICATION

PROJECT NAME Warpinski Map Amendment FILE # 18-05

NAME OF APPLICANT		
Keith and Kathleen Warpinski		
CURRENT LANDOWNER/NAME(s)		
Keith and Kathleen Warpinski		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
6.57 acres	N side of Walker Rd., Yorkville, IL	05-21-400-011
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Agricultural	A-1	
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>R-1</u>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Daniel J. Kramer	1107A S. Bridge Street	dkramer@dankramerlaw.com
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
630-553-9500	630-553-5764	
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
		DATE
		5-19-17

FEE PAID: \$ 500.00CHECK # ¹Primary Contact will receive all correspondence from County²Engineering Contact will receive all correspondence from the County's Engineering Consultants

RECEIVED

FEB 13 2018

KENDALL COUNTY
PLANNING, BUILDING
& ZONING

Please fill out the following findings of fact to the best of your capabilities. § 13.07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

Existing uses of property within the general area of the property in question.

There is a slow trend of residential uses surrounding both the east and west side of this property. There are single family residences that adjoin on each of the east and west side of the subject property which are farmette/rural residential type uses. The Hattner Property has been subject of an Annexation Agreement with the United City of Yorkville. South of the property is farmland and will continue to be farmland not interrupted by this proposed use.

The Zoning classification of property within the general area of the property in question.

The property within the general area is a mix of City R-2/R-1 Single Family Residential, Business; the County Zoning surrounding the property is Agricultural although the uses are mixed between Agricultural and Residential.

The suitability of the property in question for the uses permitted under the existing zoning classification.

The subject property is not suitable by site acreage nor site usage for current modern row crop farming practices due to its small acreage size. The owners of the property have planted substantial nursery stock on the property which would be thinned out and sold off over the years, although the highest and best use of the property would be for a single family residential non-business type use which is the intent of the parties. The single family residential use as a rural residence, would comport with the adjoining owners on the east and west.

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

The trend of development in the area is moderate residential growth and continuing agricultural growth until the United City of Yorkville expands on property subject to previous Annexation Agreements. Further the Property is within the one and one half mile planning area of the United City of Yorkville and shows as being anticipated to be low density residential.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

The proposal to develop the parcel as a one lot single family rural residence conports with the Kendall County Land Resource Management Plan in that the density would be lower than the contiguous growth area which would permit a higher density on the parcel.



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KENDALL COUNTY, IL

RECORDED 8/1/2016 2:44 PM
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Space Above is for Recording Information

ILLINOIS OPEN-END MORTGAGE

JGM407 (06/13)

Drafted By Greg J Davis Esq
2000 Jacobbsen Drive
Normal IL 61761

Return To 1st Farm Credit Services
Attn: Jillian Grzywa
1350 W Prairie Drive
Sycamore IL 60178

No(s) 1111104100

TOTAL PRINCIPAL INDEBTEDNESS SECURED BY THIS MORTGAGE SHALL NOT EXCEED \$150 000 00

This Mortgage dated July 25 2016 is by Keith J Warpinski (a/k/a Keith Warpinski) and Kathleen Warpinski (a/k/a Kathleen J Warpinski) husband and wife (after this called "Mortgagor" whether one or more) whose mailing address is 23819 W Mill St Plainfield IL 60544 to 1st Farm Credit Services PCA (after this called "Mortgagee") a federally chartered corporation whose address is 2000 Jacobbsen Drive Normal IL 61761

For valuable consideration Mortgagor grants sells mortgages and warrants to Mortgagee its successors and assigns forever the real estate in the county or counties of Kendall and Will Illinois, described in Exhibit A to this Mortgage which is by this reference made a part of this Mortgage together with all the fixtures tenements hereditaments and appurtenances belonging or in any way appertaining to this real estate All of the preceding property and property rights including the real estate described in Exhibit A are after this collectively called the premises

THIS MORTGAGE SECURES (a) the repayment of indebtedness in the principal sum of \$150 000 00 evidenced by 1 promissory note(s) as follows

Date of Note(s)	Face Amount(s)	Maturity Date(s)
July 25 2016	\$150 000 00	July 24 2026

and any other indebtedness payable to Mortgagee evidenced by promissory notes secured by prior liens on the real estate described in Exhibit A with interest as provided in the promissory notes, which may be variable or fixed and which may be converted from one to the other from time to time at the option of Mortgagor with the consent of Mortgagee and all extensions renewals and modifications thereof (b) the repayment of all additional advances which Mortgagee may make from time to time to any one or more Mortgagor or to any one or more of the makers of the promissory notes prior to the release of this Mortgage, whether made before or after the maturity of the promissory notes and whether evidenced by the same or other promissory notes given after this Mortgage and any other future obligations of any one or more Mortgagor or these makers to Mortgagee whether absolute or contingent with interest as provided in the promissory notes which may be variable or fixed as stated above and all extensions renewals and modifications thereof However the maximum principal amount secured by this Mortgage at any one time exclusive of interest shall not exceed \$150 000 00 in the aggregate If the unpaid principal amount at any one time exceeds this sum this Mortgage shall secure that portion of the unpaid principal amount that does not exceed this sum and interest thereon (c) notwithstanding the above limitation the repayment of all other amounts with interest to which Mortgagee may become entitled under this Mortgage, and (d) the performance by Mortgagor of all the warranties agreements and terms contained in this Mortgage

By execution of this Mortgage, Mortgagor hereby acknowledges receipt of all of the proceeds of the loan evidenced by the above promissory note or notes

All principal, interest and other sums or charges payable to Mortgagee and secured by this Mortgage are after this called the Indebtedness

If the Indebtedness is paid to Mortgagee when due and Mortgagor keeps and performs all the warranties agreements and terms contained in this Mortgage then this Mortgage shall be void

MORTGAGOR WARRANTS THAT (a) Mortgagor has fee simple title to the premises and good right to convey them (b) Mortgagee shall quietly enjoy and possess the premises, and (c) except as expressly set forth in this Mortgage, the premises are free from all encumbrances and Mortgagor will warrant and defend title to the premises against all lawful claims

MORTGAGOR AGREES AS FOLLOWS

1 Discharge Liens To pay and discharge when due all present and future taxes, assessments, judgments mortgages and liens on the premises and to perform every obligation imposed upon Mortgagor by the instruments creating these liens

2 Insurance To keep insured all buildings and improvements now or later located on the premises against loss or damage by fire wind, flood (if Mortgagee requires) and extended coverage perils, in companies and amounts satisfactory to Mortgagee and to provide on request satisfactory proof of insurance. The insurance policy shall contain a loss payable clause in favor of Mortgagee providing all rights customarily granted under the standard mortgage clause. At Mortgagee's option insurance proceeds may be applied to the Indebtedness or be used for reconstruction of the damaged property or be released to Mortgagor for reconstruction. If this Mortgage is foreclosed, Mortgagor's interest in policies shall pass to Mortgagee.

3 Protective Advances If Mortgagor fails to pay taxes, assessments, judgments, mortgages or other liens on the premises or to maintain insurance as required by this Mortgage, Mortgagee may do so.

4 Pro Rata Payments Mortgagee may, at its option, require Mortgagor to pay to Mortgagee, at the same time as each regular installment of principal and interest, an amount equal to a pro rata portion of the taxes, assessments and insurance premiums next to become due, as estimated by Mortgagee.

5 Protective Actions In any collection or foreclosure activities or proceedings, or if Mortgagor fails to perform any agreement or term contained in this Mortgage, or if any proceeding is commenced which affects Mortgagee's interest in the premises (including but not limited to eminent domain, insolvency, bankruptcy code enforcement or probate), Mortgagee may (but is not obligated to) make such appearances, disburse such sums and take such actions as Mortgagee believes are necessary to protect its interest and preserve the value of the premises. This includes, but is not limited to, disbursement of reasonable attorneys' fees, court costs, costs of environmental audits and compliance, costs of appraisals and title evidence, and making repairs and maintenance. Mortgagee may inspect the premises at reasonable times including investigating the environmental condition of the premises and taking soil and water samples.

6 Additions to Indebtedness All amounts incurred or advanced by Mortgagee under paragraph 3 or 5 of this Mortgage shall be due immediately, shall bear interest as provided in the promissory note described in this Mortgage or the promissory note with the latest maturity date if more than one is described, and shall be secured by this Mortgage.

7 Maintain Premises (a) To not remove or permit to be removed any buildings, improvements or fixtures from the premises; (b) to maintain the premises in good repair and condition; (c) to cultivate the premises in a good, husbandlike manner; (d) to use the premises for farm purposes (if used for farm purposes on the date of this Mortgage); (e) to not cut or remove wood or timber from the premises except for domestic use; and (f) to neither commit nor permit waste of the premises. If the premises are abandoned or left unoccupied, Mortgagee may (but is not obligated to) go upon the premises to protect them against waste, vandalism or other damage without liability for trespass.

8 Complete Improvements To complete in a reasonable time any improvements now or later under construction on the premises.

9 Use of Loan Proceeds The proceeds of the Indebtedness shall be used solely for (a) the purposes specified in the loan application or, (b) other purposes Mortgagee may require or agree to in writing.

10 Assignment of Rents Mortgagor by this Mortgage assigns to Mortgagee to further secure the payment of the Indebtedness the rents, issues and profits of the premises now due or which may later become due. Upon Default under this Mortgage by Mortgagor, Mortgagee (a) shall immediately and without any further action to enforce its interest have an enforceable and perfected right to receive such rents, issues and profits; and (b) may in its sole discretion notify any or all tenants to pay directly to Mortgagee all such rents, issues and profits. This assignment shall be enforceable with or without appointment of a receiver and regardless of Mortgagee's lack of possession of the premises.

11 Minerals and Eminent Domain In this paragraph 11, minerals includes but is not limited to oil, gas, coal, lignite, rock, stone, gravel, sand, clay, peat and earth. Mortgagee shall, at its option, receive all sums which may accrue to Mortgagor from eminent domain proceedings or from the sale, lease, development or removal of minerals in and under the premises. These sums shall be applied to the Indebtedness as Mortgagee elects. Nothing in this Mortgage, however, obligates Mortgagee to accept these sums or constitutes consent to the sale, lease, development or removal of minerals, or obligates Mortgagee to receive any payment during foreclosure or a redemption period. If a lawful claimant enters or asserts a right of entry on the premises for the purpose of exploration, development or removal of minerals under reservation or conveyance paramount to this Mortgage, to the exclusion of and without compensation to Mortgagor, then, at the option of Mortgagee, the entire Indebtedness shall become due and payable.

12 Actions Not Affecting Lien or Liability Without affecting the priority of the lien of this Mortgage or the liability of Mortgagor or of any other party for the payment of the Indebtedness, Mortgagee may from time to time without notice to Mortgagor: (a) release all or part of the premises from the lien of this Mortgage; (b) extend and defer the maturity of and renew and reamortize all or any part of the Indebtedness; (c) adjust interest rates as provided in the promissory note(s); and (d) release from liability for payment of the Indebtedness one or more parties who are or become liable for its payment.

13 Hazardous Substances To comply with all federal, state and local laws and the recommendations of all courts and government agencies concerning the generation, use, discharge, release, storage and disposal of hazardous substances, petroleum products, farm chemicals and general waste on the premises. Mortgagor warrants that no hazardous substances have previously been discharged, released, stored or disposed of on the premises and will take all remedial action necessary to remove any hazardous substance found on the premises during the term of this Mortgage or after default by Mortgagor. Mortgagor will indemnify Mortgagee, its directors, officers, employees and agents against all claims and losses, including court costs and attorneys' fees, arising directly or indirectly out of Mortgagor's failure to comply with this paragraph. This warranty and indemnity shall survive termination of this Mortgage.

14 Events of Default Each of the following constitutes a default of this Mortgage by Mortgagor (Default): (a) failure to pay when due any part of the Indebtedness; (b) failure to perform or observe any warranty, agreement or term contained in this Mortgage or in any promissory note(s) evidencing the Indebtedness or in any related loan agreement(s); (c) the appointment of a receiver, receiver pendente lite or liquidator, whether voluntary or involuntary, for any Mortgagor or for any of the property of any Mortgagor; (d) the commencement of any proceeding by or against any Mortgagor under the provisions of any bankruptcy or insolvency laws; (e) the making by any Mortgagor of an assignment for the benefit of creditors; (f) the sale or transfer without Mortgagee's prior written consent of all, any part of, or any interest in, the premises or any beneficial interest in a land trust holding title to the premises by Mortgagor or any party having a beneficial interest in the land trust; (g) the transfer without Mortgagee's prior written consent of stock in a corporation holding title to all or any part of the premises by any stockholder of such corporation if the result is that a majority of shares of the stock is owned by any parties who are not stockholders at the date of this Mortgage.

15 Remedies on Default Mortgagee may do any one or more of the following if a Default occurs under paragraph 14: (a) The entire Indebtedness may become immediately due without notice and bear interest as provided in the promissory note(s) evidencing

the Indebtedness and Mortgagee may collect this amount in a suit at law or by foreclosure of this Mortgage (b) Take possession of the premises upon filing a foreclosure action and have full authority to operate, manage, lease and conserve the premises to collect the rents, issues and profits from the premises to obtain hazard insurance to pay taxes and assessments when due, to employ counsel custodians and other assistants to make necessary repairs to exercise all the usual powers of receivers in like cases and to continue in possession of the premises until expiration of the statutory period of redemption All rents, issues and profits collected as Mortgagee in possession may, without prior approval of the court, be applied first to payment of the costs of management of the premises and then to the Indebtedness and Mortgagee shall be accountable only for those proceeds actually received, (c) At any sale held pursuant to a court decree all of the premises may be sold as one parcel and any law to the contrary is waived by Mortgagor, (d) Mortgagee may retain out of the sale proceeds amounts due Mortgagee under this Mortgage, the costs of the sale and attorneys' fees as provided by statute or court practice or in a reasonable amount (e) In any foreclosure action or other proceeding the court may appoint a receiver and receiver pendente lite for the premises with the usual powers provided by statute, and Mortgagor hereby consents to the appointment (f) If there is any security other than this Mortgage for the Indebtedness then Mortgagee may proceed upon this and the other security either concurrently or separately in any order it chooses (g) If this Mortgage secures multiple promissory notes, Mortgagee may apply foreclosure sale proceeds to the notes in the order and amounts it elects

16 **Cumulative Rights** All rights and remedies of Mortgagee in this Mortgage are cumulative and are in addition to other rights and remedies given in this Mortgage or provided by law

17 **Waiver** The failure or delay of Mortgagee to exercise any right is not a waiver of that right

18 **Successors** This Mortgage shall bind and benefit the parties to this Mortgage and their respective heirs, executors, administrators successors and assigns

19 **Waiver of State Rights** Mortgagor waives and relinquishes all rights given by the homestead and exemption laws of the State of Illinois

An electronic reproduction of this fully-executed document shall be as valid as the original

Keith J Warpinski

Kathleen Warpinski

STATE OF ILLINOIS

) ss

(Individual)

COUNTY OF Kendall

On 7-28-16 before me personally appeared Keith J Warpinski (a/k/a Keith Warpinski) and Kathleen Warpinski (a/k/a Kathleen J Warpinski) husband and wife to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged the same as their free act and deed



Mark Ringhouse Notary Public
County Illinois
My Commission Expires 9-18-17

Attachment 1, Page 6

Exhibit A Legal Description

Tract 1

Lot 80 in Rivers Edge Landing Unit 2, a Subdivision of Part of Section 6, Township 34 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded September 17, 2004 as Document No R2004172391 in Will County, Illinois

Tract 2

Lot 81 in Rivers Edge Landing Unit 2, a Subdivision of Part of Section 6, Township 34 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded September 17, 2004, as Document No R2004172391 in Will County, Illinois

PIN#s 40-10-06-408-001, 04-10-06-304-033

517 & 521 Rivers Edge Dr

Minooka, IL 60447

PARCEL 1 THE EAST 429 00 FEET OF THE FOLLOWING DESCRIBED PROPERTY THAT PART OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 SECTION, THENCE WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 SECTION 660 0 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUING WEST ALONG SAID SOUTH LINE 660 0 FEET, THENCE NORTH AT RIGHT ANGLES TO SAID SOUTH LINE, 660 0 FEET, THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 SECTION 660 0 FEET, THENCE SOUTH 660 0 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS AND CONTAINING 6 5 ACRES

PARCEL 2 THAT PART OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 981 53 FEET FOR THE POINT OF BEGINNING, THENCE EASTERLY ALONG SAID SOUTH LINE, 573 82 FEET, THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4 534 20 FEET, THENCE EASTERLY PARALLEL WITH SAID SOUTH LINE, WHICH FORMS AN ANGLE OF 90 DEGREES 23 MINUTES 18 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 37 39 FEET, THENCE NORTHERLY PARALLEL WITH SAID EAST LINE 703 0 FEET, THENCE WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 93 DEGREES 02 MINUTES 23 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 612 81 FEET, TO A LINE DRAWN NORTHERLY, PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SOUTHEAST 1/4 FROM THE POINT OF BEGINNING, THENCE SOUTHERLY ALONG SAID PARALLEL LINE 1273 84 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART LYING EASTERLY OF A LINE DRAWN TO THE NORTH 1/2 FROM A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER WHICH IS 744 3 FEET WESTERLY OF THE EAST LINE, AS MEASURED ALONG SAID SOUTH LINE FROM THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER) IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

PIN# 05-21-400-011, 05-22-300-008, 05-22-300-006



**Kendall County Soil & Water
Conservation District**

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



www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Keith & Kahtleen Warpinski

Contact Person: Daniel J. Kramer

Address: [REDACTED]

1107A S Bridge Street

City, State, Zip: [REDACTED]

Yorkville, IL 60560

Phone Number: [REDACTED]

(63) 553-9500

Email: [REDACTED]

Dkramer@dankramerlaw.com

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

Site Location & Proposed Use

Township Name Kendall

Township _____ N, Range _____ E, Section(s) _____

Parcel Index Number(s) 05-21-400-011

Project or Subdivision Name Warpinski

Number of Acres 6.9

Current Use of Site vacant land

Proposed Use 1

Proposed Number of Lots 1

Proposed Number of Structures 1

Proposed Water Supply well

Proposed type of Wastewater Treatment septic

Proposed type of Storm Water Management _____

Type of Request

☒ Change in Zoning from A-1 to R-1 for 1 Single Family Home

☐ 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: _____

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

☒ Plat of Survey/Site Plan – showing location, legal description and property measurements

☐ Concept Plan – showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.

☐ If available: topography map, field tile map, copy of soil boring and/or wetland studies

☐ NRI fee (Please make checks payable to Kendall County SWCD)

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

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.

Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$ <u>375.00</u>
<u>2</u> Additional Acres at \$18.00 each	\$ <u>36.00</u>
Total NRI Fee	\$ <u>411.00</u>

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.

Keith Warpinski

Petitioner or Authorized Agent

5-19-17

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 _____



Applicant: DKR Group, Inc.
 Contact: Thomas Osterberger
 Address: 111 N. Ottawa Street
 Joliet, IL 60432

IDNR Project Number: 1707421
 Date: 02/21/2017

Project: NA
 Address: Walker Road, Unincorporated

Description: Issuance of a special Use for a landscape business to allow storage of landscape equipment in 6,000 square foot farm building.

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:
 36N, 7E, 21



IL Department of Natural Resources
 Contact
 Keith Shank
 217-785-5500
 Division of Ecosystems & Environment

Government Jurisdiction
 Kendall County
 Matt Asselmeier
 111 West Fox Street
 Yorkville, Illinois 60560

Disclaimer

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

Terms of Use

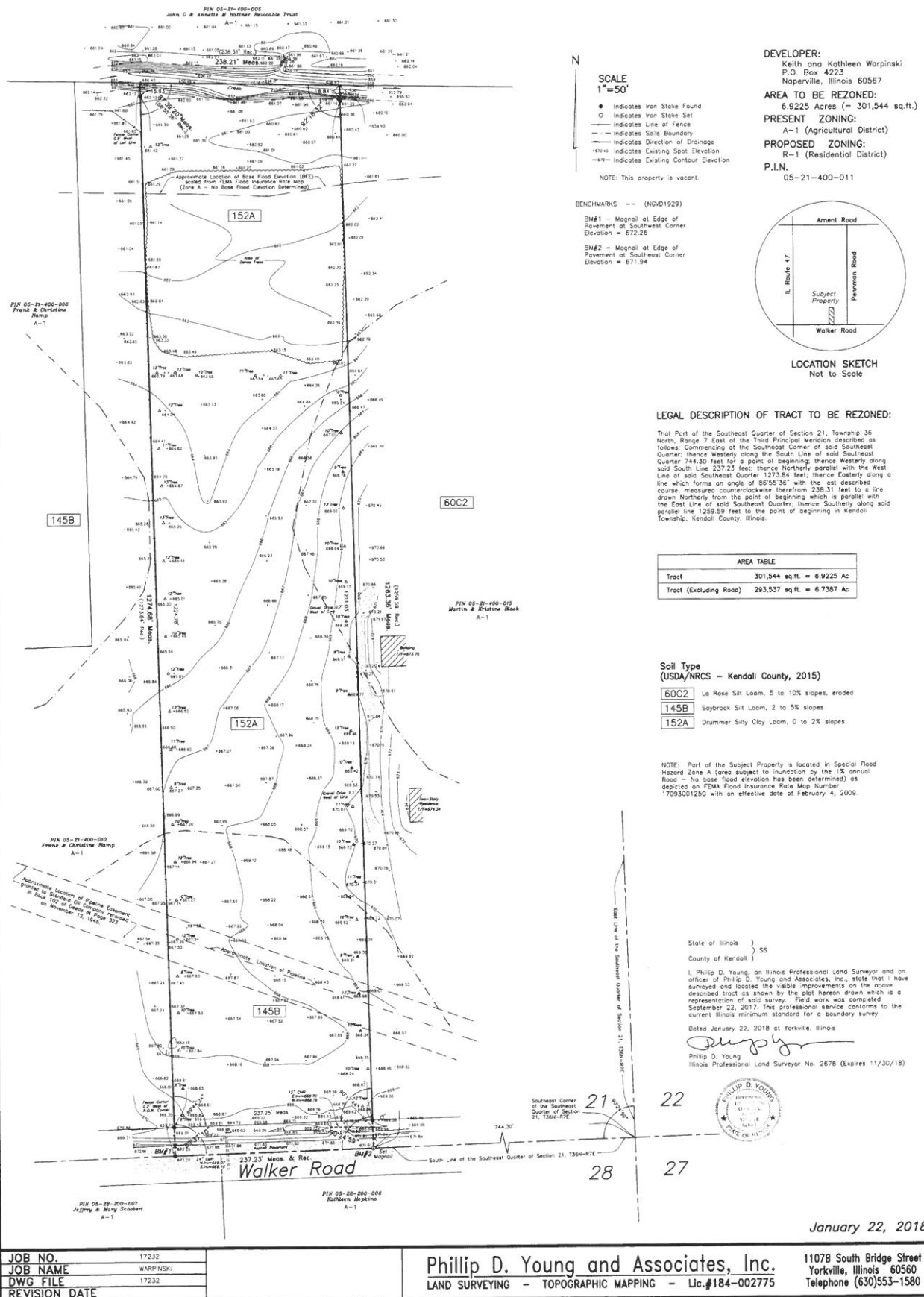
By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms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

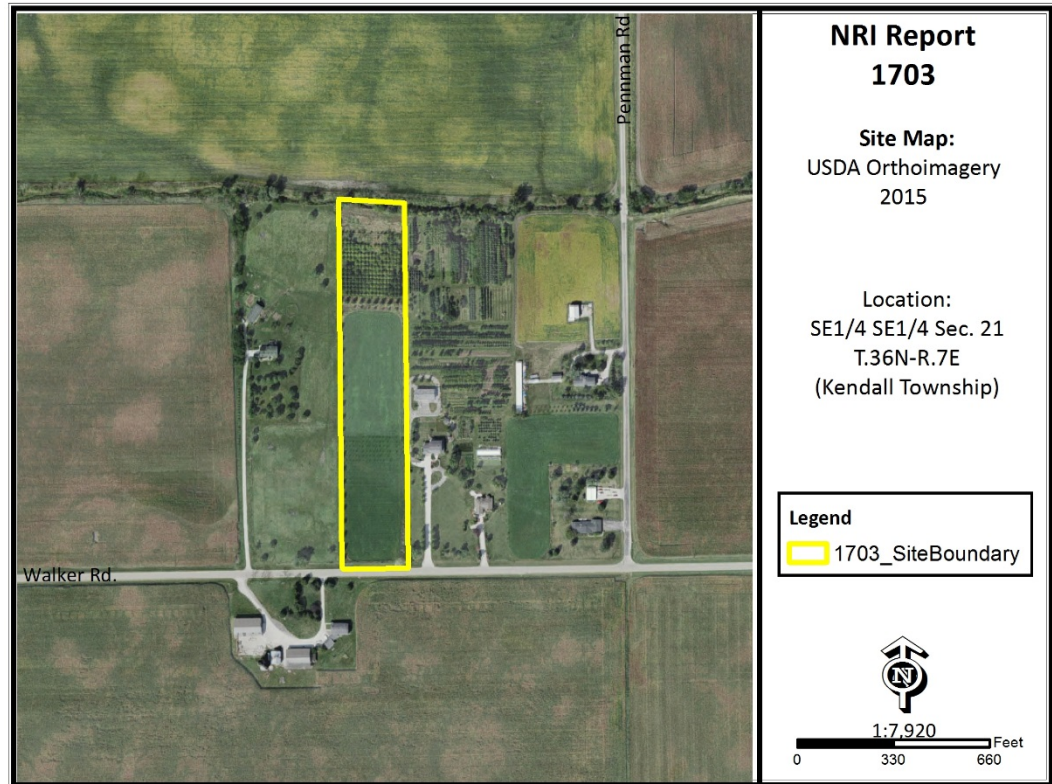
Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

Page 1 of 3

ZONING PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 21, T36N-R7E, 3rd P.M. KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS



NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 1703



June 2017

Petitioner: Keith & Kathleen Warpinski
Contact: Attorney Daniel J. Kramer

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

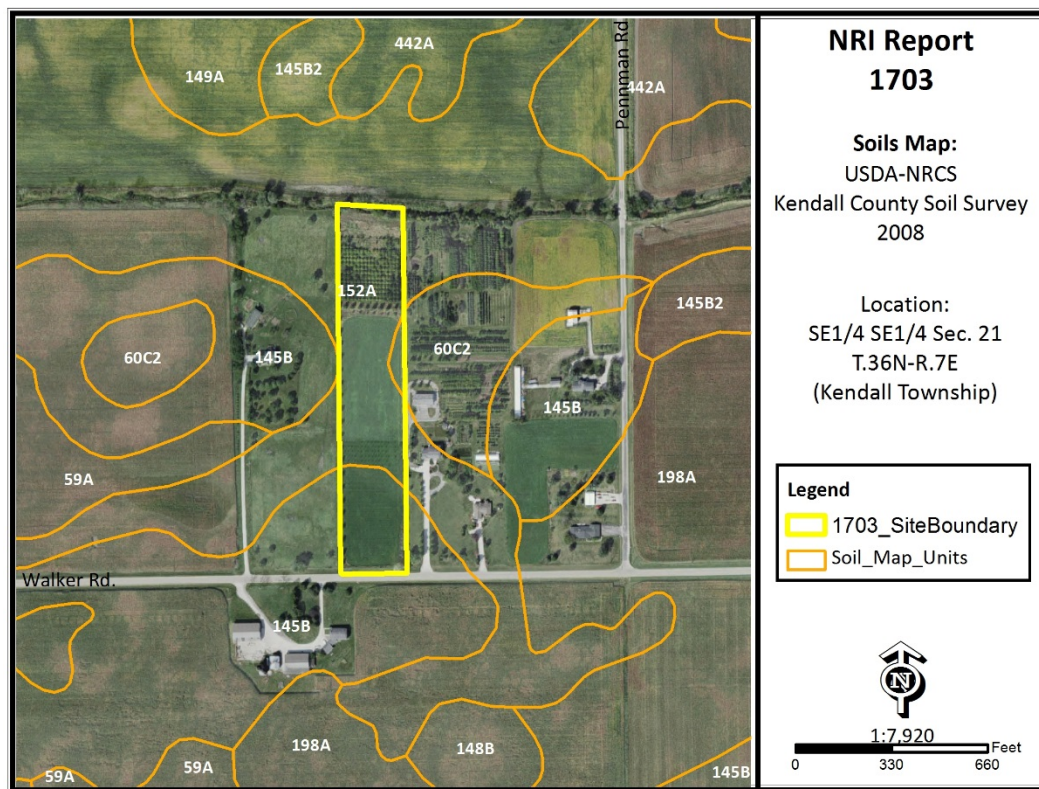
1703

Executive Summary

June 12, 2017

Petitioner: Keith & Kathleen Warpinski**Contact Person:** Attorney Daniel J. Kramer**County or Municipality the petition is filled with:** Kendall County**Location of Parcel:** SE¼ Section 21 T.36N.-R.7E. (Kendall Township) of the 3rd Principal Meridian in Kendall Co., IL**Project or Subdivision Name:** N/A**Existing Zoning & Land Use:** A-1 Agricultural; Vegetation, Trees**Proposed Zoning & Land Use:** R-1; Single Family Home**Proposed Water Source:** Well**Proposed Type of Sewage Disposal System:** Septic**Proposed Type of Storm Water Management:** None**Size of Site:** 6.9 acres**Land Evaluation Site Assessment (LESA) Score:** 200

Natural Resource Concerns

Soil Map:**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; please refer to onsite soil test results for planning/engineering purposes):

Table 1:

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
60C2	La Rose silt loam, 5-10% slopes, eroded	Moderately well drained	C	Non-hydric	Farmland of Statewide Importance
145B	Saybrook silt loam, 2-5% slopes	Moderately well drained	C	Non-hydric	Prime Farmland
152A	Drummer silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if drained

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 soil 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. Of the soils found onsite, 152A Drummer silty clay loam is classified as a hydric soil.

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, two are designated as prime farmland: 152A Drummer silty clay loam and 145B Saybrook silt loam.

Table 2:

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
60C2	High	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	February – April Surface Water Depth & Duration: -- Frequency: None	February – April None
145B	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-3.8'	February – April Surface Water Depth & Duration: -- Frequency: None	February – April None
152A	Negligible	January - May Upper Limit: 0.0'-1.0' Lower Limit: >6.0'	January – May Brief, Frequent Surface Water Depth: 0.0-0.5'	January - May None

Surface Runoff: Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover. Indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal).

Ponding: Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

Flooding: Temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding. Duration expressed as brief is 2 to 7 days and a frequent frequency means that it is likely to occur often under normal weather conditions.

SOIL LIMITATIONS:

According to the USDA-NRCS, soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction and maintenance. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Ratings are based on the soil in an undisturbed state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

- ✓ **Not Limited:** Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- ✓ **Somewhat Limited:** Indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design or installation; fair performance and moderate maintenance can be expected.
- ✓ **Very Limited:** Indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures; poor performance and high maintenance can be expected.

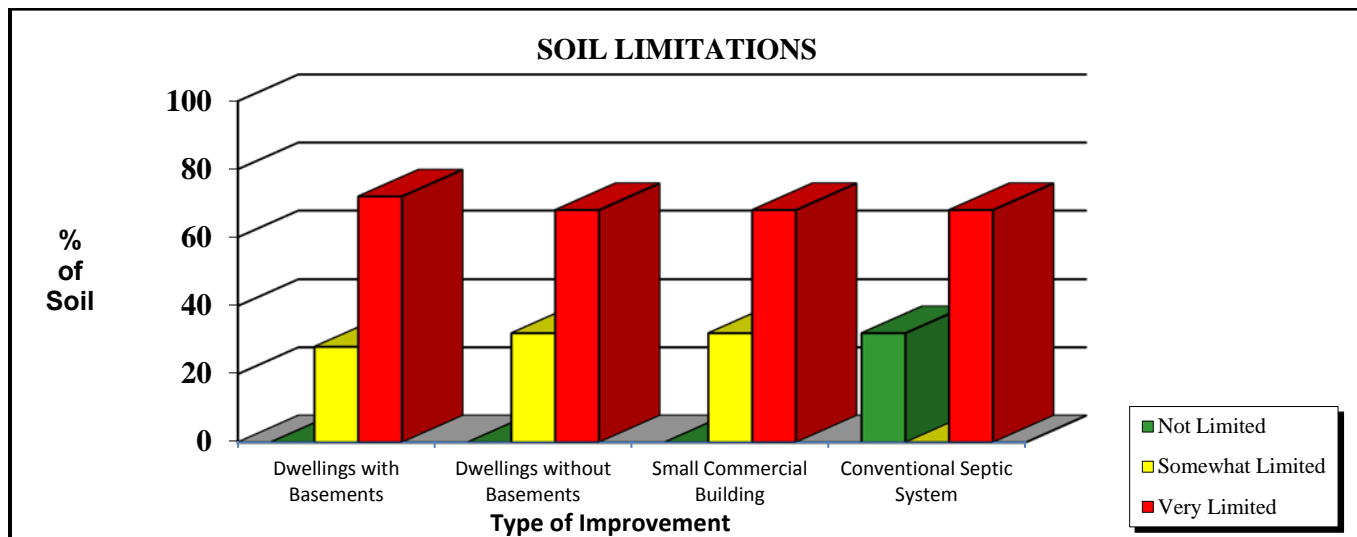
Conventional Septic System Rating Criteria:

The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. Soils that are deemed unsuitable for installation of an on-site sewage disposal system per the Kendall County Subdivision Control Ordinance may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact: Kendall County Health Department located at 811 W. John Street, Yorkville, IL; (630)553-9100 ext. 8026.

Limitations are listed below for dwellings with basements, dwellings without basements, and conventional sewage disposal systems. Please note this information is based on information compiled as part of the USDA-NRCS 2008 Soil Survey of Kendall County, IL and the Kendall County Subdivision Control Ordinance; this does not replace the need for site specific soil testing or results of onsite soil testing.

Table 3: Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Small Commercial Building	Onsite Conventional Sewage Disposal System
60C2	Very Limited: Depth to saturated zone	Somewhat Limited: Depth to saturated zone	Somewhat Limited: Slope Depth to saturated zone	Suitable
145B	Somewhat Limited: Depth to saturated zone	Somewhat Limited: Shrink-swell	Somewhat Limited: Shrink-swell	Suitable
152A	Very Limited: Depth to saturated zone Shrink-swell	Very Limited: Depth to saturated zone Shrink-swell	Very Limited: Depth to saturated zone Shrink-swell	Unsuitable Reason to avoid: Wet



Building Limitations Map:

Figure 2a: Dwellings with Basements

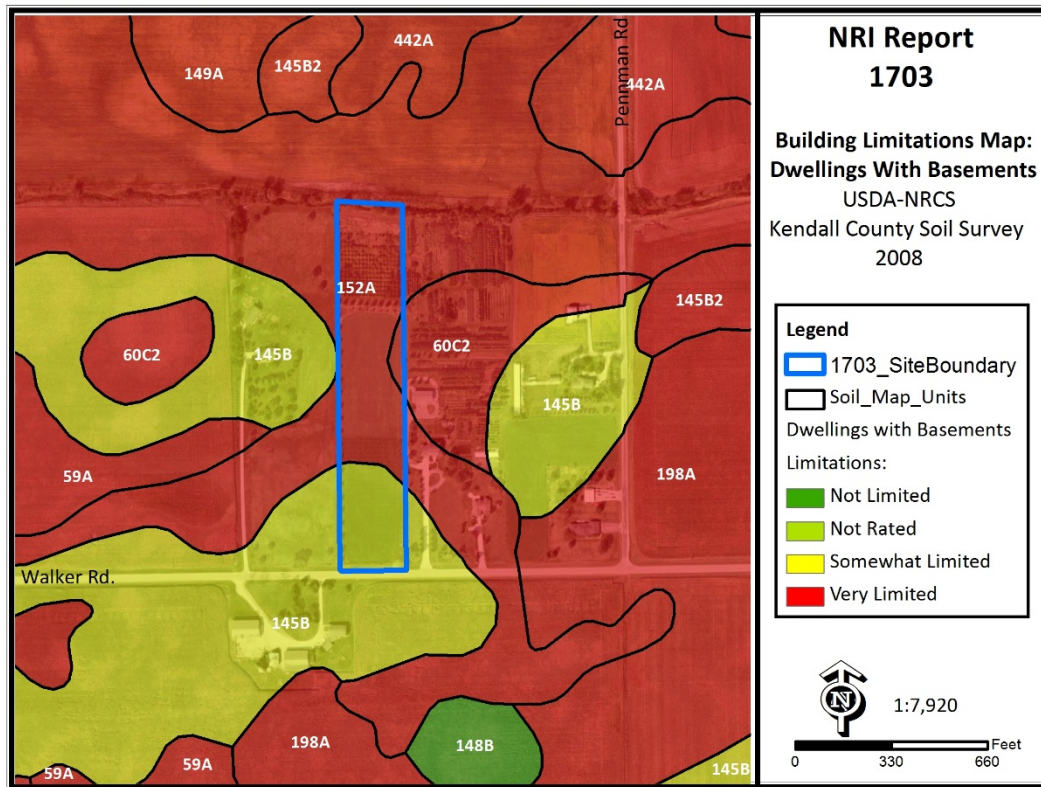
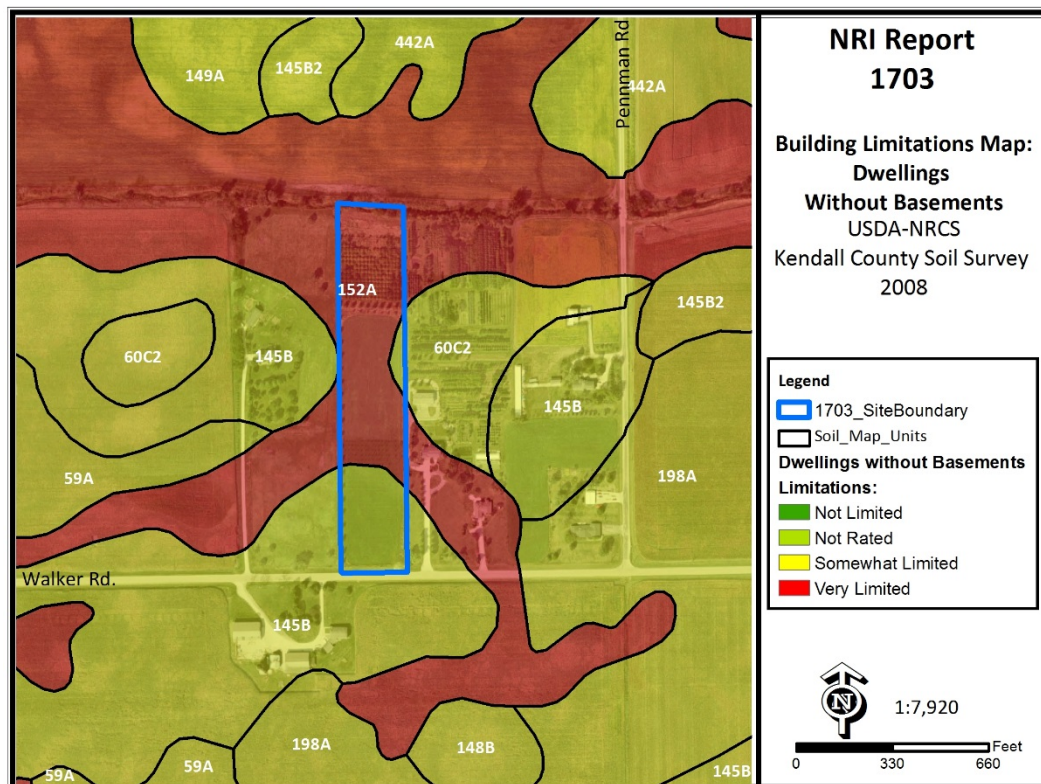


Figure 2b: Dwellings without Basements



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.
- **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.

Table 4a: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
60C2	5	82	0.3	24.6
145B	2	94	1.9	178.6
152A	1	100	4.7	470.0
Totals			6.9	673.2
LE Score		LE= 673.2/6.9		LE=97.6 (98)

The Land Evaluation score for this site is **98**, indicating that this site is predominately prime farmland well suited for agricultural production.

Table 4b: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	20
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	102

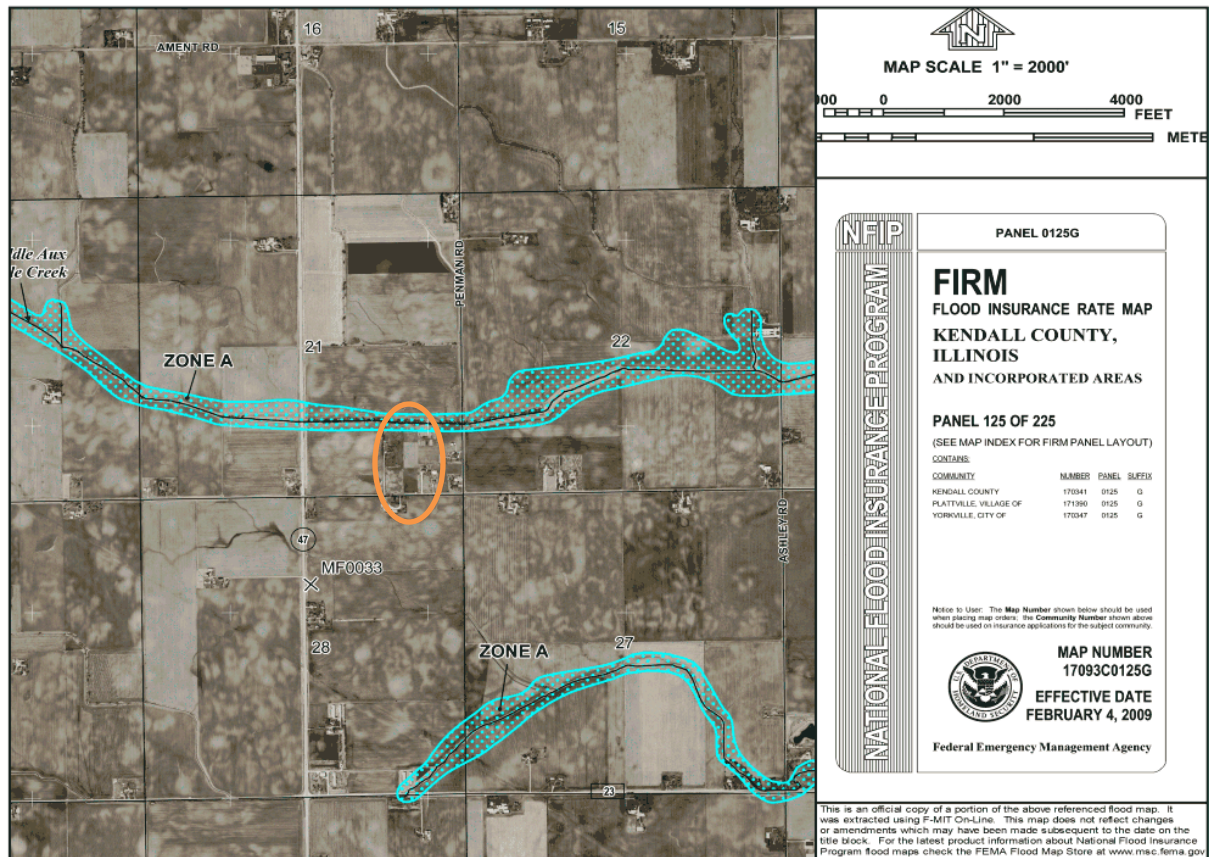
Land Evaluation Value: 98 + Site Assessment Value: 102 = LESA Score: 200

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

The **LESA Score for this site is 200** which indicates a **low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Wetlands: The U.S. Fish & Wildlife Service's National Wetland Inventory map **does not indicate** the presence of a wetland on the project site. If a wetland is present and will be impacted by the project, 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: A portion of the parcel is 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 OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Keith & Kathleen Warpinski for the proposed Warpinski project. This parcel is located in Section 21 of Kendall Township (T.36N.-R.7E. 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 has the following opinions and recommendations.

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 a 99 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. Overall, the LESA score was 200 indicating a low level of protection as selecting a 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. Of the soils identified onsite, two (145B and 152A) are designated as prime farmland; the remaining soil (60C2) is noted as farmland of statewide importance.

For proposed land uses, soils can have potential limitations. This report indicates that for soils located on the parcel, 72% of the soils are very limited for dwellings with basements; 68% of the soils are very limited for dwellings without basements, small commercial building and conventional septic systems. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support development with significant limitations. Additionally, if the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Illinois River Watershed and Middle Branch Aux Sable Creek subwatershed.

This development should include a soil erosion 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 project uses it may be necessary to have a drainage tile survey completed on the parcel to locate any subsurface drainage tile if suspected onsite. 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. Compiled Statutes, Ch. 70, Par 405/22.02a).

Deanna Began
Chair

6/12/17
Date





Attachment 6 West Property
Line-Spring



Attachment 7 Looking South (Spring)



Attachment 8

Matt Asselmeier

From: Greg Chismark [gchismark@wbkengineering.com]
Sent: Wednesday, February 21, 2018 8:32 PM
To: Matt Asselmeier
Subject: RE: March 6 ZPAC Meeting Packet

Matt,

I have nothing to add to the Warpinki petition. The staff report correctly cites the floodplain and requirements for compliance. If you need anything else from me let me know.

Greg

Greg Chismark P.E.

Municipal Practice Principal

WBK Engineering, LLC

116 West Main Street, Suite 201, St. Charles, Illinois 60174
P: 630.443.7755 D: 630.338.8527

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From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Wednesday, February 21, 2018 5:12 PM
To: Aaron Rybski <ARybski@co.kendall.il.us>; Andrews, Megan - NRCS-CD, Yorkville, IL <Megan.Andrews@il.nacdnet.net>; Brian Holdiman <BHoldiman@co.kendall.il.us>; David Guritz <dguritz@co.kendall.il.us>; Donald L. Clayton <dclayton@co.kendall.il.us>; Fran Klaas <FKlaas@co.kendall.il.us>; Greg Chismark <gchismark@wbkengineering.com>; Jason Langston <JLangston@co.kendall.il.us>; Robert Davidson <rddavidson@co.kendall.il.us>; Scott Koeppel <skoeppeel@co.kendall.il.us>; Ray Eberhardt <REberhardt@co.kendall.il.us>
Subject: March 6 ZPAC Meeting Packet

ZPAC Members:

Attached please find the packet for the March 6th meeting.

If you have any questions, please let me know.

Thanks,

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

Attachment 9, Page 1

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC) March 6, 2018 – Unapproved Meeting Minutes

Senior Planner Matt Asselmeier called the meeting to order at 9:03 a.m.

Present:

Aaron Rybski – Health Department
Sgt. Ray Eberhardt – Sheriff's Department
Don Clayton – GIS
Fran Klaas – Highway Department
Pam Herber – PBZ Department
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Megan Andrews – Soil and Water Conservation District
Robert Davidson – PBZ Committee Chair

Audience:

Dan Kramer representing Keith and Kathleen Warpinski

AGENDA

Mr. Klaas made a motion, seconded by Mr. Clayton, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the February 6, 2018 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

Petition 18-05 Keith and Kathleen Warpinski – Map Amendment Rezoning the Subject Property from A-1 to R-1; Property is Located on the North Side of Walker Road Approximately 0.31 Miles East of Route 47 (PIN: 05-21-400-011) in Kendall Township

Attorney Dan Kramer summarized the request. The property is slightly over six (6) acres. There are approximately six (6) homes around the property. All of the adjoining properties are zoned A-1. Mr. Kramer noted that his client was open to an A-1 Conditional Use Permit for a house, but chose the map amendment route because of the stricter publication requirements. Mr. Kramer noted that property owner was open to dedicating land for a trail on both the north and south sides of the property. Mr. Kramer also noted that the property was subject to a special use request in 2017 for a landscaping business; this proposal was withdrawn. The property does not have prospective buyer at this time. Mr. Kramer reported that the Kendall Township Planning Commission and Kendall Township Board issued negative recommendations.

Mr. Klaas requested that page 5 of the report be corrected to show Walker Road as a township road.

Mr. Klaas asked about the pipeline easement. Mr. Kramer responded that the pipeline easement remains active.

Mr. Rybski noted that an alternative sewer system will be required at the time of development because of soil issues.

Mr. Klaas asked, if the proposal is approved, could a landscape business go on the site. The answer to this question was no.

Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the proposal.

Ayes (6): Klaas, Eberhardt, Rybski, Clayton, Herber, and Asselmeier
Nays (0): None
Absent: (4) Guritz, Andrews, Davidson, and Chismark

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on March 28th.

Petition 18-07 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08 Adding Sub-Section R Pertaining to Renewal of Special Use Permits

Mr. Asselmeier provided a summary of this proposed text amendment. The proposal clarifies the procedure for renewing a special use permit. If a special use permit holder does not violate the terms of their special use permit, the special use permit shall be automatically renewed. If a special use permit holder is found guilty of violating the terms of their special use permit, the holder would have to go through the special use permitting process in full in order to renew the special use permit. The County Board could request changes to the special use permit, but the County would have to pay for all applicable notification requirements. Twenty-seven (27) special use permits exist that require some form of review. The proposal contains a provision allowing those special use permit holders to forfeit grandfathering.

Mr. Rybski asked if the special use permits would be actively renewed. Mr. Asselmeier noted that the existing special uses are exempt the proposal. Also, if an existing special use permit holder wants an amendment to their special use, the County could require that they follow this new regulation.

Mr. Rybski made a motion, seconded by Mr. Clayton, to recommend approval of the proposal.

Ayes (6): Klaas, Eberhardt, Rybski, Clayton, Herber, and Asselmeier

Nays (0): None

Absent: (4) Guritz, Andrews, Davidson, and Chismark

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on March 28th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-30 was approved by the County Board. Mr. Asselmeier also reported that the petition transferring the power and duties to hear special use permits from the Hearing Officer to the Zoning Board of Appeals and the petition increasing notification distances for A-1 special use permits will go to the Planning, Building and Zoning Committee on March 12th and could go to the County Board on March 21st.

OLD BUSINESS/NEW BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Mr. Rybski, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:22 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved Meeting Minutes of March 28, 2018

Chairman Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Larry Nelson, Ruben Rodriguez, Claire Wilson, Budd Wormley, and Angela Zubko

Members Absent: Tom Casey and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Dan Kramer, Pat Kinnally, Roger Smith, and George Ostreko

APPROVAL OF AGENDA

Mr. Wormley made a motion, seconded by Mr. Bledsoe, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the February 28, 2018, joint meeting minutes with the Comprehensive Land Plan and Ordinance Committee and the February 28, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice vote of all ayes, the motion carried.

PETITION

Petition 18-05-Keith and Kathleen Warpinski

Mr. Asselmeier summarized the request. The petitioners desire a map amendment in order to be able to construct a house on the property.

ZPAC reviewed the proposal on March 6th and unanimously recommended approval.

The Kendall Township Planning Commission and Kendall Township Board reviewed the proposal in February and recommended denial. Kendall Township will not be submitting a formal objection.

The United City of Yorkville's Planning and Zoning Commission met on March 14th and recommended approval. The United City of Yorkville's City Council met on March 27th and expressed no objections to the proposal.

Dan Kramer, attorney for the petitioners, stated that Kendall Township recommended denial because at least one (1) planning commissioner objected to the construction of another house in the area.

Mr. Kramer stated that the petitioners did not pursue an A-1 building permit because the Kendall County Board had a similar case last year and they required the property owner to obtain a map amendment. In addition, the notification and publication requirements for a map amendment are stricter than the rules for an A-1 building permit.

Mr. Kramer also noted that easements for the proposed trails will be recorded.

Mr. Wormley asked about the pipeline easement running through a portion of the property. Mr. Kramer explained how the pipeline easement was created.

Mr. Nelson asked the width of the property. The width is approximately is approximately two hundred thirty-seven feet (237').

Mr. Wormley asked about the water table. Mr. Kramer stated the soil was classified for septic.

Ms. Wilson noted that certain agricultural uses would be more restrictive if the property were rezoned to R-1.

There were no public comments on this proposal.

Mr. Asselmeier stated that he did not receive anything in writing from Kendall Township. There were no calls from any surrounding residents.

Ms. Wilson made a motion to recommend approval of the map amendment as proposed, seconded by Ms Zubko.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed. This proposal will go to the Zoning Board of Appeals on April 2nd.

Petition 18-07 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

The Zoning Ordinance does not have a clear procedure for renewing special use permits. In reviewing all of the existing special use permits, twenty-seven (27) require some form of review or renewal. Additionally, in the future, the County Board may impose time limits on future special use permits. Therefore, Staff prepared the attached proposal establishing procedures for renewing special use permits.

The Planning, Building and Zoning Committee reviewed this proposal on February 13th and unanimously approved initiating the text amendment process.

This proposal was mailed to each township on February 15th. To date, none of the townships have submitted comments.

This proposal was mailed to each existing special use permit holder that has a review/renewal provision in their special use permit on February 16th. To date, only (1) special use permit holder had detailed questions. Three (3) others were satisfied with the proposal after the proposal was explained.

ZPAC reviewed this proposal on March 6th and unanimously recommended approval.

Several Commissioners expressed concerns about the ability of the County Board to amend special use permits without the request or approval of the property owner, even though the property owner complied with the terms of the special use permit. This action could have negative consequences for business owners that invested large sums of money into their businesses. Concerns were raised that such changes could be arbitrary.

Attachment 10, Page 3

The Hearing Officer still exists for administrative adjudication; the Planning, Building and Zoning Committee could refer an alleged violations to the Hearing Officer or the State's Attorney's Office.

Several Commissioners expressed concerns regarding the language about previous owners of special use permits. Commissioners felt that the automatic renewal provisions should apply to the current owner and the current owner should not have the special use permit jeopardized by the actions or violations of previous owners.

Ms. Wilson asked if the County Board could request changes at any time. Mr. Asselmeier stated that the intent of the proposal was that the County Board could do amendments at the time of renewal. Item 2.b would be amended to reflect that change.

Roger Smith, Tyler Road, provided a history of his special use permit for a mobile home on his property. He was not in favor of the proposed changes.

Pat Kinnally, attorney for Bryan Holdings, Aurora, expressed concerns about the lack of clarity for grandfathering. He also expressed concerns about the difference between minor and major amendments to special use permits and the power of the Zoning Administrator. Mr. Kinnally did not want the actions of previous property owners to have an impact on whether or not a special use permit is revoked or renewed.

George Ostreko, East Beecher Road, said that he has not been inspected by Kendall County since he bought the property in the 1984. His special use permit is for mining.

Dan Kramer said that he agreed with changes proposed by Mr. Nelson.

Mr. Nelson moved to table the proposal and to have the proposal sent to Commissioners as a Word document. Discussion occurred regarding the intent of the Planning, Building and Zoning Committee in proposing the text amendment. The motion died for lack of second.

Mr. Rodriguez asked about the procedures of other counties. Mr. Asselmeier will investigate this matter.

Mr. Wormley made a motion to refer the proposal back to the Planning, Building and Zoning Committee for additional study, seconded by Ms. Wilson.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed.

Petition 18-03 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

In 2017, the Kendall County Board created a Boards and Commissions Review Ad-Hoc Committee to examine the number, type, and duties of the various committees utilized by the County. This Ad-Hoc Committee evaluated the roles and responsibility of each of the committees associated with the Planning, Building and Zoning Department. The Ad-Hoc Committee expressed concerns about the number of meetings certain applicants had to attend in order to obtain approval of map amendments and special use permits. In addition to

County meetings, applicants for map amendments and special use permits might need to attend various township and municipal meetings.

Accordingly, the Board and Commissions Review Ad-Hoc Committee, at their meetings on August 29th and November 30th recommended the following applications not require formal meetings of ZPAC or the Kendall County Regional Planning Commission:

1. Map Amendments
2. Special Use Permits
3. Major Amendments to Special Use Permits
4. Text Amendments to the Zoning Ordinance Not Impacting the Powers and Duties of ZPAC and/or Kendall County Regional Planning Commission

Members of ZPAC and the Kendall County Regional Planning Commission would continue to receive notifications of the above types of applications and individual members of these committees could submit comments on the proposals, but neither body would be required to meet and issue recommendations on these types of applications.

ZPAC would continue to meet for the following types of applications:

1. Site Plan Reviews
2. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals

The Kendall County Regional Planning Commission would continue to meet for the following types of applications:

1. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
2. Changes to the Land Resource Management Plan
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals
7. Requests by the County Board and/or Planning, Building and Zoning Committee for Research on Planning, Zoning, and Development Related Topics

The Committee of the Whole discussed this proposal at their meeting on December 14th and no one objected to the proposal.

The Planning, Building and Zoning Committee reviewed this matter at their meeting on January 8th and unanimously recommended approval of initiating the text amendment as proposed.

ZPAC reviewed this proposal on February 6th and unanimously recommended approval.

Ms. Wilson asked, if this proposal was implemented, would the Kendall County Regional Planning Commission meet on petitions similar to Petition 18-07. Mr. Asselmeier responded that the Kendall County Regional Planning Commission would not meet for similar proposals.

Mr. Nelson asked, if the Kendall County Regional Planning Commission did not meet, would the timeframe for adopting a proposal be shortened. Mr. Asselmeier said that the timeframe for adopting a proposal would not be shortened unless the Kendall County Regional Planning Commission requested additional information.

Ms. Zubko asked if ZPAC members receive each petition and submit comments. Mr. Asselmeier responded that petitions are emailed to ZPAC members, but most ZPAC members wait until the meeting before stating their comments.

Ms. Zubko asked if the County Board was aware that the Planning, Building and Zoning Committee did not need to meet to review petitions under State law. Mr. Asselmeier responded that the Ad-Hoc Commissions and Committees Committee was informed which zoning related committees were required by State law and which ones were of the County's discretion.

Chairman Ashton expressed concerns about the RPD subdivisions approval. He believed that the terms of RPDs should be reviewed by the Kendall County Regional Planning Commission.

Mr. Nelson explained his experience with obtaining a special use permit.

Commissioners noted that one (1) of the reasons for transferring special use hearings to the Zoning Board of Appeals was to obtain more input and opinion. This proposal seems contradictory to that previous opinion.

Mr. Nelson made a motion to refer the proposal to the Comprehensive Land Plan and Ordinance Committee. The motion died for lacked of a second.

Mr. Asselmeier stated that the Planning, Building and Zoning Committee, as the petitioner, was the only entity that could approve amendments to the petition.

Ms. Wilson made a motion to recommend approval of the proposal, seconded by Ms. Zubko

Yes – None (0)

No – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

Absent – Casey and Shaw (2)

The motion failed. The petition received a negative recommendation from the Planning Commission.

The reasons for the negative recommendation were:

1. The Kendall County Regional Planning Commission would like the proposal to go to the Comprehensive Land Plan and Ordinance Committee to work out issues.
2. The Kendall County Regional Planning Commission had concerns regarding the due process for petitions.
3. The Kendall County Regional Planning Commission felt that Kendall County Regional Planning Commission meetings were the appropriate setting for creating conditions and restrictions for special use permits (express the values of the community).
4. Removing the Kendall County Regional Planning Commission meeting from the timeline for adoption does not slow down the approval process; the Senior Planner indicated that no extra time was needed for Kendall County Regional Planning Commission meetings.

5. The Kendall County Regional Planning Commission had concerns about a lack of thorough vetting of the implications of proposals if the Kendall County Regional Planning Commission did not meet and review proposals.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

Consideration and Action on Amendments to Petition 18-04 Regarding Amending the Future Land Use Map for Property Near Route 47 in Lisbon Township-Commission Could Vote to Schedule a Public Hearing on the Petition

Chairman Ashton noted that changes were made to the proposal. A mixed use business area will be added along U.S. Route 52 down to the Village of Lisbon.

The Village President of Lisbon attended the Comprehensive Land Plan and Ordinance Committee meeting earlier in the evening.

Ms. Wilson expressed her surprise about the opposition to the proposal from the residents of the area.

Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier stated that the Planning, Building and Zoning Committee met on March 12th and the proposal has changed drastically. The proposal was sent to the State's Attorney's Office for review.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-33 transferring certain powers and duties from the Hearing Office to the Zoning Board of Appeals passed at the County Board. Petition 17-29 increasing the notification requirements for applications for special use permits on properties zoned A-1 was sent back to the Planning, Building and Zoning Committee from the Committee of the Whole.

OTHER BUSINESS/ANNOUNCEMENTS

None

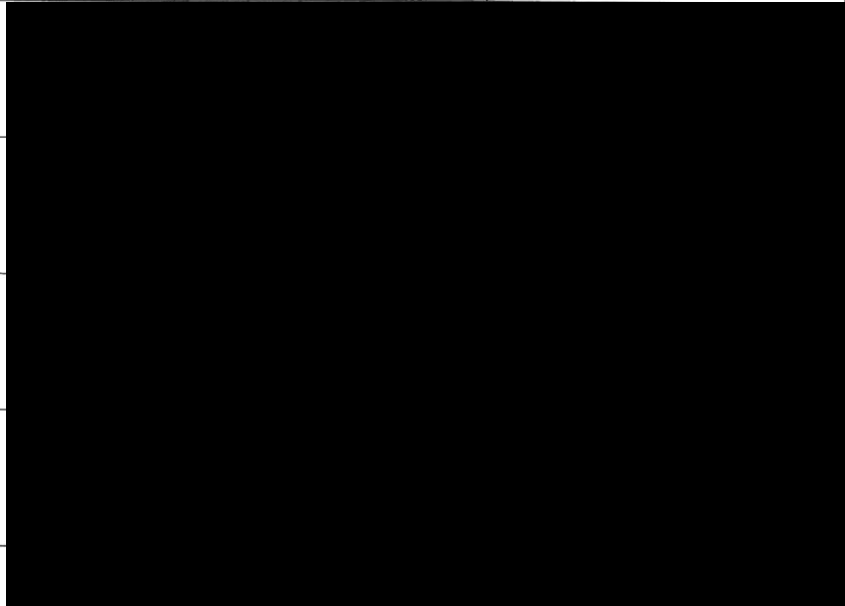
ADJOURNMENT

Ms. Wilson made a motion, seconded by Mr. Wormley, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:31 p.m.

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

Enc.

**KENDALL COUNTY REGIONAL
PLANNING COMMISSION MEETING
MARCH 28, 2018**

NAME	ADDRESS	EMAIL ADDRESS
<i>Don Kinn</i>		
<i>Pat Kinnally</i>		
<i>George Osineko</i>		
<i>Peggy Smith</i>		

ORDINANCE NUMBER 2018-_____

MAP AMENDMENT FOR A 6.57 ACRE +/- PARCEL LOCATED APPROXIMATELY 0.31 MILES EAST OF ROUTE 47 ON THE NORTH SIDE OF WALKER ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 05-21-400-011 IN FOX TOWNSHIP

Rezone from A-1 to R-1

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

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 6.57 acres located on the north side of Walker Road approximately 0.31 miles east of Illinois Route 47 (PIN: 05-21-400-011), in Kendall Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, the subject property is currently owned by Keith and Kathleen Warpinski and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about February 13, 2018, Petitioner filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to R-1 One-Family Residential District in order to construct a single-family home on the property at some point in the future; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on April 2, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s attorney presented evidence, testimony, and exhibits in support of the requested map amendment and zero members of the public asked questions or testified in favor or testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their findings of fact and recommended approval of the Map Amendment as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated April 2, 2018, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested map amendment; and

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

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

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.

2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to R-1 One-Family Residential District.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 17th day of April, 2018.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Exhibit A
Legal Description

Tract 1

Lot 80 in Rivers Edge Landing Unit 2, a Subdivision of Part of Section 6, Township 34 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded September 17, 2004 as Document No R2004172391 in Will County, Illinois

Tract 2

Lot 81 in Rivers Edge Landing Unit 2, a Subdivision of Part of Section 6, Township 34 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded September 17, 2004, as Document No R2004172391 in Will County, Illinois

PIN#s 40-10-06-408-001, 04-10-06-304-033

517 & 521 Rivers Edge Dr

Minooka, IL 60447

PARCEL 1 THE EAST 429 00 FEET OF THE FOLLOWING DESCRIBED PROPERTY THAT PART OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 SECTION, THENCE WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 SECTION 660 0 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUING WEST ALONG SAID SOUTH LINE 660 0 FEET, THENCE NORTH AT RIGHT ANGLES TO SAID SOUTH LINE, 660 0 FEET, THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 SECTION 660 0 FEET, THENCE SOUTH 660 0 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS AND CONTAINING 6 5 ACRES

PARCEL 2 THAT PART OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 981 53 FEET FOR THE POINT OF BEGINNING, THENCE EASTERLY ALONG SAID SOUTH LINE, 573 82 FEET, THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4 534 20 FEET, THENCE EASTERLY PARALLEL WITH SAID SOUTH LINE, WHICH FORMS AN ANGLE OF 90 DEGREES 23 MINUTES 18 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 37 39 FEET, THENCE NORTHERLY PARALLEL WITH SAID EAST LINE 703 0 FEET, THENCE WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 93 DEGREES 02 MINUTES 23 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 612 81 FEET, TO A LINE DRAWN NORTHERLY, PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SOUTHEAST 1/4 FROM THE POINT OF BEGINNING, THENCE SOUTHERLY ALONG SAID PARALLEL LINE 1273 84 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART LYING EASTERLY OF A LINE DRAWN TO THE NORTH 1/2 FROM A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER WHICH IS 744 3 FEET WESTERLY OF THE EAST LINE, AS MEASURED ALONG SAID SOUTH LINE FROM THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER) IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

PIN# 05-21-400-011, 05-22-300-008, 05-22-300-006

Exhibit B

FINDINGS OF FACT

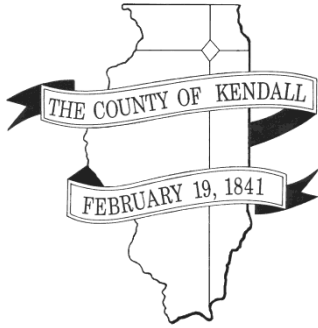
Existing uses of property within the general area of the property in question. The area is a mix of agricultural, farmstead, and rural estate residential uses.

The Zoning classification of property within the general area of the property in question. All of the adjacent properties are zoned A-1. However, six properties in the general area have a residential use.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is too small for most modern agricultural uses. Homes are located on adjoining properties and the subject property lacks an agricultural housing allocation which prevents the construction of a home on the property without a map amendment. The property would be suitable for most single-family residential related uses.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The proposed amendment fits the development of the area. This area will likely continue to become more residential if the United City of Yorkville continues to annex properties in the area. The proposed amendment benefits the petitioner by giving him the opportunity to sell the property for a residential purpose instead of a purely agricultural use.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Land Resource Management Plan.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: April 4, 2018
Re: Petition 18-10 – Request from LaSalle National Trust #47016 Represented by Drew Daniels for a Temporary Use Permit to Operate a Concrete Ready-Mix or Asphalt Plant at 11443 U.S. Route 34, Yorkville, Bristol Township

The LaSalle National Trust #47016 owns three (3) parcels of the property on the north side of U.S. Route 34 across the street from the Fox Hill Subdivision. Plote Construction Company was awarded the Illinois Department of Transportation, U.S. Route 34 Reconstruction and Widening Project. Plote Construction Company desires to use a portion of the property owned by the LaSalle National Trust #47016 for an onsite concrete plant. At its closest point, the proposed facility will be three hundred eighteen feet (318') from the nearest occupied principal structure which required a variance because this type of facility had to be a minimum one thousand feet (1,000) from the nearest occupied structure.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on April 2nd. One (1) neighbor expressed opposition to the proposal because he believed adequate space existed to move the proposed plant the required distance from occupied principal structures without a variance. The resident also expressed concerns regarding noise and dust. A ten foot (10') noise wall will be constructed on the south side of U.S. Route 34 by the Fox Hill Subdivision. Discussion also occurred regarding setting the start time of crushing until 8:30 a.m. However, the Zoning Board of Appeals decided against that restriction due to labor costs and the noise already caused by the road project. Jason Engberg, Senior Planner for the United City of Yorkville, expressed Yorkville's support of the proposed variance.

The Kendall County Zoning Board of Appeals approved the variance, in part, because, if the variance had been denied, Plote Construction Company would do crushing in the right-of-way closer to the existing homes. The Kendall County Zoning Board of Appeals unanimously approved the requested variance subject to the following conditions:

1. The site shall be developed in accordance with the attached site plan.
2. The Petitioner shall resolve all outstanding alleged Zoning Ordinance violations prior to the commencement of operations.
3. The Petitioner shall secure all applicable permits prior to the construction and use of the proposed plant.
4. The Petitioner shall comply with any restrictions or conditions imposed as part of the temporary use permit.
5. The variance allowed by this Variance Ordinance shall expire at the same time as the temporary use permit expires.
6. Between six inches (6") and twelve inches (12") of top soil be shall hauled onto the concrete crushing area upon conclusion of operations.

Bristol Township has not submitted comments on the proposal.

The record of decision and variance ordinance are attached to this memo.

The proposed use requires a temporary use permit from the Kendall County Planning, Building and Zoning Committee in addition to the proposed variance. Pursuant to Section 4.19 of the Kendall County Zoning Ordinance, the operation of a concrete ready mix or asphalt plant, when necessary or incidental to a major construction project in any Agricultural, Business, or Manufacturing District is a temporary use and must meet the following criteria or obtain a variance:

1. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
2. The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure. **(Variance Granted 4-4-18 by Kendall County ZBA)**
3. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
4. The plant shall produce product only for the specific parcel for which the temporary use is permitted. For plants constructed to support a major road project, the plant shall be located adjacent to the roadway.
5. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
6. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.

Because the requested variance and temporary use permit are sought to expedite a public project on a highly trafficked State-maintained highway, Staff recommended approval of the variance and temporary use permit subject to the following conditions:

1. This temporary use permit shall be valid until December 31, 2019, at the location and configuration shown on the attached site plan marked as Exhibit A.
2. The plant shall be located a minimum of three hundred eighteen feet (318') from any occupied principal structure.
3. All facilities placed or located on the site shall be removed and the site restored to its original condition on or before the expiration date of this temporary use permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
4. The plant shall produce product only for the U.S. Route 34 project adjacent to the subject property and Eldamain Road U.S 34 to River Road Project.
5. The hours of operation must be 7am-5:30pm Monday thru Friday.
6. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
7. All outstanding Zoning Ordinance violations shall be resolved prior to the commencement of operations.
8. All applicable permits shall be secured prior to the construction and use of the proposed plant.
9. All restrictions imposed by the variance allowing the operations to be up to three hundred eighteen feet (318') from any occupied principal structure shall be followed.
10. If the variance allowing the operations to be up to three hundred eighteen feet (318') from any occupied principal structure is revoked, this temporary use permit shall be revoked simultaneously.

The proposed temporary use permit is also attached for your consideration.

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

Thanks,

MHA

ENC: Record of Decision of Petition 18-10 Zoning Board of Appeals Hearing
Variance Ordinance
Draft Temporary Use Permit

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
April 2, 2018 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Scott Cherry, Karen Clementi, Tom LeCuyer, Randy Mohr, Dick Thompson, and One Vacancy

Members Absent: Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Robert Davidson, Dan Kramer, Barry Niles, Nick Porter, Russ Ginn, Steven Huey, and Jason Engberg

PETITIONS

Chairman Mohr swore in those members of the public that wished to speak on the petitions at 7:01 p.m.

The Zoning Board of Appeals started their review of Petition 18-10 at 7:42 p.m.

18-10 – LaSalle National Trust #47016 Represented by Drew Daniels

Request: Variance Request from Section 4.19.2.b of the Kendall County Zoning Ordinance Reducing the Distance Requirement from 1000 Feet to 318 Feet Between An Occupied Principal Structure and a Temporary Concrete Ready-Mix or Asphalt Plant; Property is Zoned A-1

PINs: 02-30-200-023, 02-19-400-009, and 02-19-400-010

Location: 11443 U.S. Route 34, Yorkville, Kendall Township

Purpose: Request to Allow Polte Construction, Inc. to Operate a Temporary Concrete Plant at the Subject Property, Pending Approval of a Temporary Use Permit by the Kendall County Planning, Building and Zoning Committee, 318 Feet from the Nearest Occupied Principal Structure for Work Associated with the U.S. 34 Widening Project.

Mr. Asselmeier summarized the request.

The LaSalle National Trust #47016 owns three (3) parcels of the property on the north side of U.S. Route 34 across the street from the Fox Hill Subdivision. Plote Construction Company was awarded the Illinois Department of Transportation, U.S. Route 34 Reconstruction and Widening Project. Plote Construction Company desires to use a portion of the property owned by the LaSalle National Trust #47016 for an onsite concrete plant. At its closest point, the proposed facility will be three hundred eighteen feet (318') from the nearest occupied principal structure.

In addition to the requested variance, the proposal also requires a temporary use permit from the Kendall County Planning, Building and Zoning Committee.

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

1. The site shall be developed in accordance with the attached site plan.
2. The Petitioner shall resolve all outstanding alleged Zoning Ordinance violations prior to the commencement of operations.
3. The Petitioner shall secure all applicable permits prior to the construction and use of the proposed plant.
4. The Petitioner shall comply with any restrictions or conditions imposed as part of the temporary use permit.
5. The variance allowed by this Variance Ordinance shall expire at the same time as the temporary use permit expires.

Bristol Township has not submitted comments on the proposal.

The United City of Yorkville expressed no opposition to the proposal.

Mr. Asselmeier noted that the certificate of publication and green cards were on file in the Planning, Building and Zoning Department Office.

Ms. Clementi asked if the three point five foot (3.5') barrier wall had any noise protection. Mr. Asselmeier responded that the small barrier wall will not have much noise protection. The barrier wall on the south side of U.S. Route 34 will not be constructed until November. Ms. Clementi asked about the decibel level of the concrete crushing operations. Mr. Asselmeier did not have any information on the noise level of the proposed operation.

Chairman Mohr asked if the one thousand foot (1,000') setback was something the County created or if it is an industry practice. Mr. Asselmeier responded that he was unaware of how that distance was calculated.

Mr. Davidson discussed a concrete plant operation for work related to Route 47 that occurred in the 1990s. He had no objections to the proposal.

Ms. Clementi made a motion, seconded by Mr. Cherry, to open the public hearing. With a voice vote of all ayes, the motion carried. Chairman Mohr opened the public hearing at 7:58 p.m.

Steve Huey, 1519 Cottonwood Trail, Yorkville, lives south of the subject property. He requested clarification on where the three hundred eighteen feet (318') would be measured. Mr. Huey would like the variance be denied because he believes that Plote Construction Company has plenty of room to the north side of the property. Mr. Huey expressed concerns about the noise level. He would like the noise wall be at least fifteen feet (15') in height. Mr. Huey has lived in the area since the mid-1990s. The wall is not under the jurisdiction of Kendall County. Mr. Huey showed Ms. Clementi the location of his house on the aerial. Mr. Huey discussed the removal of several trees, bushes, and subdivision signs. The houses at 11443 U.S. Route 34 had asbestos. The three hundred eighteen feet (318') distance is to the batch plant. The stockpile is closer than three hundred eighteen feet (318').

Nick Porter, representing Plote Construction Company, stated his desire to have the plant close to the construction site. They are trying to lessen the footprint of the trucking routes. He hopes to get the

project completed faster by having the plant at this location and the concrete will be a better product. If the variance is not awarded, Plote Construction Company would have to crush the concrete inside the work zone. They will start construction of the noise wall as soon as possible. Dust will be monitored closely by OSHA.

Mr. Davidson asked if a temporary turn lane would be installed on U.S. Route 34. Mr. Porter stated that no way exists to widen the existing turn lane. They will have proper signage and flaggers. No staging of trucks on U.S. Route 34 will occur.

Mr. Porter said that the project is from Center Road to Eldamain Road.

Mr. Porter said that they will try to push the plant further north.

Chairman Mohr asked about mud going onto U.S. Route 34. Mr. Porter said that Plote Construction Company will spread the site with asphalt grindings to prevent dirt from going onto U.S. Route 34.

Mr. Porter said that the Petitioner's intent is to turn the land into corn field after the construction project is completed.

Plote Construction Company is not demolishing the structures; the property owner is responsible for the removal of those structures.

Mr. Porter stated that Plote Construction Company has the specs for the concrete crusher, but the specs do not have the noise ratings.

Mr. Porter stated that the concrete would be stockpiled on the northeast corner of the property. The concrete plant would not be installed until August.

Chairman Mohr expressed concerns about the hours of operation of Monday-Friday from 7:00 a.m. until 5:30 p.m. Chairman Mohr believed that 7:00 a.m. was too early to start crushing. The consensus of the Board was that traffic congestion already exists.

Russ Ginn, Plote Construction Company, stated that the crusher will be on the north end of the property and additional construction noise will exist onsite. Neighbors will not be able to distinguish the crusher from other construction noise. Mr. Ginn explained dust control on other projects around O'Hare Airport. He noted that noise walls reflect sound; the north side of U.S. Route 34 will be noisier than the south side of U.S. Route 34. The project has an EPA permit.

Mr. Porter noted that lane closures should not be needed after the installation of temporary pavement.

If the variance is denied, Plote Construction Company would crush in the right-of-way which would be closer to the nearby houses.

Jason Engberg, Senior Planner, United City of Yorkville, said that the Yorkville Economic Development Committee, Planning and Zoning Commission, and City Council reviewed the proposal and expressed no objection to the proposal. The United City of Yorkville favored the variance because the crushing operations would be further away from homes and because the existing structures on the site would be

demolished. Mr. Engberg indicated that the United City of Yorkville might get to pick the color of the sound wall.

Chairman Mohr adjourned the public hearing on this matter at 8:25 p.m.

Mr. LeCuyer made a motion, seconded by Mr. Cherry, to approve the Finding of Fact as presented.

The votes were as follows:

Ayes (5): Cherry, Clementi, LeCuyer, Mohr, and Thompson
Nays (0): None
Absent (1): Whitfield

The motion passed.

Mr. Cherry requested that top soil be hauled onto the property to return the property to an agricultural use.

Ms. Clementi suggested a condition limiting concrete crushing until after 8:30 a.m. until the noise wall is construction. Discussion occurred about the employment costs of implementing this requirement. This restriction was not added to the variance.

Mr. Thompson, seconded by Mr. LeCuyer, made a motion to approve the variance as requested with conditions recommended by Staff and with the requirement that between six inches (6") and twelve inches (12") of top soil be hauled onto the concrete crushing area upon conclusion of operations.

The votes were as follows:

Ayes (5): Cherry, Clementi, LeCuyer, Mohr, and Thompson
Nays (0): None
Absent (1): Whitfield

The motion passed. Bristol Township will be notified of the Board's decision. The temporary use permit request will go the Planning, Building and Zoning Committee on April 9th.

The Zoning Board of Appeals concluded review of Petition 18-10 at 8:35 p.m.

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

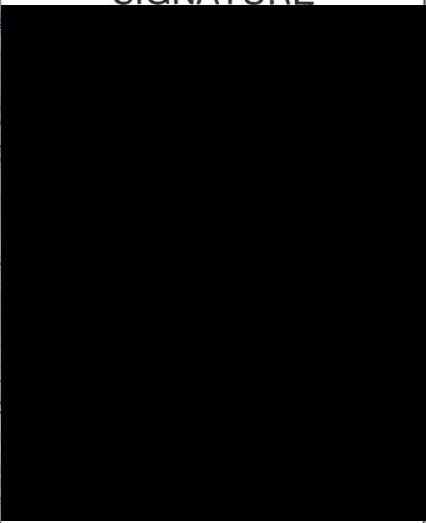
Exhibits

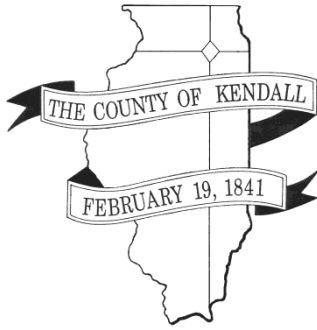
1. Staff Report on Petition 18-10 Dated March 14, 2018.
2. Certificate of Publication and Proof of Mailing for Petition 18-10 (Not Included with Report but on file in Planning, Building and Zoning Office).

KENDALL COUNTY
ZONING BOARD OF APPEALS

April 2, 2018

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Don Kresner	1107 A S. Bridge St Joliet, IL	
Nick Porter	44W340 IC Trail Maple Park, IL 60151	
BARRY NILES	810 TER. LN. YORKVILLE	
Russ Ginn	1004 PERCINE WAY HAMPSHIRE, IL 60140	



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 18-10**LaSalle National Trust #47016 Represented by Drew Daniels
Variance****Allow a Mobile Concrete Batch Plant Three Hundred
Eighteen Feet (318') from an Occupied Principal Structure****INTRODUCTION**

The LaSalle National Trust #47016 owns three (3) parcels of the property on the north side of U.S. Route 34 across the street from the Fox Hill Subdivision. Plote Construction Company was awarded the Illinois Department of Transportation, U.S. Route 34 Reconstruction and Widening Project. Plote Construction Company desires to use a portion of the property owned by the LaSalle National Trust #47016 for an onsite concrete plant. At its closest point, the proposed facility will be three hundred eighteen feet (318') from the nearest occupied principal structure.

In addition to the requested variance, the proposal also requires a temporary use permit from the Kendall County Planning, Building and Zoning Committee.

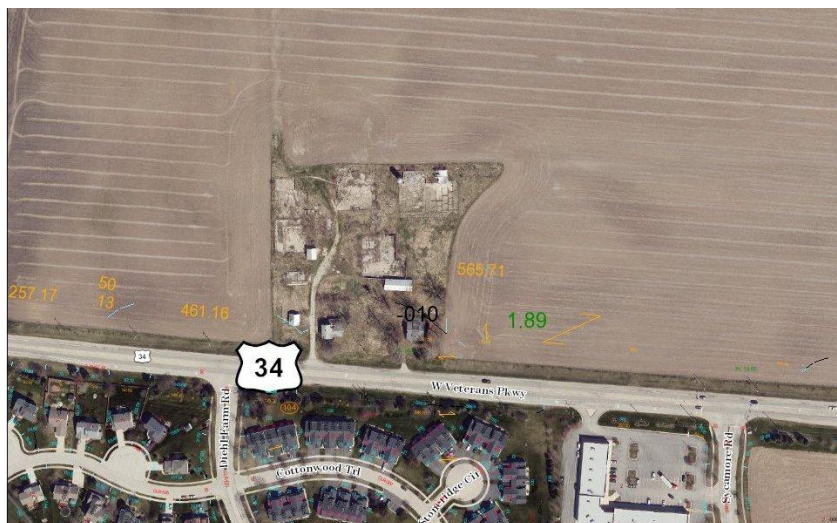
The variance application is attached as Attachment 1. The plat is attached as Attachment 2 and the Site Plan is attached as Attachment 3.

SITE INFORMATION

PETITIONER LaSalle National Trust #47016

ADDRESS 11443 U.S. Route 34

LOCATION Approximately 0.57 Miles East of the Intersection of U.S. Route 34 and Eldamain Road on the North Side of U.S. Route 34



TOWNSHIP Bristol

PARCEL #s 02-30-200-023, 02-19-400-009, and 02-19-400-010

LOT SIZE Area Proposed for Use 5.0 +/- Acres (Total for Three Parcels is 212.85 Acres)

EXITING LAND USE Agricultural/Farmstead

ZONING A-1 Agricultural

LRMP	Current Land Use	Agricultural/Farmstead (Abandoned Houses and Structures)
	Future Land Use	Commercial
	Roads	U.S. Route 34
	Trails	Bike path will be constructed as part of the widening project on U.S. Route 34 side.
	Floodplain/ Wetlands	Wetlands are located on the property, but not near the proposed use. The Rob Roy Creek runs through the larger farm, but is not impacted by the proposal.

REQUESTED ACTION Request for a variance to allow a concrete plant within three hundred eighteen feet (318') from an occupied principal structure instead of one thousand feet (1,000').

APPLICABLE REGULATIONS § 4.19.2.b – Temporary Uses Permitted – Distance to Occupied Principal Structure
§13.04 – Variation Procedures and Requirements

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Agricultural	A-1	Commercial and Mixed Use Business	A-1
South	Single Family Residential	R-3 Multi-Family (Yorkville)	Urban Area	A-1 (County) R-2 R-3, B-3, O, OS, and PUD (Yorkville)
East	Agricultural and Commercial	A-1	Commercial and Urban Area	A-1 (County) PUD (Yorkville)
West	Agricultural	A-1	Commercial, Suburban Residential, and Urban Area	A-1 (County) B-3 (Yorkville)

GENERAL INFORMATION

Pictures of the subject property are included as Attachments 4-8.

CURRENT LAYOUT

The subject area for the proposed operations currently has two (2) abandoned houses, one (1) garage, one (1) collapsed shed, one (1) concrete silo approximately fifty feet (50') in height, two (2) driveways onto U.S. Route 34, several trees and brush, and trash and debris of various types. The field on the east, north, west sides of the property will be planted in the spring, according to the Petitioner. The property currently has open junk and debris violations and unsecured structure violations (V17-023) from the Kendall County Planning,

Building and Zoning Department.

PROPOSED OPERATIONS

According to the information provided to the County, the property owner would remove all of the structures, junk and debris, and trees from the property.

Upon removal of the above items, Plote Construction Company would setup a concrete batch plant in the layout shown in Attachments 1 and 3. The property would be used to recycle the existing asphalt and concrete to use for the subbase for the reconstructed and widened roadway. The specs for the mobile concrete and asphalt crushing equipment are included in Attachment 1. Plote Construction Company's operations would consist of a material stockpile, a batcher, control trailers, material conveyors, a concrete pad, three (3) cement pigs, a generator trailer, an admin trailer, a concrete washout, and a concrete crushing area. No permanent structures would be placed onsite; however, a permit will be required for the admin trailer. The tallest structure onsite would be approximately fifty feet (50') in height; the same height as the existing grain silo.

If the temporary use permit was approved, Plote Construction Company plans to start operations in April and operate the plant until December 2019. Usually, two to three (2-3) employees will be onsite, but this number could increase to ten (10) people during high activity periods. Unless amended by the temporary use permit. Plote Construction Company's intended operations are Monday-Friday from 7:00 a.m. until 5:30 p.m. In their application materials, Plote Construction Company says, "actual production days of the concrete plant are estimated between 60 and 80 days for the next two seasons. Actual days of crushing operations are estimated between 40 to 50 days for the next two seasons." Plote Construction Company plans to remove the plant within two (2) weeks of completion of the project at which time the property could be converted back to agricultural purposes.

Plote Construction Company chose this site because of its proximity to the project site (U.S. Route 34). The portion of the property planned for Plote Construction Company's operations is currently not farmed. If the operations were pushed outside the proposed area, the farm field would be impacted. Plote Construction Company's operations will be a small amount of land currently used for growing crops.

If the requested variance is denied, Plote Construction Company would move their operations in the right-of-way, pending approval by the United City of Yorkville. This move could cause the operations to be closer to the houses in the adjoining subdivision.

TEMPORARY USE PERMIT

Pursuant to Section 4.19 of the Kendall County Zoning Ordinance, the operation of a concrete ready mix or asphalt plant, when necessary or incidental to a major construction project in any Agricultural, Business, or Manufacturing District is a temporary use and must meet the following criteria or obtain a variance:

1. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
2. **The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure. (emphasis added)**
3. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
4. The plant shall produce product only for the specific parcel for which the temporary use is permitted. For plants constructed to support a major road project, the plant shall be located adjacent to the roadway.
5. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
6. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.

If the variance is approved, this proposal will move to the Kendall County, Planning, Building and Zoning Committee for a final decision on the temporary use permit request.

UTILITIES

A Commonwealth Edison power hookup is the desired electricity source for the plant. A generators will be used as a secondary option.

Pending approval by the United City of Yorkville, a fire hydrant will be used a water source for operations.

One (1) Porta-potty with an eye washing station will be placed onsite.

TRAFFIC CONTROL PLAN

Plote Construction Company's permit from the Illinois Department of Transportation allows Plote Construction Company to close lanes on U.S. Route 34 from 8:30 a.m. until 2:30 p.m. At least one (1) lane of traffic will remain open.

On the subject property, the western driveway will be used for exiting the site and the eastern driveway will be used to enter the site. The driveways will not be paved, but asphalt grindings will be installed to reduce dust.

BARRIERS and NOISE WALLS

If the temporary use permit is approved, starting in the second week of April, a three point five foot (3.5') barrier wall will be installed on the north side of U.S. Route 34 from Center Street to Eldamain Road. This wall will have an opening at the entrance and exit driveways of the subject property.

A noise wall will be installed on the south side of U.S. Route 34 north of the Fox Hill Subdivision starting in November 2018. The wall will average ten feet (10') in height. The majority of the trees currently located on the berm south of U.S. Route 34 will be removed.

Plote Construction Company believes that these walls will reduce noise, dust, and the other negative impacts of the construction on the neighboring residential properties.

DUST CONTROL

Plote Construction Company submitted a dust control plan to the Illinois Department of Transportation. This plan will be revised upon completion of the wall on the south side of U.S. Route 34. In addition, Plote Construction Company will use a baghouse to catch the majority of dust particles generation from the plant. According to the information provided to the County, "Plote will constantly monitor duct (sic) and will use a water truck to spray haul roads when needed." Plote Construction Company will also sweep the road as necessary.

BRISTOL TOWNSHIP

The petitioner mailed this proposal to Bristol Township on 3.8.18. Staff emailed Bristol Township this report on 3.14.18.

UNITED CITY OF YORKVILLE

The petitioner mailed this proposal to the United City of Yorkville on 3.8.18. Staff emailed the United City of Yorkville this report on 3.14.18.

FINDINGS OF FACT

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

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **The Petitioner currently leases the adjacent farm ground to a farmer that has already planted crops. If the location of the proposed plant were located one thousand feet (1,000') from the nearest occupied principal structure, more farm land would be taken out of service for growing crops.**

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **This is partially true. Other properties zoned A-1 could have similar configurations (i.e. location of the home site(s) on the parcel, the size of the parcel,**

location of occupied principal structures on neighboring properties, etc) limiting the location of concrete and asphalt plants. The exact number of properties sharing similar characteristics is unknown, but any farm located next to a road and near houses could have similar conditions.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The petitioner did not cause the construction of the homes on the south side of U.S. Route 34 and did not cause the widening of U.S. Route 34. However, the petitioner could have chosen to take additional farm ground out of production so that the proposed plant could have been located further away from the nearby houses.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The proposed variance and temporary use permit will be effective for less than two (2) years. The placement of the proposed use at the subject property should cause the completion of the U.S. Route 34 project in a timely manner. Plote Construction Company has approval from the Illinois Department of Transportation to periodically close traffic lanes and Plote Construction Company has a dust control plan approved by the Illinois Department of Transportation. The various walls constructed along U.S. Route 34 should also address noise, sight, and dust issues.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variation is temporary and a part of public transportation project. Increased congestion will occur in this area for the duration of construction whether or not the variance is approved. Given that the proposal is temporary, there should be no long term damage to public safety or property values.

RECOMMENDATION

Because the requested variance is for temporary use and because the requested variance is sought to expedite a public project on a highly trafficked State-maintained highway, Staff recommends approval of the variance request for the placement of a temporary concrete ready-mix or asphalt plant necessary and incidental to a major construction project in the Agricultural District to be located at its closest point approximately three hundred eighteen feet (318') from an occupied principal structure requiring a variance of six hundred eighty-two feet (682') to the following conditions:

1. The site shall be developed in accordance with the attached site plan.
2. The petitioner shall resolve all outstanding alleged Zoning Ordinance violations prior to the commencement of operations.
3. The petitioner shall secure all applicable permits prior to the construction and use of the proposed plant.
4. The petitioner shall comply with any restrictions or conditions imposed as part of the temporary use permit.
5. The variance allowed by this Variance Ordinance shall expire at the same time as the temporary use permit expires.

ATTACHMENTS

1. Application (Including Petitioner's Findings of Fact)
2. Plat
3. Site Plan
4. Front (South) of Property
5. Looking North from 34
6. Material Stockpile Looking Southeast
7. Material Stockpile Looking South
8. Material Stockpile Looking Southwest



March 2, 2018

Mr. Matthew Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

RE: LaSalle National Trust #47016
11443 Route 34
Yorkville, IL 60565
Temporary Concrete Batch Plant – IDOT Contract #66993
VARIANCE APPLICATION REQUEST

Mr. Asselmeier,

On behalf of our client, LaSalle National Trust #47016, we respectfully submit the following Variance Request Application and associated documents for the above-referenced site. The following items are enclosed for review and request to be on agenda for the April 2, 2018 Kendall County Zoning Board of Appeals meeting,

1. *Completed Application Form*
2. *Variance Application fee of \$425.00 made payable to "Kendall County Treasurer"*
3. *Legal Description of parcel as described in Wheatland Guaranty Company's Title Commitment WTG No. 13-2013KL-2189.0*
4. *Proof of Ownership Wheatland Guaranty Company's Title Commitment WTG No. 13-2013KL-2189.0*
5. *Beneficiary Disclosure Statement for Property for LaSalle National Trust #47016*
6. *Variance Findings of Fact as completed by Plote Construction – IDOT Contractor for Contract #66993*
7. *Project Summary for proposed Variance Request completed by Plote Construction, Inc. dated March 1, 2018*
8. *Twelve (12) folded full size copies of the Plat of Survey prepared by DLZ Industrial Surveying, LLC dated March 2, 2018*
9. *Twelve (12) folded full-size copies of the Proposed Siteplan – Temporary Concrete Batch Plant prepared by Cook Engineering Group dated March 2, 2018*
10. *Dropbox link below for PDF format of all documents listed in this submittal,*

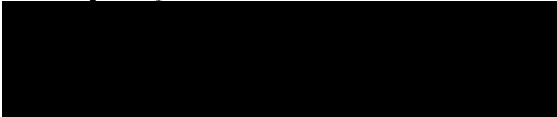
<https://www.dropbox.com/sh/4yggkq7ldhi0nmh/AAA9Zy4FkC9qRxlAt4fJFM-a?dl=0>

Attachment 1, Page 2

11. Letter of Notification for Public Notice for "Zoning Board of Appeals", executed by owner

Please review the above-listed and enclosed items at your earliest convenience, and feel free to contact me directly if you should have any questions.

Sincerely,
Cook Engineering Group



Michael D. Cook, P.E.
President

cc: Mr. Drew Daniels, Member LaSalle National Trust #47016, no enclosures
Mr. Nick Porter, Plote Construction, Inc. no enclosures



1100 BRANDT DRIVE • HOFFMAN ESTATES, ILLINOIS 60192

ROAD BUILDING
SITE DEVELOPMENT

PHONE: (847) 695-9300
Estimating FAX: (847) 695-9317
Administration FAX: (847) 695-7251

March 1, 2018

Kendall County Planning, Building & Zoning
Attn: Matthew H. Asselmeier, AICP
111 West Fox Street
Yorkville, IL 60560-4139

RE: IDOT Contract #66993: F.A.P Route 591 (US-34 in Yorkville)
Project #: NHPP-NCII-0591(030)
Section #: (13) R-2[(13BR) C, (13BR-1) BR]
Plote Job #: 170450
Variance Request for a Temporary Concrete Batch Plant & Materials Crushing Site

Matt,

Plote Construction is seeking approval from Kendall County and the City of Yorkville to install a temporary concrete batch plant located at 11443 Route 34, Yorkville, IL 60560, as depicted in the attached drawing. In addition to using the parcel as a temporary batch plant, Plote would also be using this area to recycle the existing asphalt and concrete roadway by crushing the material and producing stone would will be used as the proposed future roadway subbase. This property (old farm site) currently holds two (2) abandoned houses, three (3) sheds, one (1) garage, one (1) collapsed shed, one (1) concrete silo, and a large amount of miscellaneous debris. Upon Kendall County approval, all above ground structures will be removed by the land owner. Once Plote is finished using this property it will be restored to agricultural farm land. This property is located within the construction limits of Plote's IDOT project #66993, but it is just north of the new proposed ROW as part of Kendall County Zoning.

Section 4 - General Provisions listed in the Kendall County Zoning Ordinance manual states, " b.) *The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure.*" Plote is requesting a variance from section b. As shown in the attached map, the temporary batch plant and crushing operations would be located a minimum of 400' to 500' from the nearest occupied structure (south of Route 34). Plote will stockpile materials in a way which established a partial barrier between the concrete plant and the houses located in Fox Hill subdivision, south of Route 34. In addition, Plote will follow the other stipulations outlined in the Counties Ordinance Manual. The south side of the property will be used as an equipment and material staging area.

The anticipated use of this property would be from present, March 2018, through December 2019. For the plant and crushing operations, Plote will follow the working hours of 7AM to 5:30PM detailed in the counties manual, unless written approval from the County and City is granted. The materials produced from this property will only serve IDOT project #66993, roadway reconstruction on Rt. 34 from Center Rd. to Eldamain Rd.,



1100 BRANDT DRIVE • HOFFMAN ESTATES, ILLINOIS 60192

ROAD BUILDING
SITE DEVELOPMENTPHONE: (847) 695-9300
Estimating FAX: (847) 695-9317
Administration FAX: (847) 695-7251

and IDOT project #87666, roadway reconstruction on Eldamain Rd. from Rt. 34 to River Rd. While construction equipment and material stockpiles will be located on the property for the duration of the project, actual production days of the concrete plant are estimated between 60 to 80 days for the next two seasons. Actual days of crushing operations are estimated between 40 to 50 days for the next two seasons.

Plote understands that air pollution and construction dust is a concern for the County, City, and residents. Plote has submitted a dust control plan to IDOT which will be followed as part of this property use. In addition, the mobile batch plant is equipped with a "baghouse". A baghouse is an air pollution control device that entraps the majority of dust particles. In addition to the baghouse, Plote will constantly monitor duct and will use a water truck to spray haul roads when needed. Attached are specs for the mobile crusher which would be on site.

IDOT project #66993, includes building a Noise Wall between the houses in Fox Hill subdivision and Route 34. The start of construction of this Noise Wall could begin as early as November 2018. The goal is to work on this Noise Wall during the winter months of 2018/ 2019, into spring of 2019. Once this wall is finished, visual blight and construction noise to project activities will be minimized drastically.

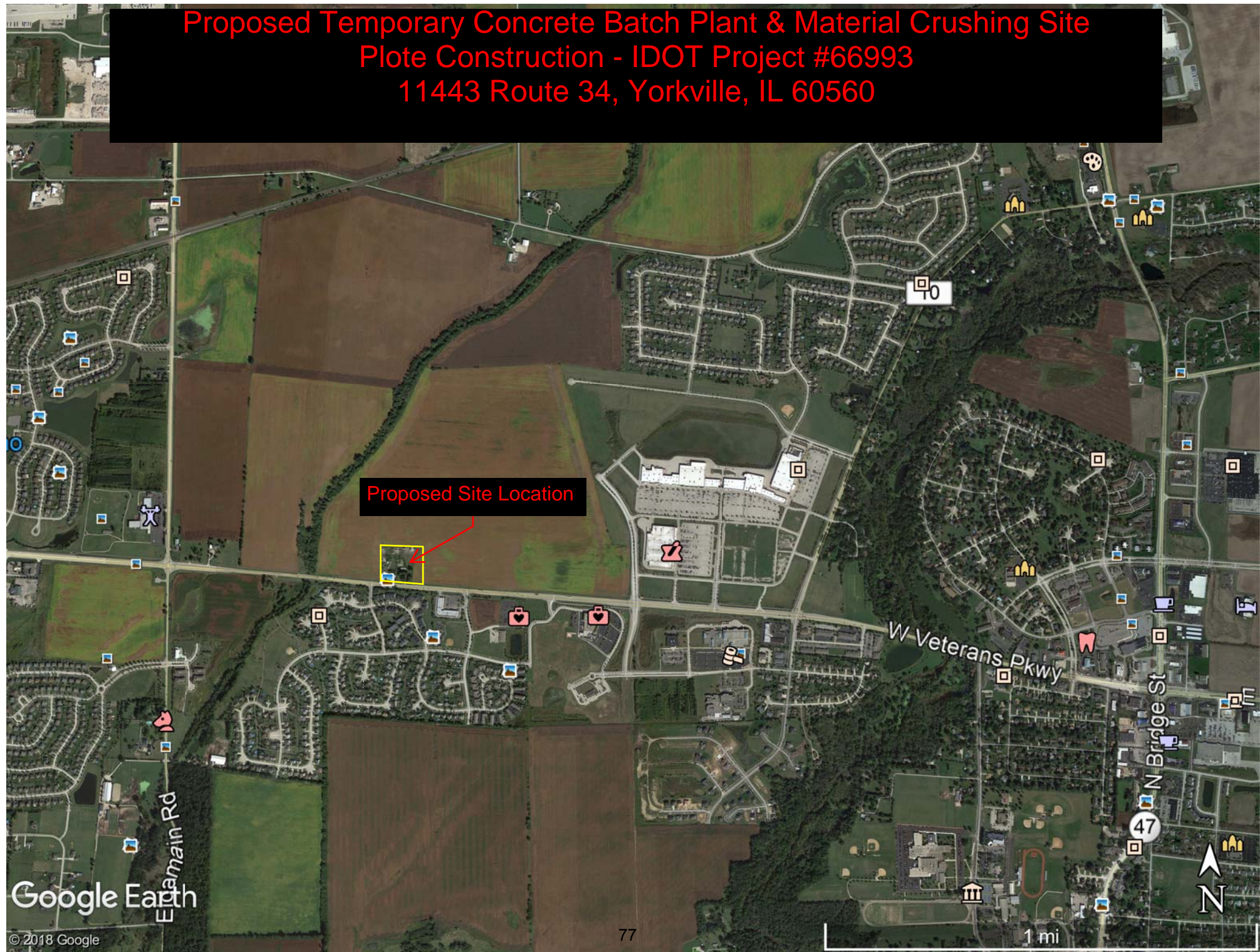
Power for the concrete plant will either be hard wired off the Rt. 34 ComEd lines or a temporary generator. The preferred water source for the concrete plant would be the water hydrant located in the South East corner of Diehl Farm Rd and Rt. 34. Approval through Yorkville with use of a meter will be needed. Plote would bore a rigid conduit under Rt. 34 from the hydrant to the north ROW and run a 3" hose inside the conduit. The conduit would be abandoned and filled when complete using flowable fill or an approved IDOT material.

Ingress and Egress to the site would be coordinated with IDOT utilizing IDOT traffic standards. Plote Construction will be responsible for ensuring vehicle track out onto Route 34 is maintained through the use of aggregate construction entrances and street sweeping if needed.

Sincerely,
Plote Construction, Inc.

[REDACTED]
Nick Porter
Plote Construction, Inc
Project Manager
[REDACTED]

**Proposed Temporary Concrete Batch Plant & Material Crushing Site
Plate Construction - IDOT Project #66993
11443 Route 34, Yorkville, IL 60560**



Temporary Concrete Batch Plant & Aggregate Crushing Site Plan

Blue - Plant Pads/ Conveyors

Yellow - Control/ QC Trailers
Control 10' x 30'
QC 10' x 36'

Red - Pigs - 12' x 60'

Purple - Generator Trailer
10' x 55'

Green - Admix Trailer
10' x 40'

Brown - Material Stockpile

Pink - Concrete Washout
50' x 20'

Plote to Coordinate
Ingress/ Egress Signing
with IDOT Utilizing IDOT
Traffic Standards

Crushing Area

Wheel Loader Traffic

Concrete Truck Traffic

Cementitious Delivery Traffic

Aggregate Delivery Traffic

Proposed IDOT ROW /
Construction Work Zone

Proposed Noise
Barrier Per IDOT

Google Earth

Diehl Farm Rd

34

© 2018 Google

400 ft



PADS FOR PLANT

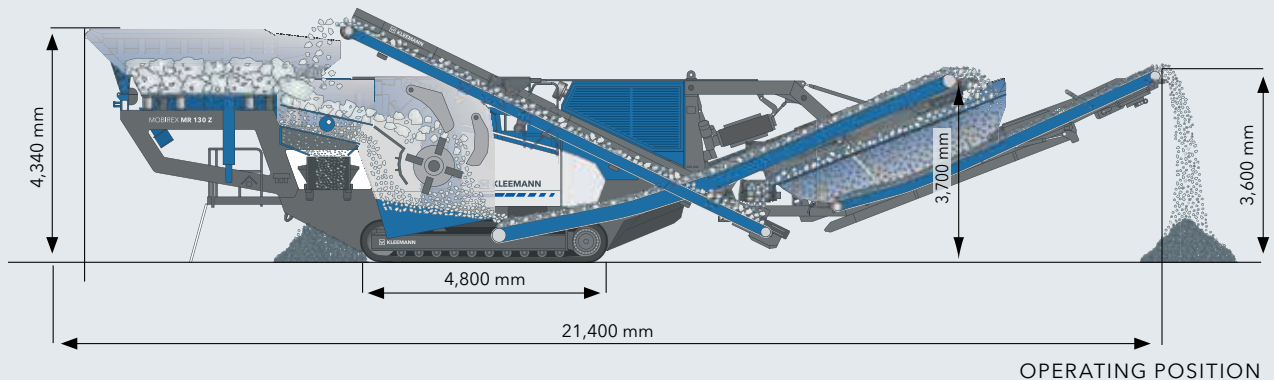




TECHNICAL INFORMATION | TRACK-MOUNTED IMPACT CRUSHERS

MOBIREX MR 130 Z/130 Zi EVO2





TECHNICAL HIGHLIGHTS

- Optimised material flow as a result of extending system widths
- Hydraulic gap setting
- Simple and intuitive SPECTIVE control concept
- Efficient and powerful diesel-direct drive
- High-performance secondary screening unit with oversize grain returning (option)

TECHNICAL INFORMATION MR 130 Z/130 Zi EVO2

Feeding unit

Feed capacity up to approx. (t/h) ¹⁾	450
Feed size max. (mm)	1,100 x 700
Feed height (with extension) (mm)	4,340 (4,700)
Hopper volume (with extension) (m ³)	5.0 (9.0)
Width x Length (with extension) (mm)	2,250 x 3,700 (3,000 x 3,700)

Vibrating feeder

Width x Length (mm)	1,200 x 2,600
---------------------	---------------

Prescreening

Type	double-deck heavy-piece screen
Width x Length (mm)	1,200 x 2,300

Side discharge conveyor (optional)

Width x Length (extended) (mm)	650 x 4,000 (6,000)
Discharge height approx. (extended) (mm)	2,900 (3,650)

Crusher

Impact crusher type	SHB 130 - 090
Crusher inlet width x height (mm)	1,300 x 900
Crusher weight approx. (kg)	16,500
Rotor diameter (mm)	1,200
Crusher drive type, approx. (kW)	direct, 260
Adjustment of impact toggles	infinitely variable, fully hydraulic
Crushing capacity with demolished concrete up to approx. (t/h)	300 ²⁾
Crushing capacity with rubble up to approx. (t/h)	300 ²⁾
Crushing capacity with broken asphalt up to approx. (t/h)	260 ³⁾
Crushing capacity with limestone up to approx. (t/h)	270 ²⁾

Vibrating extractor

Width x Length (mm)	1,400 x 2,700
---------------------	---------------

Crusher discharge conveyor

Width x Length (mm)	1,400 x 9,700
Discharge height approx. (mm)	3,700

Power supply unit

Drive concept	diesel-direct ⁴⁾
MR 130 Z EVO2: Scania (Tier 3/Stage IIIA) (kW)	371 (1,800 rpm)
Scania (LRC) (kW)	410 (1,800 rpm)
MR 130 Zi EVO2: Scania (Tier 4f/Stage IV) (kW)	368 (1,800 rpm)
Generator (kVA)	135

Secondary screening unit (optional)

Type	single-deck lightweight screen
Width x Length (mm)	1,550 x 4,550
Return conveyor (extended) (mm)	500 x 9,750 (650 x 9,750)
Discharge height of fine grain discharge conveyor approx. (mm)	3,600

Transport⁵⁾

Transport height approx. (mm)	3,750
Transport length without (with) screening unit approx. (mm)	18,400 (21,750)
Transport width without (with) screening unit max. (mm)	3,000 (3,150)
Transport weight without (with) screening unit approx. (kg)	49,200 (58,200)
Transport weight of screening unit approx. (kg)	6,400
Transport width with hydraulically foldable side discharge conveyor (mm)	3,100
Transport width with secondary screening unit 500 / 650 (mm)	3,150 / 3,350
Transport width with secondary screening unit 500 / 650 and hydraulically foldable side discharge conveyor (mm)	3,250 / 3,450

¹⁾ dependent on the type and composition of the feed material, the feed size, the prescreening, as well as the desired final grain size

²⁾ for final grain size 0 - 45 mm with approx. 10 - 15% oversize grain

³⁾ for final grain size 0 - 32 mm with approx. 10 - 15% oversize grain

⁴⁾ all secondary drives electrically

⁵⁾ no options



MOBIREX MR 130 Z/130 Zi EVO2

The mobile impact crushers of the EVO-Line can be deployed universally and produce first class final product quality. Despite their comparatively compact crusher inlet widths of 1,100 mm or 1,300 mm (MR 110 EVO2 / MR 130 EVO2), they achieve outputs that up to now were only known to be possible with distinctly larger crushing plant systems. This is made possible by outstanding cost effectiveness and performance with a variety of technical highlights. Thanks to their compact design, the plant systems are easy to transport and can be assembled and disassembled again quickly.

STANDARD FEATURES

- Hydraulically foldable feed hopper, can be operated from the ground
- Frequency-controlled vibrating feeder
- Frequency-controlled prescreen
- Prescreen with slotted grate or punched plate (upper deck) and wire cloth mesh (lower deck)
- Impact crusher with blow bars set manganese
- Continuous Feed System CFS: for optimal and continuous crusher feed
- Automatic gap setting
- Integrated overload protection
- Lock & Turn (rotor turning and locking device): Device for safely turning and locking the rotor for service purposes or blockages
- Swivel arm for changing blow bars
- Control concept SPECTIVE: menu-guided user interface, 12 inch operator panel
- Lockable control cabinet, protected against dust and vibrations
- Lighting LED
- Eye hooks
- Spray system for dust reduction

OPTIONS

- Hopper extension: hydraulically foldable
- Side discharge conveyor 4 m: can be mounted on left or right, discharge height approx. 2,900 mm; disassembled for transport, inclusive spray system
- Extended side discharge conveyor 6 m: can be mounted on left or right, discharge height approx. 3,650 mm, disassembled for transport, inclusive spray system
- Belt cover side discharge conveyor (sheet, metal) in conjunction with rigid side discharge conveyor
- Side discharge conveyor, hydraulically folding can be used on both sides, discharge height 3,390 mm, remains on the plant while transport, incl. spray system
- Different loose screen coverings: slotted grates, punched plate, wire cloth meshes
- Wide portfolio of blow bars and impact plates
- Climate packages: Hot or cold package
- Electromagnetic separator, permanent magnet or magnet preparation
- Secondary screening unit, in comfortable container dimension, suitable for hook and lift available with 500 or 650 mm return conveyor
- Belt scale, available for crusher discharge conveyor and fine grain conveyor (secondary screening unit)
- Wind sifter for removing foreign material and light elements from the oversize grain by means of an 11 kW blower with air outlet below the transfer. Only available in conjunction with the secondary screening unit.
- Socket 110 V
- Track pads for the crawler chassis to protect subsurface

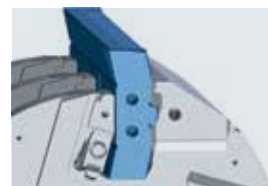


SPARE PARTS

Cost-effective operation of the machine also requires selection of the correct wear parts. KLEEMANN original parts are ideally tuned to the requirements of users and machines. They are characterised by a long service life, superior quality, high availability and trouble-free assembly. We support our customers with our application know-how and competent advice, which allows them to find the optimum wear part for their specific application.

BLOW BARS

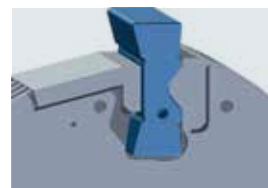
Machine type	Shape blow bar	Size W x H x L [mm]	Blow bars Manganese	Blow bars Martensitic	Blow bars CERAMCO MP	Blow bars CERAMPRO	Blow bars Chrome steel	Blow bars Chrome steel with ceramics
MR 110 Z EVO2	C-Shape	90 x 360 x 1,080	x	x	x	x	x	x
MR 122 Z	X-Shape	130 x 340 x 1,250	x	x	x			
MR 130 Z EVO2	C-Shape	100 x 370 x 1,280	x	x	x	x	x	x
MR 150 Z	X-Shape	135 x 370 x 1,500	x	x	x			



C-Shape



S-Shape

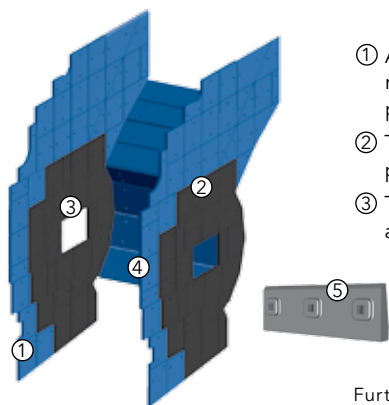


X-Shape

Material	Feeding Material						
	Soft and middle hard stones (i.e. Limestone), Gravel < 150 N/mm	Hard stone non abrasiv (i.e. Basalt), Gravel	Hard stone abrasiv (i.e. Granite), Gravel	Asphalt	Concrete low percentage ferrous material	Concrete high percentage ferrous material	Rubble
Manganese	●	●	●	●	●	●	●
Martensitic	●	● < 450 mm	●	●	●	●	●
Martensitic with ceramics	● < 450 mm	● < 450 mm	● < 450 mm	●	●	●	●
Chrome steel with ceramics	● < 250 mm	● < 250 mm	● < 250 mm	●	●	●	●
Chrome steel	● < 250 mm	● < 250 mm	● < 250 mm	●	●	●	●

● strongly recommended ● recommended with restrictions ● not recommended

IMPACT PLATES

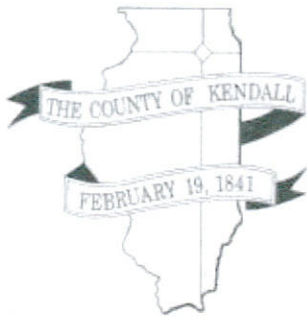


- ① All wear plates from the main wear zone with mounting hardware are included in the service package for easy exchange.
- ② Thick-walled KLEEMANN Resistant Steel wear plates protect the housing.
- ③ The wear plates are for the most part interchangeable, greatly reducing the spare parts stock.

- ④ The mounting hardware includes all necessary screws for a secure fit.
- ⑤ Example of a manganese cast impact plate, which is individually replaceable depending on the machine and requirement.*

* 2 qualities available: manganese and martensitic

Further information can be found at www.partsandmore.net or in our Parts and more catalogue


DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT		
LaSalle National Trust #47016		
CURRENT LANDOWNER/NAME(s)		
Daniels Malinski Yorkville Family, LLLP		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESOR'S ID NUMBER (PIN)
ACRES	Parts of the	02-19-400-009
Roughly 5 Acres	Following 3 PINs:	02-30-200-023
		02-19-400-010
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Vacant Farmhouse	Agricultural	Commercial
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Drew Daniels	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
Michael Cook	[REDACTED]	[REDACTED]
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT	DATE	
[REDACTED]	3/1/18	
DMYF, LLLP General Partner		

 FEE PAID:\$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

LEGAL DESCRIPTION – LASALLE NATIONAL TRUST #47016

Taken from Wheatland Title Guaranty Company's Title Commitment WTG No. 13-2013KL-2189.0 effective date March 21, 2016 as furnished by Owner

PARCEL 1

THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER OF SAID SECTION 19; THENCE SOUTH 00° 48' 07" EAST ALONG THE QUARTER LINE 257.40 FEET; THENCE NORTH 83° 55' 03" WEST 1944.30 FEET TO A POINT WHICH IS 1930.58 FEET SOUTH 88° 28' 32" WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE 204.60 FEET; THENCE SOUTH 02° 08' 40" WEST 2489.33 FEET TO THE PRESENT CENTER LINE OF U. S. HIGHWAY NO. 34; THENCE EASTERLY ALONG SAID CENTER LINE 2001.79 FEET TO A POINT ON SAID CENTER LINE WHICH IS NORTH 84° 54' 42" WEST FROM THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 (AS MEASURED ALONG THE CENTER LINE OF SAID U. S. HIGHWAY NO. 34); THENCE NORTH 05° 05' 18" EAST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET; THENCE SOUTH 84° 54' 42" EAST PARALLEL WITH SAID CENTER LINE 565.71 FEET; THENCE SOUTH 05° 05' 18" WEST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET TO SAID CENTER LINE; THENCE SOUTH 84° 54' 42" EAST ALONG SAID CENTER LINE 2370.99 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG SAID EAST LINE 429.15 FEET TO THE NORTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 19, 301.20 FEET; THENCE SOUTH 89° 20' 56" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 227.23 FEET; THENCE NORTH 15° 08' 07" WEST 2403.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 19 WHICH IS 1826.22 FEET NORTH 88° 28' 32" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE, 1826.22 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

PARCEL 2

THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF STATE ROUTE 34 AND THE EAST LINE OF SAID SECTION 30; THENCE WESTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 2370.99 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 231 FEET; THENCE WESTERLY PARALLEL TO THE CENTER LINE OF STATE ROUTE 34, 565.71 FEET; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 231 FEET TO THE CENTER LINE OF SAID ROUTE 34; THENCE EASTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 565.71 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

EXCEPT THAT PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT 1 OF FOX HILL UNIT ONE PLANNED UNIT DEVELOPMENT, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS, RECORDED IN CABINET 3, SLOTS 508 A&B AND 509 A&B AS DOCUMENTED NO. 9410594 IN THE RECORDER'S OFFICE OF KENDALL COUNTY; THENCE NORTH 06 DEGREES 22 MINUTES 18 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 15.240 METERS (50.00 FEET) TO THE CENTERLINE OF F.A. 591 AND THE POINT OF BEGINNING; THENCE NORTH 83 DEGREES

Attachment 1, Page 14

37 MINUTES 42 SECONDS WEST 93.518 METERS (306.82 FEET) ON SAID CENTERLINE; THENCE WESTERLY 213.414 METERS (700.18 FEET) ALONG AN 11,642.530 METERS (38,197.20) RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 84 DEGREES 09 MINUTES 12 SECONDS WEST 213.411 METERS (700.17 FEET); THENCE NORTH 02 DEGREE 08 MINUTES 42 SECONDS EAST 15.263 METERS (50.08 FEET); THENCE EASTERLY 208.048 METERS (682.57 FEET) ALONG AN 11,657.770 METER (38,247.20 FOOT) RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 84 DEGREES 10 MINUTES 17 SECONDS EAST 208.046 METERS (682.56 FEET); THENCE NORTH 85 DEGREES 35 MINUTES 28 SECONDS EAST 25.458 METERS (83.52 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 50.000 METERS (164.04 FEET); THENCE SOUTH 72 DEGREES 50 MINUTES 54 SECONDS EAST 25.449 (83.49 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 2.433 METERS (7.98 FEET); THENCE SOUTH 00 DEGREES 39 MINUTES 02 SECONDS EAST 15.355 METERS (50.38 FEET) TO SAID CENTERLINE; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 4.311 METERS (14.14 FEET) ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, CONTAINING 0.5095 HECTARE (1.259 ACRES), MORE OR LESS, OF WHICH 0.4738 HECTARE (1.171 ACRES), MORE OR LESS, ARE IN THE EXISTING RIGHT OF WAY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

THE ABOVE PARCEL BEING SHOWN ON SHEET 2 OF THE RIGHT OF WAY PLANS FOR F.A. 591 (U.S. ROUTE 34), SECTION 13BR, RECORDED AS DOCUMENT NUMBER 9702750, FLAT FILE, 5-55 IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS.

ALSO EXCEPT THAT PART CONVEYED THE UNITED CITY OF YORKVILLE IN DEED RECORDED AS DOCUMENT NO. 201400012767 TO WIT:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF SAID SECTION 30, THENCE SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 304.62 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30 TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 74.37 FEET ALONG SAID EAST LINE OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 50.25 FEET ALONG SAID EAST LINE TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTH 85 DEGREES 32 MINUTES 10 SECONDS WEST, 1879.99 FEET ALONG SAID CENTERLINE, THENCE NORTH 04 DEGREES 27 MINUTES 50 SECONDS EAST, 50.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE NORTH 76 DEGREES 01 MINUTE 45 SECONDS EAST, 79.06 FEET TO A POINT 25.00 FEET NORTHERLY OF SAID NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE SOUTH 85 DEGREES 32 MINUTES 10 SECONDS EAST, 1748.26 FEET PARALLEL WITH AND 25.00 FEET NORTH OF SAID NORTHERLY RIGHT OF WAY LINE, THENCE NORTH 46 DEGREES 36 MINUTES 49 SECONDS EAST 66.09 FEET TO POINT OF BEGINNING, ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

PERMANENT TAX NUMBER(S): 02-19-300-006; 02-19-400-006; 02-19-400-005; 02-30-100-002; 02-30-300-006

COPY

03/28/2016

Prepared For:

Illinois Department of Transportation 3
700 East Norris Drive
Ottawa, IL 61350

Effective Date of Title Commitment: September 09, 2013
Effective Date of Later Date: March 21, 2016

Job:	R-93-010-013	WTG#:	I3-2013KL-2189.0
FAP:	591 (US 34)	Effective Date:	March 21, 2016
County:	Kendall	Section:	19
Section:	(13) R-2 & BY	Township:	37
Parcel:	3XQ0004	Range:	7

Tax Parcel Number(s):
02-19-300-006; 02-19-400-006; 02-19-400-005; 02-30-100-002; 02-30-200-006

03/28/2016

Job R-93-010-013
FAP 591 (US 34)
County Kendall
Section (13) R-2 & BY
Parcel 3XQ0004

A.L.T.A. COMMITMENT FORM

Schedule A

WTG Number: I3-2013KL-2189.0
Effective Date: March 21, 2016

1. Policy or Policies to be issued: 2006 ALTA Owner's
Proposed Amount of Insurance: \$1,000.00
Proposed Insured: The People of the State of Illinois
Department of Transportation
2. The estate or interest in the land described or referred to in this commitment is
a Fee Simple and title hereto is at the effective date hereof vested in:

Chicago Title Land Trust Company successor to LaSalle National
Bank, as Trustee under the provisions of a Trust Agreement dated
December 1, 1973, and known as Trust Number 47016
3. The land referred to in this commitment is described as follows:

See Attached Page 2 of Schedule A

ISSUED BY:

Wheatland Title Guaranty Company
105 W. Veterans Parkway
Yorkville, Illinois 60560

Agent for:
Fidelity National Title Insurance Company

03/28/2016

Job R-93-010-013
 FAP 591 (US 34)
 County Kendall
 Section (13) R-2 & BY
 Parcel 3XQ0004

WTG Number: I3-2013KL-2189.0

A.L.T.A. COMMITMENT FORM**Schedule A Continued**LEGAL DESCRIPTION

PARCEL ONE: THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THAT PART OF THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, BEGINNING AT THE CENTER OF SAID SECTION 19, THENCE SOUTH 00 DEGREES 48 MINUTES 07 SECONDS EAST ALONG THE QUARTER SECTION LINE 257.40 FEET; THENCE NORTH 83 DEGREES 55 MINUTES 03 SECONDS WEST 1944.30 FEET TO A POINT OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 19, WHICH IS 1930.58 FEET SOUTH 88 DEGREES 28 MINUTES 32 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 28 MINUTES 32 SECONDS WEST ALONG SAID NORTH LINE 204.60 FEET, THENCE SOUTH 02 DEGREES 08 MINUTES 40 SECONDS WEST 2489.33 FEET TO THE PRESENT CENTER LINE OF U.S. HIGHWAY NO. 34; THENCE EASTERLY ALONG SAID CENTER LINE 2001.79 FEET TO A POINT ON SAID CENTER LINE WHICH IS 2936.70 FEET NORTH 84 DEGREES 40.54 MINUTES 42 SECONDS WEST FROM THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 (AS MEASURED ALONG THE CENTER LINE OF SAID U.S. HIGHWAY NO. 34), THENCE NORTH 5 DEGREES 05 MINUTES 18 SECONDS EAST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET TO SAID CENTER LINE; THENCE SOUTH 84 DEGREES 54 MINUTES 42 SECONDS EAST PARALLEL WITH SAID CENTER LINE 565.71 FEET; THENCE SOUTH 5 DEGREES 05 MINUTES 18 SECONDS WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 231.00 FEET TO SAID CENTER LINE; THENCE SOUTH 84 DEGREES 54 MINUTES 42 SECONDS EAST ALONG SAID CENTER LINE 2370.99 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30, THENCE NORTH 00 DEGREES 39 MINUTES 04 SECONDS WEST ALONG SAID EAST LINE 429.15 FEET TO THE NORTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 00 DEGREES 39 MINUTES 04 SECONDS WEST ALONG THE EAST LINE OF THE

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 105 W. Veterans Parkway
 Yorkville, Illinois 60560

Agent for:
 Fidelity National Title Insurance Company

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FAP 591 (US 34)
County Kendall
Section (13) R-2 & BY
Parcel 3XQ0004

SOUTHEAST 1/4 OF SAID SECTION 19, 310.20 FEET, THENCE SOUTH 89 DEGREES 20 MINUTES 56 SECONDS WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 277.32 FEET; THENCE NORTH 15 DEGREES 08 MINUTES 07 SECONDS WEST 2403.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 19 WHICH IS 1826.22 FEET NORTH 88 DEGREES 28 MINUTES 32 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 28 MINUTES 32 SECONDS WEST ALONG SAID NORTH LINE 1826.22 FEET TO THE POINT OF BEGINNING IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS. SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

PARCEL 2: THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF STATE ROUTE NO. 34 AND THE EAST LINE OF SAID SECTION 30; THENCE WESTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 2370.99 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 231 FEET; THENCE WESTERLY PARALLEL TO THE CENTER LINE OF SAID ROUTE 34, 565.71 FEET; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 231 FEET TO THE CENTER LINE OF SAID ROUTE 34; THENCE EASTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 565.71 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS. SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

EXCEPT THAT PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT 1 OF FOX HILL UNIT ONE PLANNED UNIT DEVELOPMENT, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS, RECORDED IN CABINET 3, SLOTS 508 A& B AND 509 A & B AS DOCUMENT NO. 9410594 IN THE RECORDER'S OFFICE OF KENDALL COUNTY; THENCE NORTH 06 DEGREES 22 MINUTES 18 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 15.240 METERS [50.00 FEET] FEET TO THE

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 FAP 591 (US 34)
 County Kendall
 Section (13) R-2 & BY
 Parcel 3XQ0004

CENTERLINE OF F.A. 591 AND THE POINT OF BEGINNING; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 93.518 METERS [306.82 FEET] ON SAID CENTERLINE; THENCE WESTERLY 213.414 METERS [700.18 FEET] ALONG AN 11,642.530 METER [38,197.20 FOOT] RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 84 DEGREES 09 MINUTES 12 SECONDS WEST 213.411 METERS [700.17 FEET]; THENCE NORTH 02 DEGREES 08 MINUTES 42 SECONDS EAST 15.263 METERS [50.08 FEET]; THENCE EASTERLY 208.048 METERS [682.57 FEET] ALONG AN 11,657.770 METER [38,247.20 FOOT] RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 84 DEGREES 10 MINUTES 17 SECONDS EAST 208.046 METERS [682.56 FEET]; THENCE NORTH 85 DEGREES 35 MINUTES 28 SECONDS EAST 25.458 METERS [83.52 FEET]; THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 50.000 METERS [164.04 FEET]; THENCE SOUTH 72 DEGREES 50 MINUTES 54 SECONDS EAST 25.449 METERS [83.49 FEET]; THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 2.433 METERS [7.98 FEET]; THENCE SOUTH 00 DEGREES 39 MINUTES 02 SECONDS EAST 15.355 METERS [50.38 FEET] TO SAID CENTERLINE; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 4.311 METERS [14.14 FEET] ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, CONTAINING 0.5095 HECTARE [1.259 ACRES], MORE OR LESS, OF WHICH 0.4738 HECTARE [1.171 ACRES], MORE OR LESS, ARE IN THE EXISTING RIGHT OF WAY. SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

THE ABOVE PARCEL BEING SHOWN ON SHEET 2 OF THE RIGHT OF WAY PLANS FOR F.A. 591 (U.S. ROUTE 34), SECTION 13BR, RECORDED AS DOCUMENT NUMBER 9702750, FLAT FILE, 5-55 IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS.

ALSO EXCEPT THAT PART CONVEYED TO THE UNITED CITY OF YORKVILLE IN DEED RECORDED AS DOCUMENT NO. 201400012767 TO WIT:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF SAID SECTION 30,

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 105 W. Veterans Parkway
 Yorkville, Illinois 60560

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County Kendall
Section (13) R-2 & BY
Parcel 3XQ0004

THENCE SOUTH 01 DEGREE 14 MINUTES 12 SECONDS EAST, 304.62 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30 TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 01 DEGREE 14 MINUTES 12 SECONDS EAST, 74.37 FEET ALONG SAID EAST LINE OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE CONTINUING SOUTH 01 DEGREE 14 MINUTES 12 SECONDS EAST, 50.25 FEET ALONG SAID EAST LINE TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTH 85 DEGREES 32 MINUTES 10 SECONDS WEST, 1879.99 FEET ALONG SAID CENTERLINE, THENCE NORTH 04 DEGREES 27 MINUTES 50 SECONDS EAST, 50.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE NORTH 76 DEGREES 01 MINUTE 45 SECONDS EAST, 79.06 FEET TO A POINT 25.00 FEET NORTHERLY OF SAID NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE SOUTH 85 DEGREES 32 MINUTES 10 SECONDS EAST, 1748.26 FEET PARALLEL WITH AND 25.00 FEET NORTH OF SAID NORTHERLY RIGHT OF WAY LINE, THENCE NORTH 46 DEGREES 36 MINUTES 49 SECONDS EAST, 66.09 FEET TO POINT OF BEGINNING. ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

PERMANENT TAX NUMBER(S): 02-19-300-006; 02-19-400-006; 02-19-400-005; 02-30-100-002; 02-30-200-006

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105 W. Veterans Parkway
Yorkville, Illinois 60560

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Fidelity National Title Insurance Company

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A.L.T.A. COMMITMENT FORM

**Schedule B
Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

GENERAL EXCEPTIONS:

1. Rights or claims of parties in possession not shown by the public records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.
6. Loss or damage by reason of there being recorded in the public records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the Commitment date and prior to the effective date of the final Policy.

SPECIAL EXCEPTIONS:

1. The lien of taxes for the year 2015 and thereafter.

2014 taxes in the amount of \$2,488.64 are paid

PERMANENT TAX NUMBER: 02-19-300-006

2014 taxes in the amount of \$10,574.76 are paid

PERMANENT TAX NUMBER: 02-19-400-006

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2014 taxes in the amount of \$2,120.66 are paid

PERMANENT TAX NUMBER: 02-19-400-005

There are no taxes due or owing for the year of 2014 for the property in question.

PERMANENT TAX NUMBER: 02-30-100-002

There are no taxes due or owing for the year of 2014 for the property in question.

PERMANENT TAX NUMBER: 02-30-200-006

2. Rights of parties in possession, encroachments, overlaps, overhangs, unrecorded easements, deficiency in quantity of ground, farm drainage systems, tile systems or irrigation systems which would be disclosed by an accurate survey and inspection of the premises.
3. Rights of the Public, the State and the Municipality in and to that part of the land, if any, taken or used for road purposes.
4. Confirmed Special Assessments, if any, not certified to by the Company.
5. Financing Statements, if any, not certified to by the Company.
6. For information purposes only, the taxes are assessed to the following:

For Parcel(s): 02-19-300-006; 02-19-400-006; 02-19-400-005; 02-30-100-002;
02-30-200-006
LaSalle National Bank #47016
c/o Carole Malinski; 8 Arden Ct
Oak Brook, IL 60521
7. Conveyances within the past five years: None.
8. Contiguous property owned by record title holder: None.

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9. A Dedication of Right of Way for Public Road Purposes dated September 11, 1922 and recorded September 29, 1911 in Book 72, Page 580 made by Nina W. Bell and Harry Bell to The People of the State of Illinois acting by and through the Department of Public Works and Buildings recorded in the Kendall County Recorder's Office.
10. A Dedication of Right of Way for Public Road Purposes dated January 15, 1943 and recorded May 10, 1943 in Book 98, Page 470 made by Richard L. Burke and Agnes D. Burke to The People of the State of Illinois acting by and through the Department of Public Works and Buildings recorded in the Kendall County Recorder's Office.
11. A Permit dated February 28, 1952 and recorded May 24, 1952 in Book 109 Page 448 made by R. C. Burke and Agnes Burke to Illinois Bell Telephone Company recorded in the Kendall County Recorder's Office.
12. A Pipe Line Right dated February 13, 1953 and recorded May 22, 1953 in Book 111 Page 134 made by R. C. Burke and Agnes Burke to Public Service Company of Northern Illinois recorded in the Kendall County Recorder's Office.
13. An Annexation Ordinance #1995-02 recorded October 25, 1995 as Document No. 9508906 for The Plano Community Library District recorded in the Kendall County Recorder's Office.
14. Right of Way Plans (F.A. 591 [U.S. 34]) recorded March 26, 1997 as Document No. 9702750 in the Kendall County Recorder's Office.
15. A Subordination of Surface Rights dated September 3, 2003 and recorded September 10, 2003 as Document No. 200300032744 made by Ameritech to State of Illinois Department of Transportation recorded in the Kendall County Recorder's Office.
16. An Easement dated December 1, 1973 and recorded June 7, 2005 as Document No. 200500015707 made by LaSalle National Bank, as Trustee under the provisions of a Trust Agreement dated December 1, 1973, and known as Trust Number 47016 to Yorkville-Bristol Sanitary District recorded in the Kendall County Recorder's Office.
17. Terms, powers, provisions and limitations of the Trust under which title to said land is held.

- End Schedule B -

Please refer all inquiries to John D. Ammons at (630) 892-2323.

ISSUED BY:
Wheatland Title Guaranty Company
105 W. Veterans Parkway
Yorkville, Illinois 60560

Agent for:
Fidelity National Title Insurance Company

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WTG Number: I3-2013KL-2189.0

MINUTES OF CONDEMNATION

In order that we may guarantee title after completion of any proceedings for condemnation in exercise of the proposed insured's right of eminent domain, we note the following.

- I. Upon the filing of complaint a proper Lis Pendens Notice should be recorded in the appropriate Recorder's office.
- II. Our Policy, when issued, will be subject to direct attack upon any decrees and or judgments entered in the proceedings.
- III. The following persons are necessary parties to any such proceedings.
 - A. All parties acquiring rights in the premises subsequent to the date of the report and prior to a complete Lis Pendens.
 - B. Any person other than those herein named known to the Plaintiff or the Plaintiff's attorney to have or claim an interest in the premises.
 - C. If it is known that any of the necessary parties named herein are deceased, their heirs or devisees should be made parties by name, if known, and if unknown, then by the name and description of Unknown Heirs and Devisees of such deceased person or persons.
 - D. If it is not known or cannot be ascertained whether any of said necessary parties be living or dead, then such parties should be made parties by name, also such parties should be their heirs or devisees, should be made parties to the proceedings as UNKNOWN OWNERS.
 - E. All persons in possession of any part of the premises in question and all persons whose rights would be disclosed by an inspection of the premises.
 - F. All parties claiming by through or under lease agreements whether oral or written, for premises.
 - G. All parties claiming by or through or under installment contracts for deed or like agreements.

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MINUTES OF CONDEMNATION CONTINUED

IV. The following persons are noted of record and are necessary parties to any proceedings:

H. The Plaintiff is:

The People of the State of Illinois, Department of Transportation

I. The Defendants are:

1. Chicago Title Land Trust Company successor to LaSalle National Bank, as Trustee under the provisions of a Trust Agreement dated December 1, 1973, and known as Trust Number 47016

J. Any parties named above who have executed all necessary documents for the Grant of Easement and Right of Way after payment of agreed consideration theretofore need not be joined as party defendants for our policy to be issued.

END MINUTES OF CONDEMNATION

Please refer all inquiries to John D. Ammons at (630) 892-2323

Attachment 1, Page 26

KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant LaSalle National Trust #47016
Address 405 E. Sheridan Road
City Lake Bluff State IL. Zip 60044

2. Nature of Benefit Sought A temporary variance to allow the use of a concrete crusher and concrete batch plant on the site before bringing the land back to farm-able condition

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

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

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

NAME	ADDRESS	INTEREST
Tamara Burke		19.8%
Shannon Schweiger		19.8%
Erin McGould		19.8%
Drew Daniels		19.8%
Kathleen S. Daniels Family Trust		19.8%

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

[REDACTED] - DMYF, LLLP General Partner

VERIFICATION

I, Drew Daniels - General Partner, 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 1st day of March, A.D. 2018

(seal)

[REDACTED]
Notary Public



Attachment 1, Page 27

Please fill out the following findings of fact to the best of your capabilities. § 13.04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

See attached Narrative for more information on this Variance Request.

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.

The property owner has an existing lease with a farmer who has already planted the surrounding acreage.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

The conditions upon which the requested variations is based would not be applicable to other property within the same zoning classification.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

The difficulty in citing the use on the Property has not been created by any person having an interest in the Property.

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

The proposed use and variation is temporary for only 20 months and is only operational during actual concrete pours and actual days of crushing. Given the limited use and duration of the concrete plant, it offer no harm to the public or surrounding properties.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.

The proposed use and variation is temporary in nature for the purpose of a public improvement project. It will not substantially increase congestion given the use is only operational during concrete pours and days of crushing, the plant itself is not combustible nor does it create a public safety concern. Given the temporary nature of the use it also will have no impact on property values.

LEGAL DESCRIPTION

PARCEL ONE

THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER OF SAID SECTION 19; THENCE SOUTH 00° 48' 07" EAST ALONG THE QUARTER LINE 257.40 FEET; THENCE NORTH 83° 55' 03" WEST 1944.30 FEET TO A POINT WHICH IS 1930.58 FEET SOUTH 88° 28' 32" WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE 204.60 FEET; THENCE SOUTH 02° 08' 40" WEST 2489.33 FEET TO THE PRESENT CENTER LINE OF U. S. HIGHWAY NO. 34; THENCE EASTERLY ALONG SAID CENTER LINE 2001.79 FEET TO A POINT ON SAID CENTER LINE WHICH IS NORTH 84° 54' 42" WEST FROM THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 (AS MEASURED ALONG THE CENTER LINE OF SAID U. S. HIGHWAY NO. 34); THENCE NORTH 05° 05' 18" EAST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET; THENCE SOUTH 84° 54' 42" EAST PARALLEL WITH SAID CENTER LINE 585.71 FEET; THENCE SOUTH 05° 05' 18" WEST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET TO SAID CENTER LINE; THENCE SOUTH 84° 54' 42" EAST ALONG SAID CENTER LINE 2370.99 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE NORTH 00° 38' 04" WEST ALONG SAID EAST LINE 429.15 FEET TO THE NORTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 19, 301.20 FEET; THENCE SOUTH 89° 20' 56" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 227.23 FEET; THENCE NORTH 15° 08' 07" WEST 2403.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 19 WHICH IS 1826.22 FEET NORTH 88° 28' 32" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE, 1826.22 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

PARCEL 2

THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF STATE ROUTE 34 AND THE EAST LINE OF SAID SECTION 30; THENCE WESTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 2370.99 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 231 FEET; THENCE WESTERLY PARALLEL TO THE CENTER LINE OF STATE ROUTE 34, 585.71 FEET; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 201 FEET TO THE CENTER LINE OF SAID ROUTE 34; THENCE EASTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 585.71 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

EXCEPT THAT PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT 1 OF FOX HILL UNIT ONE PLANNED UNIT DEVELOPMENT, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS, RECORDED IN CABINET 3, SLOTS 508 A48 AND 508 A48 AS DOCUMENTED NO. 9410594 IN THE RECORDER'S OFFICE OF KENDALL COUNTY; THENCE NORTH 06 DEGREES 22 MINUTES 18 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 15.240 METERS (50.00 FEET) TO THE CENTERLINE OF F.A. 591 AND THE POINT OF BEGINNING; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 93.518 METERS (306.82 FEET) ON SAID CENTERLINE; THENCE WESTERLY 213.414 METERS (700.18 FEET) ALONG AN 11.642.530 METERS (38,197.20) RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 84 DEGREES 09 MINUTES 12 SECONDS WEST 213.411 METERS (700.17 FEET); THENCE NORTH 02 DEGREE 08 MINUTES 42 SECONDS EAST 15.265 METERS (50.08 FEET); THENCE EASTERLY 208.148 METERS (682.57 FEET) ALONG AN 11.657.770 METERS (38,247.00) RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 84 DEGREES 10 MINUTES 17 SECONDS EAST 208.046 METERS (682.56 FEET); THENCE NORTH 85 DEGREES 35 MINUTES 28 SECONDS EAST 25.458 METERS (83.52 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 50.000 METERS (164.04 FEET); THENCE SOUTH 72 DEGREES 50 MINUTES 54 SECONDS EAST 25.449 (83.49 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 2.433 METERS (7.98 FEET); THENCE SOUTH 00 DEGREES 39 MINUTES 02 SECONDS EAST 15.355 METERS (50.38 FEET) TO SAID CENTERLINE; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 4.311 METERS (14.14 FEET) ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, CONTAINING 0.808 HECTARE (1.259 ACRES), MORE OR LESS, OF WHICH 0.438 HECTARE (1.171 ACRES), MORE OR LESS, ARE IN THE EXISTING RIGHT OF WAY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

THE ABOVE PARCEL BEING SHOWN ON SHEET 2 OF THE RIGHT OF WAY PLANS FOR F.A. 591 (U.S. ROUTE 34), SECTION 13BR, RECORDED AS DOCUMENT NUMBER 9702750, PLAT FILE, 5-55 IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS.

ALSO EXCEPT THAT PART CONVEYED THE UNITED CITY OF YORKVILLE IN DEED RECORDED AS DOCUMENT NO. 201400012767 TO WIT:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

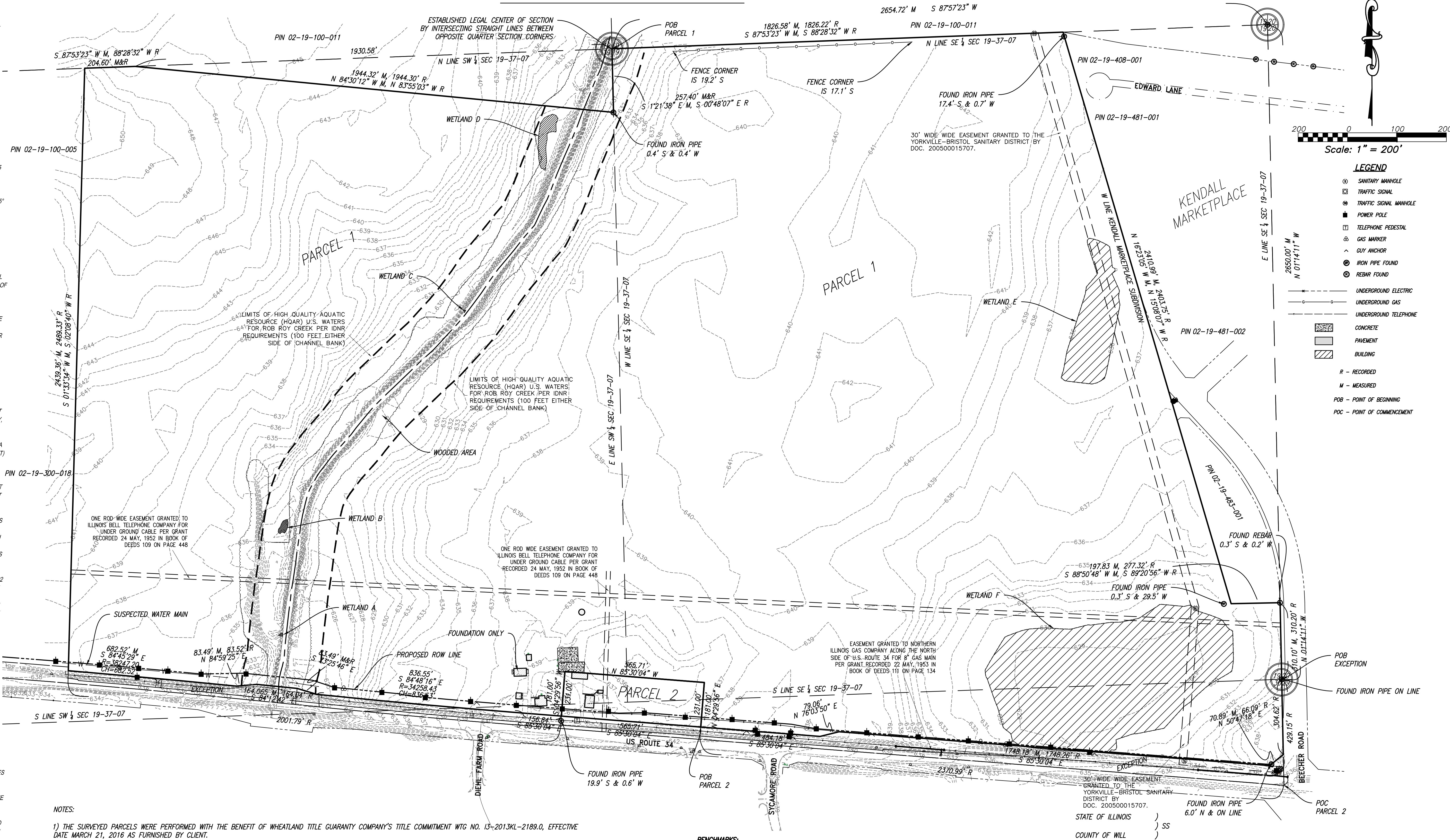
COMMENCING AT THE NORTHERLY CORNER OF SAID SECTION 30; THENCE SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 304.62 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 74.37 FEET ALONG SAID EAST LINE OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 90.25 FEET ALONG SAID EAST LINE TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTH 85 DEGREES 32 MINUTES 10 SECONDS WEST, 1879.89 FEET ALONG SAID CENTERLINE; THENCE NORTH 04 DEGREES 27 MINUTES 50 SECONDS EAST, 30.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE NORTH 76 DEGREES 01 MINUTE 45 SECONDS EAST, 79.06 FEET TO A POINT 25.00 FEET NORTHERLY OF SAID NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE SOUTH 85 DEGREES 32 MINUTES 10 SECONDS EAST, 1748.26 FEET PARALLEL WITH AND 25.00 FEET NORTH OF SAID NORTHERLY RIGHT OF WAY LINE; THENCE NORTH 46 DEGREES 38 MINUTES 49 SECONDS EAST 66.09 FEET TO POINT OF BEGINNING, ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

PERMANENT TAX NUMBER(S): 02-19-300-006; 02-19-400-006; 02-19-400-005; 02-30-100-002; 02-30-300-006

NOTES:

- 1) THE SURVEYED PARCELS WERE PERFORMED WITH THE BENEFIT OF WHEATLAND TITLE GUARANTY COMPANY'S TITLE COMMITMENT WTG NO. 13-2013KL-2189.0, EFFECTIVE DATE MARCH 21, 2016 AS FURNISHED BY CLIENT.
- 2) THE DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMAL PARTS THEREOF.
- 3) NO DIMENSIONS SHOULD BE ASSUMED BY SCALE MEASUREMENTS UPON THE PLAT. NOTIFY SURVEYOR IMMEDIATELY WITH ANY DISCREPANCIES SHOWN HEREON.
- 4) THE SURVEYED PARCELS LIE WITHIN ZONE X (AREA OF 0.2% ANNUAL CHANCE OF FLOOD) AS GRAPHICALLY DEPICTED ON FEMA FLOOD INSURANCE RATE MAP PANEL 17093C00406, EFFECTIVE DATE FEBRUARY 4, 2009 AND 17093C0037H REVISED JANUARY 8, 2017.
- 5) THE SURVEYED PARCELS ARE ALSO KNOWN AS P.L.N. 02-19-400-009, 02-19-400-010, 02-19-300-019.
- 6) THE TOPOGRAPHY SHOWN HEREON WAS PROVIDED BY THE CLIENT FROM A SURVEY DATED OCTOBER 8, 2007. DLZ TAKES NO RESPONSIBILITY IN THE ACCURACY OF THIS DATA.
- 7) THE LOCATION OF EDWARD LANE, ROB ROY CREEK AND THE WOODED AREA ALONG THE CREEK SHOWN HEREON WERE GRAPHICALLY DEPICTED FROM AN AERIAL PHOTO TAKEN SEPTEMBER 20, 2015.
- 8) PROPERTY ZONED AT KENDALL COUNTY.
- 9) THE WETLANDS SHOWN HEREON WAS PROVIDED BY THE CLIENT BASED ON A WETLAND REPORT DATED NOVEMBER 2006. DLZ TAKES NO RESPONSIBILITY IN THE ACCURACY OF THESE LOCATIONS.
- 10) THE UTILITIES SHOWN HEREON ARE BASED ON FIELD OBSERVATION. CALL J.U.L.I.E. FOR FIELD LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY DIGGING OR CONSTRUCTION.
- 11) AREA OF PARCEL 1 IS 268.715 ACRES, 2.307 ACRES OF WHICH IS PART OF PROPOSED RIGHT OF WAY. AREA OF PARCEL 2 IS 2.351 ACRES, 0.455 ACRES OF WHICH IS PART OF PROPOSED RIGHT OF WAY. THE PROPOSED RIGHT OF WAY SHOWN HEREON IS FROM IDOT PLANS R-93-010-13 DATED 08/31/16. NO FORMAL DEDICATION OF THIS ADDITIONAL RIGHT OF WAY WAS PROVIDED BY THE CLIENT.

PLAT OF SURVEY



BENCHMARKS:

BM 1 - RR SPIKE IN POWER POLE ON SOUTH SIDE OF RIVER ROAD 950' WEST OF SECTION LINE, ELEV: 624.96 (NAVD 88)

BM 2 - ELDAIMAN RD AT ENTRANCE TO MENARD'S DISTRIBUTION CENTER - TOP OF EAST SIDE OF EASTERNMOST LIGHT BASE IN CENTER MEDIAN, ELEV: 654.45 (NAVD 88)

BM 3 - SCHAFER RD. BRIDGE, WEST OF ELDAIMAN RD. - BRASS MARKER ON TOP OF SOUTHEAST ABUTMENT, ELEV: 617.23 (NAVD 88)

BM 4 - USGS PLATE ON SOUTHEAST ABUTMENT OF RAILROAD BRIDGE AT IL ROUTE 47 (STAMPED " A 50 RESET 1944"), ELEV: 644.52 (NAVD 88)

I, ERIC C. COX, AN ILLINOIS LAND SURVEYOR, DO HEREBY ATTEST THAT I HAVE SUPERVISED THE SURVEY OF AND HAVE ASSEMBLED THE PLAT OF THE HEREON SHOWN AND DESCRIBED PARCEL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

FIELD WORK COMPLETED ON MARCH 2, 2018

DATED THIS 2ND DAY OF MARCH, 2018

ERIC C. COX
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3604
RENEWAL DATE: NOVEMBER 30, 2018
DLZ INDUSTRIAL SURVEYING, INC. PROFESSIONAL DESIGN FIRM 184002815



80 McDONALD AVENUE, UNIT D, JOLIET, IL 60431
TELEPHONE (815) 725-8840 FAX (815) 725-8849

YORKVILLE

ILLINOIS

COOK ENGINEERING GROUP
LA SALLE NATIONAL TRUST #47016

US ROUTE 34 & BEECHER ROAD
PLAT OF SURVEY

DRAWN: CSH

DESIGNED: - APPRV'D: ECC

DATE: MARCH 2, 2018

SCALE: 1" = 200'

PROJECT NUMBER

1850-7024

NO.

REVISION

BY

DATE

SHEET 1

OF 1

DRAWING NUMBER

7024PS

LEGAL DESCRIPTION

PARCEL 1
THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER OF SAID SECTION 19; THENCE SOUTH 00° 48' 07" EAST ALONG THE QUARTER LINE 257.40 FEET; THENCE NORTH 83° 55' 03" WEST 1944.30 FEET TO A POINT WHICH IS 1930.58 FEET SOUTH 88° 28' 32" WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE 204.60 FEET; THENCE SOUTH 02° 08' 40" WEST 2489.33 FEET TO THE PRESENT CENTER LINE OF U. S. HIGHWAY NO. 34; THENCE EASTERLY ALONG SAID CENTER LINE 2001.79 FEET TO A POINT ON SAID CENTER LINE WHICH IS NORTH 84° 54' 42" WEST FROM THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 (AS MEASURED ALONG THE CENTER LINE OF SAID U. S. HIGHWAY NO. 34); THENCE NORTH 05° 05' 18" EAST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET; THENCE SOUTH 84° 54' 42" EAST PARALLEL WITH SAID CENTER LINE 565.71 FEET; THENCE SOUTH 05° 05' 18" WEST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET TO SAID CENTER LINE; THENCE SOUTH 84° 54' 42" EAST ALONG SAID CENTER LINE 2370.99 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG SAID EAST LINE 429.15 FEET TO THE NORTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 19, 301.20 FEET; THENCE SOUTH 89° 20' 56" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 227.23 FEET; THENCE NORTH 15° 08' 07" WEST 2403.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 19 WHICH IS 1826.22 FEET NORTH 88° 28' 32" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE, 1826.22 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

PARCEL 2
THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF STATE ROUTE 34 AND THE EAST LINE OF SAID SECTION 30; THENCE WESTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 2370.99 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 231 FEET; THENCE WESTERLY PARALLEL TO THE CENTER LINE OF STATE ROUTE 34, 565.71 FEET; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 231 FEET TO THE CENTER LINE OF SAID ROUTE 34; THENCE EASTERLY ALONG THE CENTER LINE OF SAID ROUTE 34, 565.71 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

EXCEPT THAT PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT 1 OF FOX HILL UNIT ONE PLANNED UNIT DEVELOPMENT, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS, RECORDED IN CABINET 3, SLOTS 508 A&B AND 509 A&B AS DOCUMENTED NO. 9410594 IN THE RECORDER'S OFFICE OF KENDALL COUNTY; THENCE NORTH 06 DEGREES 22 MINUTES 18 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 15,240 METERS (50.00 FEET) TO THE CENTERLINE OF F.A. 591 AND THE POINT OF BEGINNING; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 93.516 METERS (306.92 FEET) ON SAID CENTERLINE; THENCE WESTERLY 213.414 METERS (700.18 FEET) ALONG AN 11,642.530 METERS (38,197.20) RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 84 DEGREES 09 MINUTES 12 SECONDS WEST 213.411 METERS (700.17 FEET); THENCE NORTH 02 DEGREE 08 MINUTES 42 SECONDS EAST 15.263 METERS (50.08 FEET); THENCE EASTERLY 208.048 METERS (682.57 FEET) ALONG AN 11,657.770 METER (38,247.20 FOOT) RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 84 DEGREES 10 MINUTES 17 SECONDS EAST 208.046 METERS (682.56 FEET); THENCE NORTH 85 DEGREES 35 MINUTES 28 SECONDS EAST 25.458 METERS (83.52 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS EAST 50.000 METERS (164.04 FEET); THENCE SOUTH 72 DEGREES 50 MINUTES 54 SECONDS EAST 25.449 (83.49 FEET); THENCE SOUTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 2.433 METERS (7.98 FEET); THENCE SOUTH 00 DEGREES 39 MINUTES 02 SECONDS EAST 15.355 METERS (50.38 FEET) TO SAID CENTERLINE; THENCE NORTH 83 DEGREES 37 MINUTES 42 SECONDS WEST 4.311 METERS (14.14 FEET) ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, CONTAINING 0.5095 HECTARE (1.259 ACRES), MORE OR LESS, OF WHICH 0.4738 HECTARE (1.171 ACRES), MORE OR LESS, ARE IN THE EXISTING RIGHT OF WAY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

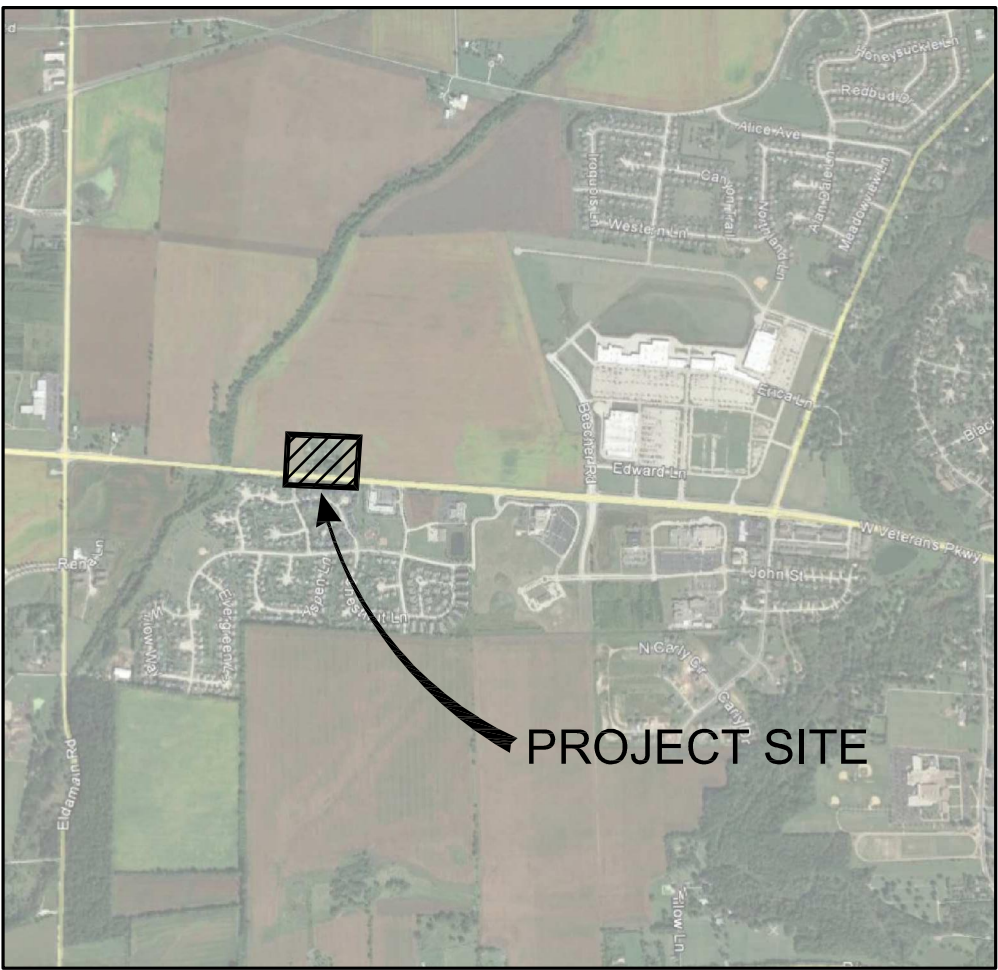
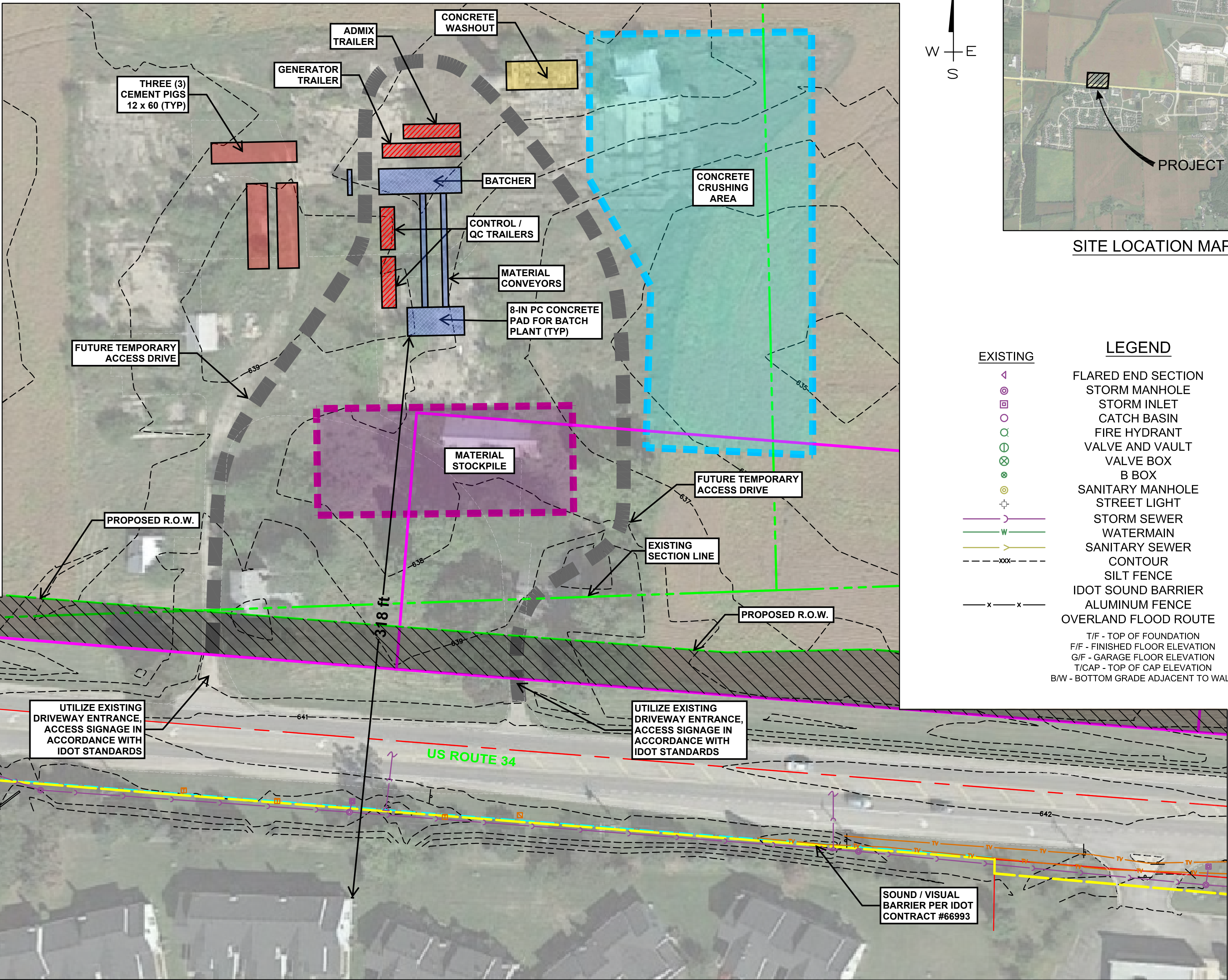
THE ABOVE PARCEL BEING SHOWN ON SHEET 2 OF THE RIGHT OF WAY PLANS FOR F.A. 591 (U.S. ROUTE 34), SECTION 13BR, RECORDED AS DOCUMENT NUMBER 9702750, FLAT FILE, 5-55 IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS.

ALSO EXCEPT THAT PART CONVEYED THE UNITED CITY OF YORKVILLE IN DEED RECORDED AS DOCUMENT NO. 201400012767 TO WIT:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF SAID SECTION 30, THENCE SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 304.62 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30 TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 74.37 FEET ALONG SAID EAST LINE OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 50.25 FEET ALONG SAID EAST LINE TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTH 85 DEGREES 32 MINUTES 10 SECONDS WEST, 1879.99 FEET ALONG SAID CENTERLINE, THENCE NORTH 04 DEGREES 27 MINUTES 50 SECONDS EAST, 50.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE NORTH 76 DEGREES 01 MINUTE 45 SECONDS EAST, 79.06 FEET TO A POINT 25.00 FEET NORTHERLY OF SAID NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE SOUTH 85 DEGREES 32 MINUTES 10 SECONDS EAST, 1748.26 FEET PARALLEL WITH AND 25.00 FEET NORTH OF SAID NORTHERLY RIGHT OF WAY LINE, THENCE NORTH 46 DEGREES 36 MINUTES 49 SECONDS EAST 66.09 FEET TO POINT OF BEGINNING, ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

PROPOSED SITEPLAN



SITE LOCATION MAP

EXISTING	LEGEND	PROPOSED
	FLARED END SECTION	
	STORM MANHOLE	
	STORM INLET	
	CATCH BASIN	
	FIRE HYDRANT	
	VALVE AND VAULT	
	VALVE BOX	
	B BOX	
	SANITARY MANHOLE	
	STREET LIGHT	
	STORM SEWER	
	WATERMAIN	
	SANITARY SEWER	
	CONTOUR	
	SILT FENCE	
	IDOT SOUND BARRIER	
	ALUMINUM FENCE	
	OVERLAND FLOOD ROUTE	
	T/F - TOP OF FOUNDATION	
	F/F - FINISHED FLOOR ELEVATION	
	G/F - GARAGE FLOOR ELEVATION	
	T/CAP - TOP OF CAP ELEVATION	
	B/W - BOTTOM GRADE ADJACENT TO WALL	

P.I.N.'S

02-19-300-019
02-19-400-009
02-19-400-010
02-30-200-023

CERTIFICATION

I, MICHAEL D. COOK, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF ILLINOIS CERTIFIES THIS PLAN HAS BEEN PREPARED BY COOK ENGINEERING GROUP UNDER MY PERSONAL DIRECTION.

Michael D. Cook



ILLINOIS P.E. #62-052101
EXPIRES NOVEMBER 30, 2019

Civil Engineering &
Land Development Consulting
26316 Mapleview Drive
Plainfield, IL 60585
815.577.1707 T 815.577.2955 F
www.cookengrroup.com



REVISION DESCRIPTION	DATE
1	
2	
3	
4	
5	
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7	
8	
9	
10	

TEMPORARY CONCRETE
BATCH PLANT SITEPLAN

LASALLE BANK TRUST #47016
11443 ROUTE 34
YORKVILLE, IL 60560

PREPARED FOR
LASALLE BANK TRUST #47016
49 SHERWOOD TERRACE, STE A
LAKE BLUFF, IL 60044
224.212.1250 (T)

MR. DREW DANIELS

CEG JOB NUMBER
2010-103

SCALE: 1" = 40'

DRAWN BY: MDC

CHECKED BY: MDC

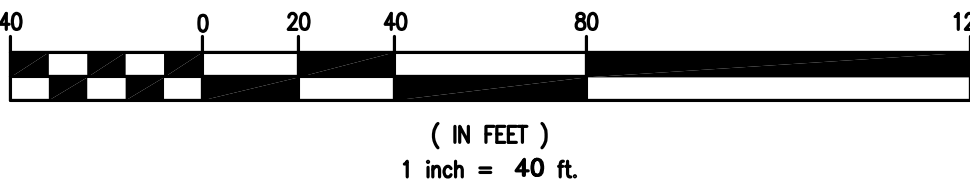
DATE: 03/02/2018

SHEET: 1 of 1

1 of 1
© Copyright, 2018

BENCHMARKS

- RR SPIKE IN POWER POLE ON SOUTH SIDE OF RIVER ROAD 950 WEST OF SECTION LINE, ELE = 624.95
- ELDAMAIN RD. AT ENTRANCE TO MENARD'S DISTRIBUTION CENTER - TOP OF EAST SIDE OF EASTERNMOST LIGHT BASE IN CENTER MEDIAN, ELE = 654.45
- SCHAFFER RD. BRIDGE, WEST OF ELDAMAIN RD. - BRASS MARKER ON TOP OF SOUTHEAST ABUTMENT, ELE = 617.23
- USGS PLATE ON SOUTHEAST ABUTMENT OF RAILROAD BRIDGE AT IL ROUTE 47 (STAMPED "A 50 RESET 1944"), ELE = 644.52



Attachment 4-Front
(South) of Property



Attachment 5-Looking North from
Route 34



Attachment 6-
Material Stockpile
Looking Southeast



Attachment 7-Material
Stockpile Looking South



Attachment 8-Material
Stockpile Looking Southwest



State of Illinois
County of Kendall

Zoning Petition
#18-10

GRANTING A VARIANCE FOR
11443 U.S. Route, Bristol Township

WHEREAS, Section 13.01.B and Section 13.04 of the Kendall County Zoning Ordinance permits the Kendall County Zoning Board of Appeals to grant variations to the Kendall County Zoning Ordinance and provides the procedure through which variances are granted; and

WHEREAS, the property which is the subject of this variance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 212.85 acres in total located approximately 0.57 miles from the intersection of U.S. Route 34 and Eldamain Road on the north side of U.S. Route 34, commonly known as 11443 U.S. Route 34 (PIN#s: 02-30-200-023, 02-19-400-009, and 02-19-400-010) in Bristol Township, and this property shall hereinafter be referred to as “the subject property”; and

WHEREAS, the subject property is legally described in attached Exhibit A; and

WHEREAS, the subject property is owned by the LaSalle National Trust #47016 and the entities owning an interest in this Trust are listed in attached Exhibit B and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, Section 4.19.2.b – Temporary Uses Permitted – Distance to Occupied Principal Structure Yard Areas of the Kendall County Zoning Ordinance requires at least 1000’ from an occupied principal structure and a concrete ready-mix or asphalt plant when necessary and incidental to major construction operation in the Agricultural Zoning District; and

WHEREAS, on or about March 2, 2018, Petitioner filed a request for a variance to allow the placement of one (1) temporary mobile concrete batch plant 318’ from an occupied principal structure, requiring a 682’ variance; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on

April 2, 2018, at 7:00 p.m. at 111 W. Fox Street in Yorkville, at which Petitioner presented evidence, testimony, and exhibits in support of the requested variance, subject to conditions, one (1) member of the public testified in opposition to the request and one (1) member of the public testified in favor of the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has approved the following Findings of Fact as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **The Petitioner currently leases the adjacent farm ground to a farmer that has already planted crops. If the location of the proposed plant were located one thousand feet (1,000') from the nearest occupied principal structure, more farm land would be taken out of service for growing crops.**

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **This is partially true. Other properties zoned A-1 could have similar configurations (i.e. location of the home site(s) on the parcel, the size of the parcel, location of occupied principal structures on neighboring properties, etc) limiting the location of concrete and asphalt plants. The exact number of properties sharing similar characteristics is unknown, but any farm located next to a road and near houses could have similar conditions.**

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The petitioner did not cause the construction of the homes on the south side of U.S. Route 34 and did not cause the widening of U.S. Route 34. However, the petitioner could have chosen to take additional farm ground out of production so that the proposed plant could have been located further away from the nearby houses.**

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The proposed variance and temporary use permit will be effective for less than two (2) years. The placement of the proposed use at the subject property should cause the completion of the U.S. Route 34 project in a timely manner. Plote Construction Company has approval from the Illinois Department of Transportation to periodically close traffic lanes and Plote Construction Company has a dust control plan approved by the Illinois Department of Transportation. The various walls constructed along U.S. Route 34 should also address noise, sight, and dust issues.**

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **The proposed variation is temporary and a part of public transportation project. Increased congestion will occur in this area for the duration of construction whether or not the variance is approved. Given that the proposal is temporary, there should be no long term damage to public safety or property values.**

WHEREAS, this variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Zoning Board of Appeals hereby grants approval of a variance to allow the placement of one (1) temporary mobile concrete batch plant necessary and incidental to a major construction project in the Agricultural District to be located at its

closest point approximately three hundred eighteen feet (318') from an occupied principal structure requiring a variance of six hundred eighty-two feet (682') as shown on the attached Site Plan included as Exhibit C attached hereto and incorporated herein subject to the following conditions:

1. The petitioner shall resolve all outstanding alleged Zoning Ordinance violations prior to the commencement of operations.
2. The petitioner shall secure all applicable permits prior to the construction and use of the proposed plant.
3. The petitioner shall comply with any restrictions or conditions imposed as part of the temporary use permit.
4. The variance allowed by this Variance Ordinance shall expire at the same time as the temporary use permit expires.
5. Between six inches (6") and twelve inches (12") of top soil be shall hauled onto the concrete crushing area upon conclusion of operations.

IN WITNESS OF, this Ordinance has been enacted by a vote of 5 members in favor and 0 members in opposition of the Kendall County Zoning Board of Appeals and is effective this 18th day of April, 2018.

Mailed to and Prepared by:
Matthew H. Asselmeier
111 West Fox Street Rm. 203
Yorkville, IL 60560

SEAL

Subscribed and sworn to before me
this 18th day of April, 2018.

Matthew H. Asselmeier, AICP
Senior Planner

Notary Public

LEGAL DESCRIPTION – LASALLE NATIONAL TRUST #47016

*Taken from Wheatland Title Guaranty Company's Title Commitment WTG No. 13-2013KL-2189.0
effective date March 21, 2016 as furnished by Owner*

PARCEL 1

THAT PART OF THE SOUTH 1/2 OF SECTION 19 AND THE NORTH 1/2 OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER OF SAID SECTION 19; THENCE SOUTH 00° 48' 07" EAST ALONG THE QUARTER LINE 257.40 FEET; THENCE NORTH 83° 55' 03" WEST 1944.30 FEET TO A POINT WHICH IS 1930.58 FEET SOUTH 88° 28' 32" WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE 204.60 FEET; THENCE SOUTH 02° 08' 40" WEST 2489.33 FEET TO THE PRESENT CENTER LINE OF U. S. HIGHWAY NO. 34; THENCE EASTERLY ALONG SAID CENTER LINE 2001.79 FEET TO A POINT ON SAID CENTER LINE WHICH IS NORTH 84° 54' 42" WEST FROM THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30 (AS MEASURED ALONG THE CENTER LINE OF SAID U. S. HIGHWAY NO. 34); THENCE NORTH 05° 05' 18" EAST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET; THENCE SOUTH 84° 54' 42" EAST PARALLEL WITH SAID CENTER LINE 565.71 FEET; THENCE SOUTH 05° 05' 18" WEST AT RIGHT ANGLES TO SAID CENTER LINE 231.00 FEET TO SAID CENTER LINE; THENCE SOUTH 84° 54' 42" EAST ALONG SAID CENTER LINE 2370.99 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG SAID EAST LINE 429.15 FEET TO THE NORTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 00° 39' 04" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 19, 301.20 FEET; THENCE SOUTH 89° 20' 56" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 227.23 FEET; THENCE NORTH 15° 08' 07" WEST 2403.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 19 WHICH IS 1826.22 FEET NORTH 88° 28' 32" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 88° 28' 32" WEST ALONG SAID NORTH LINE, 1826.22 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

PARCEL 2

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Exhibit A

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PERMANENT TAX NUMBER(S): 02-19-300-006; 02-19-400-006; 02-19-400-005; 02-30-100-002; 02-30-300-006

Exhibit B

Kendall County Zoning Board of Appeals Partnership General Partners (Principles) Public Notice Exhibit

NAME	POSITION	ADDRESS
Tamara D. Burke	General Partner	1400 Burr Oak Drive Glenview, Illinois 60025
Sean McGould	General Partner	764 Harbour Isles Place North Palm Beach, Florida 33410
Drew A. Daniels	General Partner	405 E. Sheridan Road Lake Bluff, Illinois 60044

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Erin D. McGould	764 Harbour Isles Place North Palm Beach, Florida 33410
Drew A. Daniels	405 E. Sheridan Road Lake Bluff, Illinois 60044
Shannon D. Schweiger	31420 Reigate Lane Green Oaks, Illinois 60048
Kathleen S. Daniels Family Trust	1850 Duffy Lane Bannockburn, Illinois 60015

LEGAL DESCRIPTION

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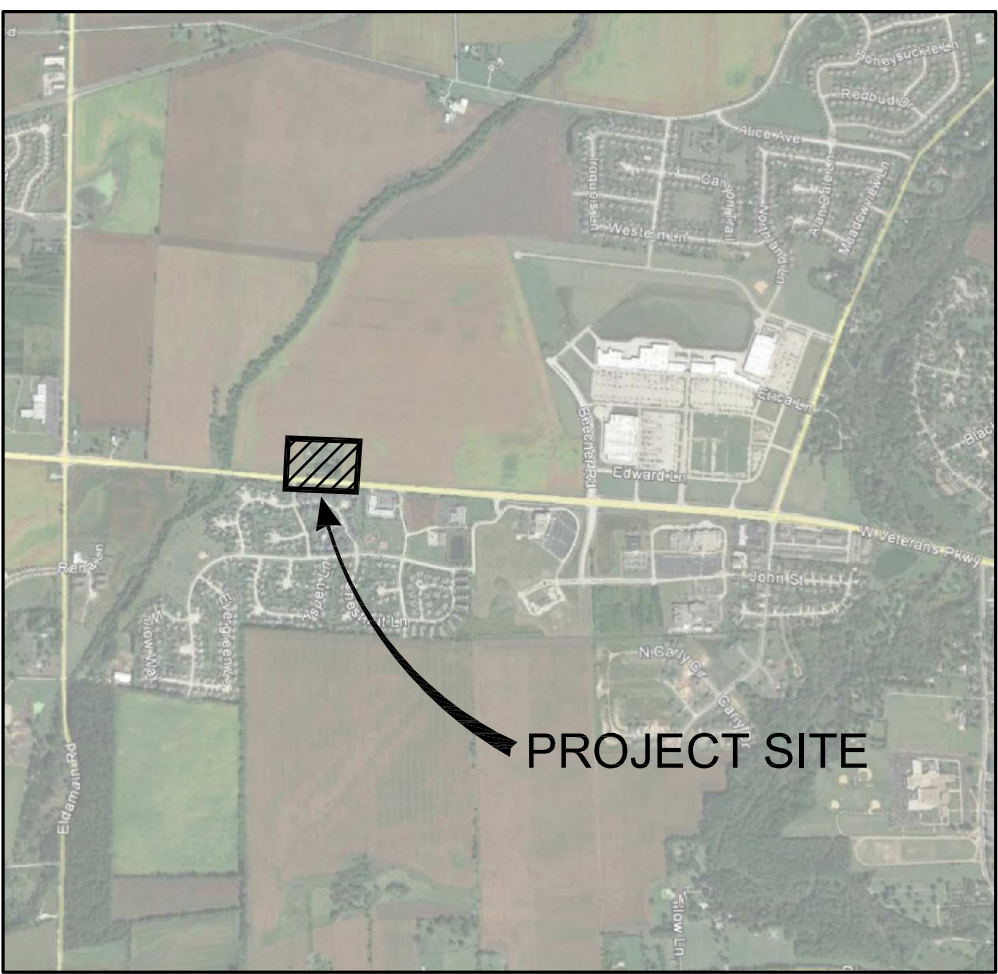
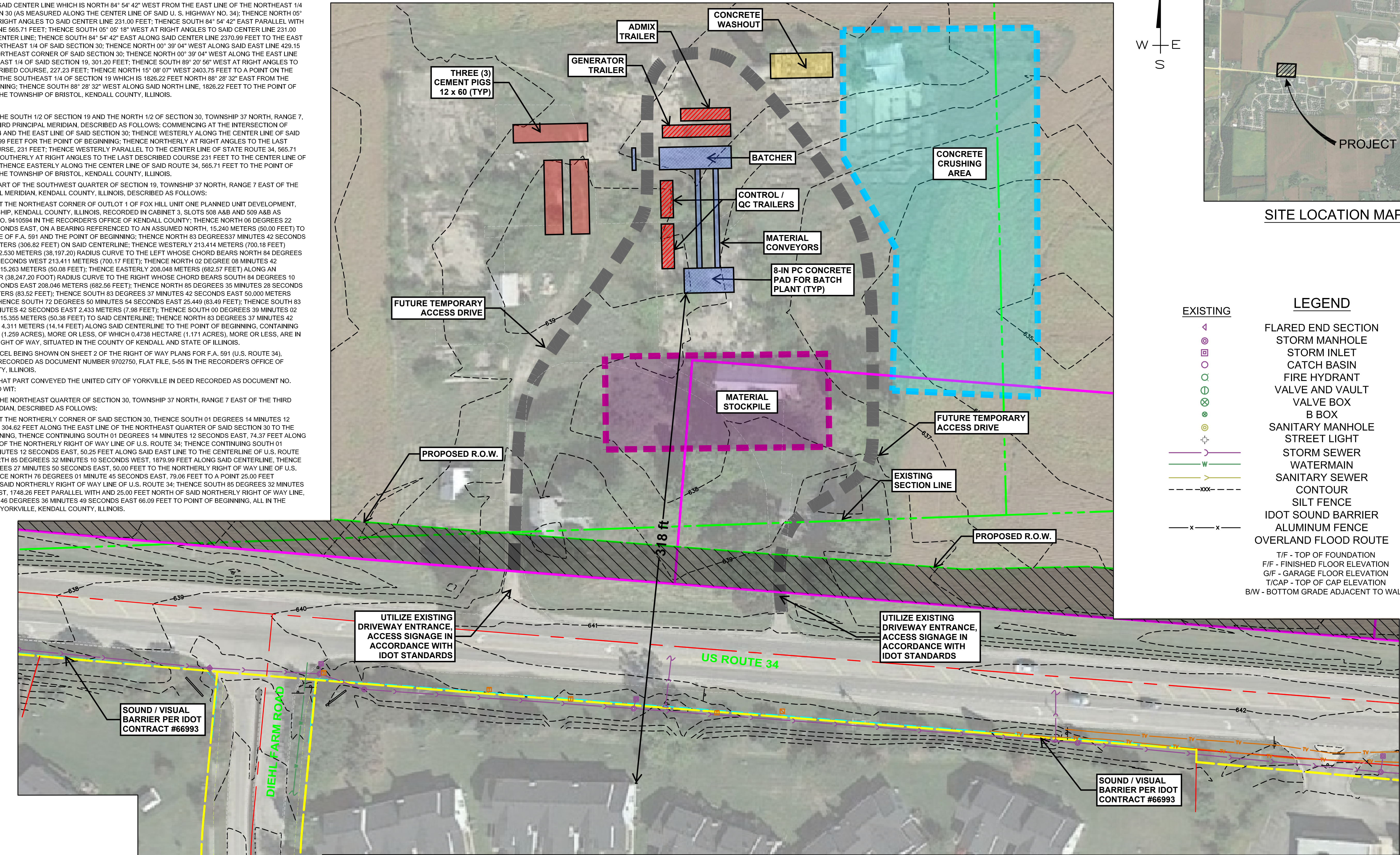
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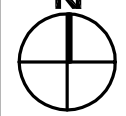
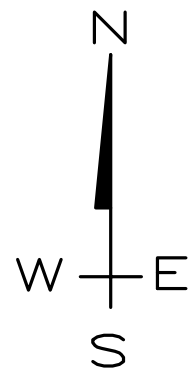
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PROPOSED SITEPLAN



SITE LOCATION MAP



EXISTING	LEGEND	PROPOSED
	FLARED END SECTION	
	STORM MANHOLE	
	STORM INLET	
	CATCH BASIN	
	FIRE HYDRANT	
	VALVE AND VAULT	
	VALVE BOX	
	B BOX	
	SANITARY MANHOLE	
	STREET LIGHT	
	STORM SEWER	
	WATERMAIN	
	SANITARY SEWER	
	CONTOUR	
	SILT FENCE	
	IDOT SOUND BARRIER	
	ALUMINUM FENCE	
	OVERLAND FLOOD ROUTE	
	T/F - TOP OF FOUNDATION	
	F/F - FINISHED FLOOR ELEVATION	
	G/F - GARAGE FLOOR ELEVATION	
	T/CAP - TOP OF CAP ELEVATION	
	B/W - BOTTOM GRADE ADJACENT TO WALL	

BENCHMARKS

1. RR SPIKE IN POWER POLE ON SOUTH SIDE OF RIVER ROAD 950 WEST OF SECTION LINE, ELE = 624.95
2. ELDA MAIN RD. AT ENTRANCE TO MENARD'S DISTRIBUTION CENTER - TOP OF EAST SIDE OF EASTERNMOST LIGHT BASE IN CENTER MEDIAN, ELE = 654.45
3. SCHAFER RD. BRIDGE, WEST OF ELDA MAIN RD. - BRASS MARKER ON TOP OF SOUTHEAST ABUTMENT, ELE = 617.23
4. USGS PLATE ON SOUTHEAST ABUTMENT OF RAILROAD BRIDGE AT IL ROUTE 47 (STAMPED "A 50 RESET 1944"), ELE = 644.52

CERTIFICATION

I, MICHAEL D. COOK, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF ILLINOIS CERTIFIES THIS PLAN HAS BEEN PREPARED BY COOK ENGINEERING GROUP UNDER MY PERSONAL DIRECTION.

M.D.C.



ILLINOIS P.E. #62-052101
EXPIRES NOVEMBER 30, 2019

REVISION DESCRIPTION	DATE
	1
	2
	3
	4
	5
	6
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	8
	9
	10

TEMPORARY CONCRETE
BATCH PLANT SITEPLAN

LASALLE BANK TRUST #47016
11443 ROUTE 34
YORKVILLE, IL 60560

PREPARED FOR
LASALLE BANK TRUST #47016
49 SHERWOOD TERRACE, STE A
LAKE BLUFF, IL 60044
224.212.1250 (T)

MR. DREW DANIELS

CEG JOB NUMBER
2010-103

SCALE: 1" = 40'

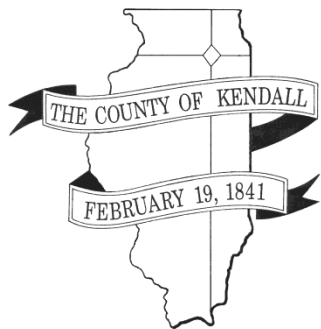
DRAWN BY: MDC

CHECKED BY: MDC

DATE: 03/02/2018

SHEET: 1 of 1

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DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

April 10, 2018

LaSalle National Trust #47016

c/o Drew Daniels

405 E. Sheridan Road

Lake Bluff, IL 60044

RE: *A-1 Temporary Use to Operate a Concrete Batch Plant*
11443 U.S. Route 34, Bristol Township (PIN #s 02-30-200-023, 02-19-400-009, and 02-19-400-010)

Dear Mr. Daniels:

This letter serves as a copy of the approved Agricultural Temporary Use permit to operate a concrete batch plant at 11443 U.S. Route 34.

The conditions of the temporary use permit are as follows:

1. This temporary use permit shall be valid until December 31, 2019, at the location and configuration shown on the attached site plan marked as Exhibit A.
2. The plant shall be located a minimum of three hundred eighteen feet (318') from any occupied principal structure.
3. All facilities placed or located on the site shall be removed and the site restored to its original condition on or before the expiration date of this temporary use permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
4. The plant shall produce product only for the U.S. Route 34 project adjacent to the subject property and Eldamain Road U.S Route 34 to River Road Project.
5. The hours of operation must be 7am-5:30pm Monday thru Friday.
6. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
7. All outstanding Zoning Ordinance violations shall be resolved prior to the commencement of operations.
8. All applicable permits shall be secured prior to the construction and use of the proposed plant.
9. All restrictions imposed by the variance allowing the operations to be up to three hundred eighteen feet (318') from any occupied principal structure shall be followed.
10. If the variance allowing the operations to be up to three hundred eighteen feet (318') from any occupied principal structure is revoked, this temporary use permit shall be

revoked simultaneously.

Should you have any questions or concerns about this matter, please feel free to contact our office at (630) 553-4141.

Kind Regards,

Matthew H. Asselmeier, AICP
Senior Planner

LEGAL DESCRIPTION

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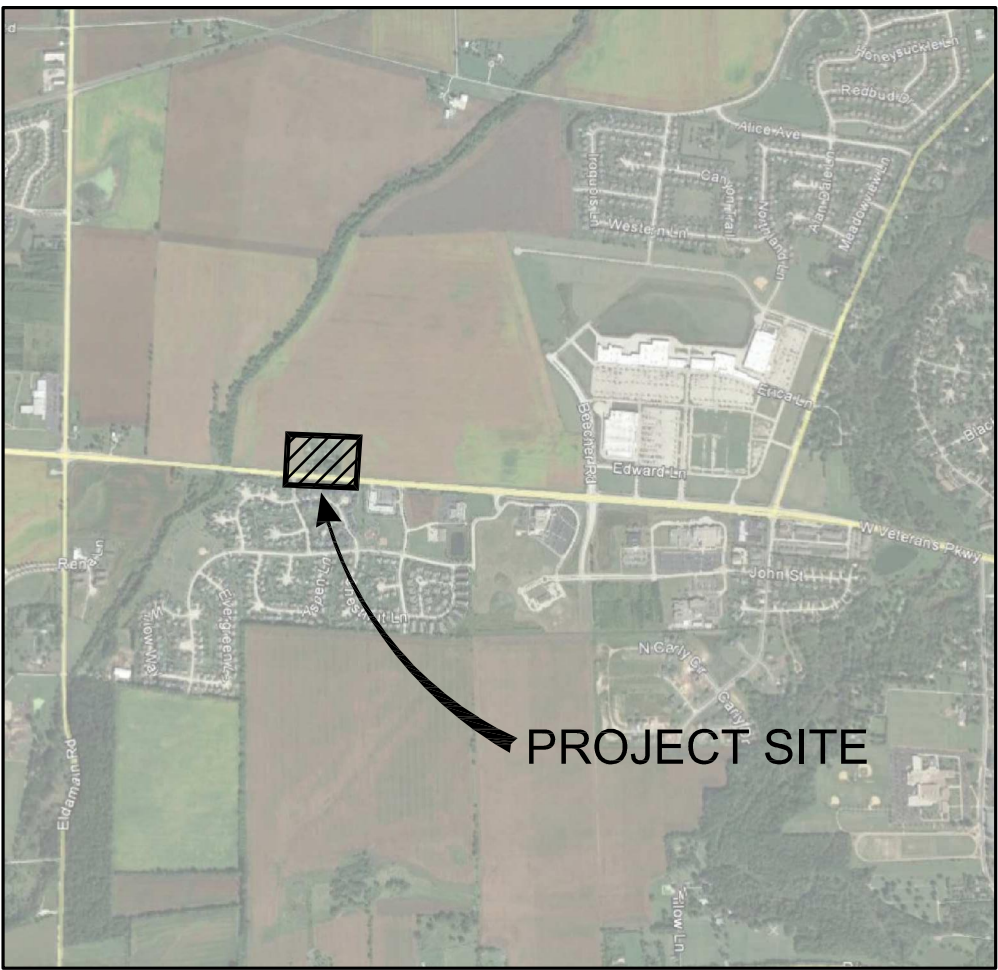
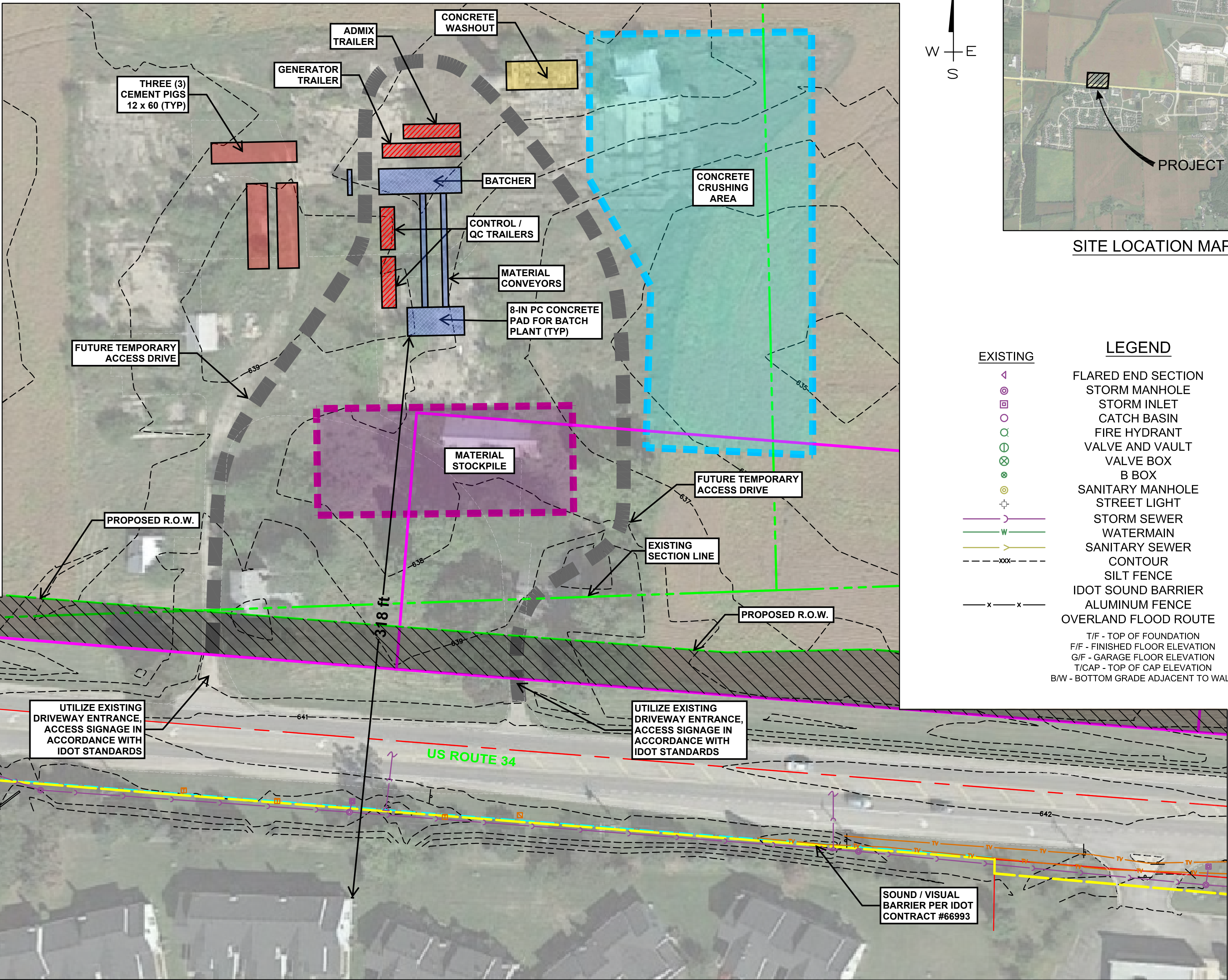
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ALSO EXCEPT THAT PART CONVEYED THE UNITED CITY OF YORKVILLE IN DEED RECORDED AS DOCUMENT NO. 201400012767 TO WIT:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF SAID SECTION 30, THENCE SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 304.62 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30 TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 74.37 FEET ALONG SAID EAST LINE OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE CONTINUING SOUTH 01 DEGREES 14 MINUTES 12 SECONDS EAST, 50.25 FEET ALONG SAID EAST LINE TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTH 85 DEGREES 32 MINUTES 10 SECONDS WEST, 1879.99 FEET ALONG SAID CENTERLINE, THENCE NORTH 04 DEGREES 27 MINUTES 50 SECONDS EAST, 50.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE NORTH 76 DEGREES 01 MINUTE 45 SECONDS EAST, 79.06 FEET TO A POINT 25.00 FEET NORTHERLY OF SAID NORTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THENCE SOUTH 85 DEGREES 32 MINUTES 10 SECONDS EAST, 1748.26 FEET PARALLEL WITH AND 25.00 FEET NORTH OF SAID NORTHERLY RIGHT OF WAY LINE, THENCE NORTH 46 DEGREES 36 MINUTES 49 SECONDS EAST 66.09 FEET TO POINT OF BEGINNING, ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

PROPOSED SITEPLAN



SITE LOCATION MAP

EXISTING	LEGEND	PROPOSED
	FLARED END SECTION	
	STORM MANHOLE	
	STORM INLET	
	CATCH BASIN	
	FIRE HYDRANT	
	VALVE AND VAULT	
	VALVE BOX	
	B BOX	
	SANITARY MANHOLE	
	STREET LIGHT	
	STORM SEWER	
	WATERMAIN	
	SANITARY SEWER	
	CONTOUR	
	SILT FENCE	
	IDOT SOUND BARRIER	
	ALUMINUM FENCE	
	OVERLAND FLOOD ROUTE	
	T/F - TOP OF FOUNDATION	
	F/F - FINISHED FLOOR ELEVATION	
	G/F - GARAGE FLOOR ELEVATION	
	T/CAP - TOP OF CAP ELEVATION	
	B/W - BOTTOM GRADE ADJACENT TO WALL	

P.I.N.'S
02-19-300-019
02-19-400-009
02-19-400-010
02-30-200-023

CERTIFICATION

I, MICHAEL D. COOK, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF ILLINOIS CERTIFIES THIS PLAN HAS BEEN PREPARED BY COOK ENGINEERING GROUP UNDER MY PERSONAL DIRECTION.

Michael D. Cook



ILLINOIS P.E. #62-052101
EXPIRES NOVEMBER 30, 2019

Civil Engineering &
Land Development Consulting
26316 Mapleview Drive
Plainfield, IL 60585
815.577.1707 T 815.577.2595 F
www.cookengrroup.com



REVISION DESCRIPTION	DATE
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

TEMPORARY CONCRETE
BATCH PLANT SITEPLAN

LASALLE BANK TRUST #47016
11443 ROUTE 34
YORKVILLE, IL 60560

PREPARED FOR
LASALLE BANK TRUST #47016
49 SHERWOOD TERRACE, STE A
LAKE BLUFF, IL 60044
224.212.1250 (T)

MR. DREW DANIELS

CEG JOB NUMBER
2010-103

SCALE: 1" = 40'

DRAWN BY: MDC

CHECKED BY: MDC

DATE: 03/02/2018

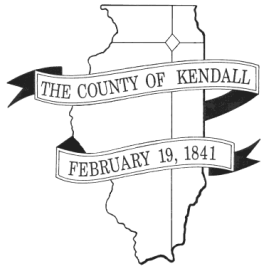
SHEET:

1 of 1

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BENCHMARKS

- RR SPIKE IN POWER POLE ON SOUTH SIDE OF RIVER ROAD 950 WEST OF SECTION LINE, ELE = 624.95
- ELDAMAIN RD. AT ENTRANCE TO MENARD'S DISTRIBUTION CENTER - TOP OF EAST SIDE OF EASTERNMOST LIGHT BASE IN CENTER MEDIAN, ELE = 654.45
- SCHAFER RD. BRIDGE, WEST OF ELDAMAIN RD. - BRASS MARKER ON TOP OF SOUTHEAST ABUTMENT, ELE = 617.23
- USGS PLATE ON SOUTHEAST ABUTMENT OF RAILROAD BRIDGE AT IL ROUTE 47 (STAMPED "A 50 RESET 1944"), ELE = 644.52



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: April 2, 2018

Re: Petition 18-12-Partial Repeal of Special Use in for Property Located on the East Side of W. Beecher Approximately 2.5 Miles South of Galena Road in Bristol Township for Gravel Mining

On March 5, 2018, Mary Auer submitted a request to revoke a special use permit for gravel mining on her property located approximately 2.5 miles south of Galena Road on the east side of W. Beecher.

A copy of Ordinance 72-8 which granted a special use permit is attached.

In 2017, through Ordinance 2017-24, the County Board revoked the special use permit for gravel mining on the property immediately to the east of the subject property.

The subject property is zoned A-1 Agricultural. If the special use permit is revoked, the subject properties would retain the A-1 Agricultural zoning classification.

If the Committee wishes to take action on this proposal, a draft ordinance is also enclosed.

If you have any questions, please let me know.

Thanks,

MHA

Enc: Ordinance 72-8

Map Showing Revocation Approved in Ordinance 2017-24

Draft Revocation Ordinance

A-154 after
174 zoning change

ORDINANCE

72-8

com ad ?

Pl. 02-06-400-005

Pl. 02-06-400-002

02-06-400-006

? com ad Pl. 02-07-200-003

Pl. 02-07-200-006

AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

WHEREAS, The old Second National Bank of Aurora, as Trustee under trust No. 1582, Paul Schultz, August F. Schultz and Mildred Hanks, and Feltes Gravel Co. and Feltes Land, Inc. did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted May 10, 1960, and

02-07-200-01

Pl. 02-07-200-008
Pl. currently m-2

02-08-100-007
Pl. currently m-2

02-08-100-005

02-08-100-006

* Pl. 02-07-200-013

02-08-100-003

updated 98-2

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 21st day of March, A.D. 1972, on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the Board of Supervisors of Kendall County, Illinois that the petition be granted and the zoning maps and ordinance be amended in the manner required by law; and

WHEREAS, Supervisor Ernest Zeiter did move that the findings of the Zoning Board of Appeals be accepted and that the property described in said petition be granted a change in classification from "A" Agriculture to "M-3" for asphalt and redi-mix plant and a "Special Use" under agriculture for gravel mining operation and upon second by James Mann, roll call was taken as follows:

134

The following voted Aye: Keith Nichols: Harold Christian: Howard Shoger: James Mann: Charles Sleezer; Ernest Zeiter; Charles Whitfield: John Stewart: Robert Hacker; Russell Naden.

The following voted Naye: None

Excused: Myron Wormley.

207

M-3
A1-50
multi zoning?

see attached map

NOWTHEREFORE, BE IT ORDAINED by the Board of Supervisors of Kendall County, Illinois that the following described property be and it is hereby rezoned from "A" Agriculture to "M-3" for asphalt and redi-mix plant and a "Special Use" under agriculture for gravel mining operation and that the County Clerk be and she is hereby ordered and directed to change the zoning map, to show the change in zoning classification:

PARCEL I

The East ahlf of the Northeast quarter of Section 7 and the Northwest quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian, all in Bristol Township, Kendall County, Illinois. Containing 240 plus acres.

PARCEL II

That part of the West half of the Northeast quarter of Section 7, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said West half for a point of beginning; thence South along the East line of said West half, 724.00 feet; thence West along a line which forms an angle of 89° 36' 21" measured from North to West with the last described line, 874.63 feet; thence North along a line which froms an angle of 90° 35' 33" measured from East to North with the last described line, 709.73 feet to a point in the North line of said West Half; thence East along said North line, 877.11 feet to the point of beginning, all in Bristol Township, Kendall County, Illinois. Containing 14.41 acres.

PARCEL III

That part of the Southeast quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Southeast quarter; thence East along the South line of said Southeast quearter,

442.89 feet for a point of beginning; thence North along a line which forms an angle of 89° 39' 33" measured from East to North with the easterly extension of the last described line, 1027.0 feet; thence East along a line which forms an angle of 89° 39' 48" measured from South to East with the last described line, 1730.00 feet; thence South along a line which forms an angle of 90° 29' 42" measured from West to South with the last described line, 1006.52 feet to a point in the South line of said Southeast quarter; thence West along the South line of said Southeast quarter, 1732.11 feet to the point of beginning, all in Bristol Township, Kendall County, Illinois. Containing 40.40 acres.

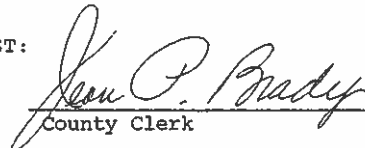
BE IT FURTHER ORDAINED that the above "Special Use" classification shall be expressly made subject to the following conditions:

1. That the foregoing "Special Use" shall be subject to further review of the Zoning Board of Appeals and the Board of Supervisors upon notice directed to the owner of the premises herein described and a proper publication as required by law not less than fifteen days prior to date of hearing.
2. That a green belt must be maintained on the west side of the West Branch of the Rob Roy Creek of a minimum of 100 feet.
3. That the petitioner cooperate with the Bristol Township Road Commissioner on the south end of the site.
4. That the petitioner be subject to an annual inspection and renewal.
5. That a bond of \$50,000 will be required until such time as the State of Illinois makes their rules governing bonding of such areas.

Passed this 11th day of April, 1972.

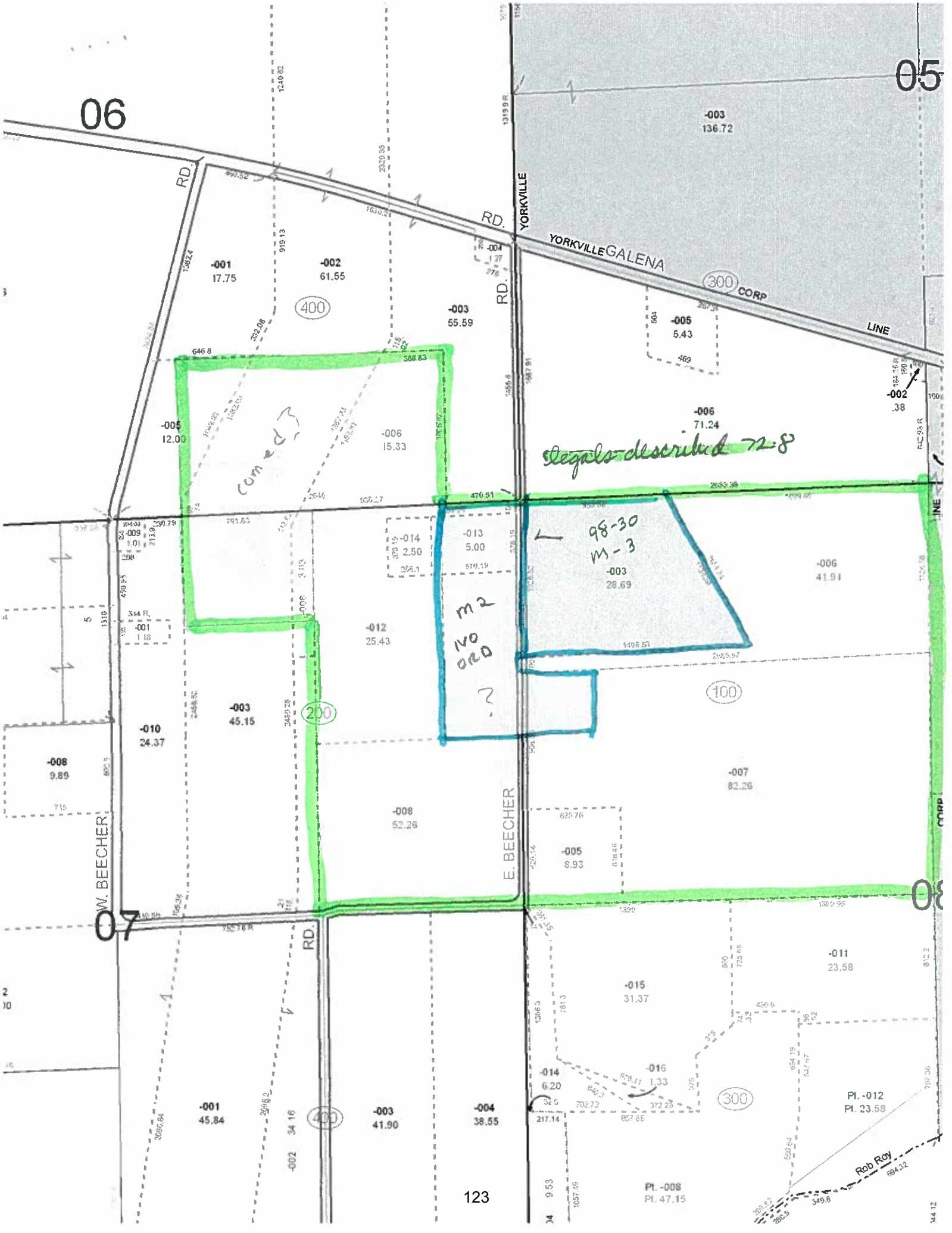

Chairman County Board of Supervisors
Kendall County, Illinois

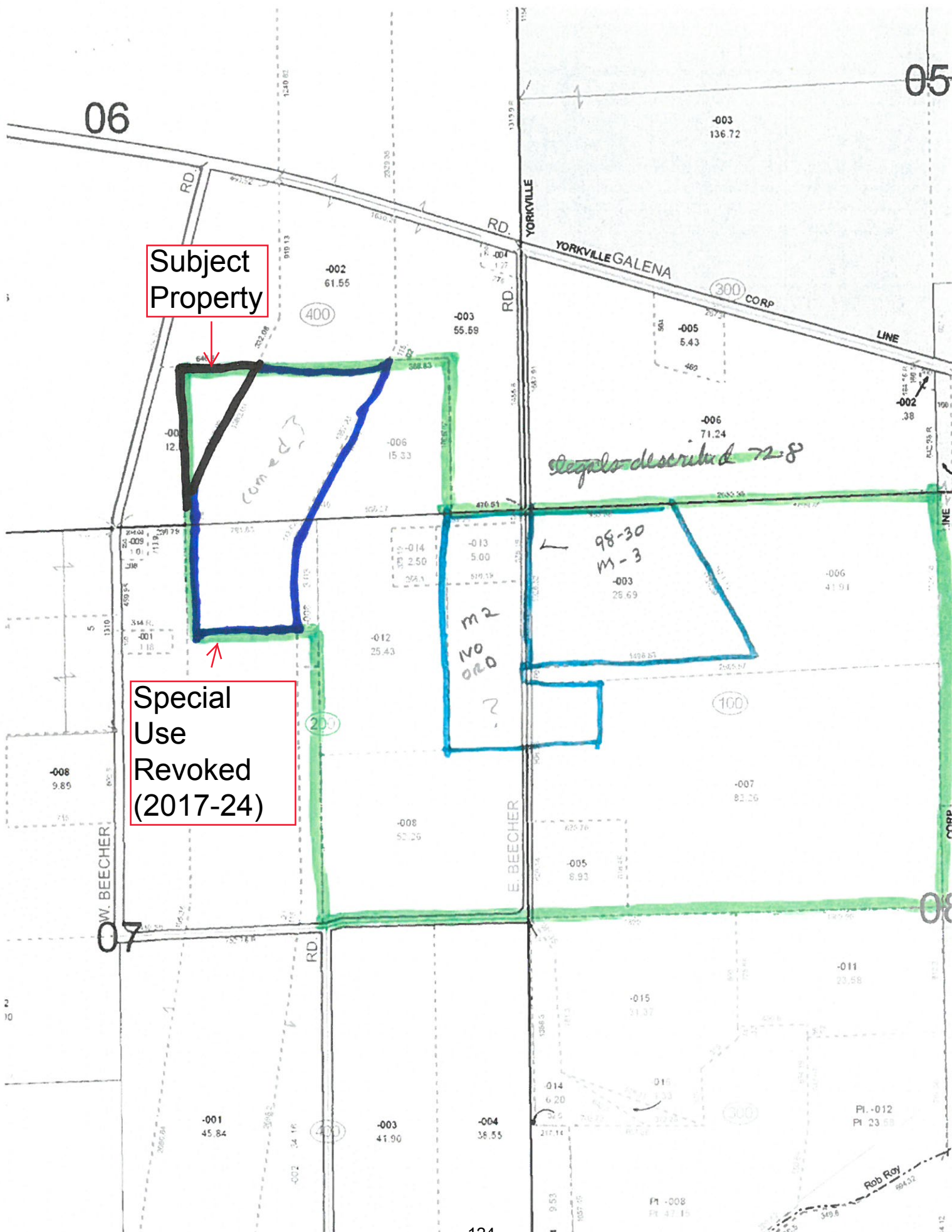
ATTEST:


County Clerk

06

05





Subject
Property

Special
Use
Revoked
(2017-24)

legals described 72.8

*98-30
M-3*

*m2
140
020
?*

ORDINANCE # 2018-_____

REVOKING A SPECIAL USE for
A GRAVEL MINING OPERATION ON PROPERTY OWNED BY MARY C. AUER
APPROXIMATELY 2.5 MILES SOUTH OF GALENA ROAD ON THE EAST SIDE OF
WEST BEECHER ROAD IN BRISTOL TOWNSHIP
(PARCEL ID NUMBER 02-06-400-005)

WHEREAS, the Old Second National Bank of Aurora, as Trustee under trust No. 1582, Paul Schultz, August F. Schultz and Mildred Hanks, and Feltes Gravel Co. and Feltes Land, Inc. petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining a special use permit for the operation of a gravel mining operation in Sections 6 of Bristol Township, now identified by Parcel Identification Number 02-06-400-005; and

WHEREAS, said property is located on the east side of West Beecher Road approximately 2.5 miles south of Galena Road; and

WHEREAS, said property is legally described in attached document Exhibit “A”; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request as Ordinance 72-8 on April 11, 1972; and

WHEREAS, restriction number 4 of the special use permit awarded by Ordinance 72-8 requires the special use be subject to annual inspection and renewal; and

WHEREAS, Mary C. Auer acquired the property in August 1996; and

WHEREAS, Section 13.08.F of the Kendall County Zoning Ordinance allows a special use permit holder to request revocation of said special use by written request to the County Board; and

WHEREAS, pursuant to Section 13.08.F of the Kendall County Zoning Ordinance, no public hearing is required for an owner-initiated revocation; and

WHEREAS, Mary C. Auer, owner, no longer desire the special use permit and have stated in a letter as provided in attached Exhibit “B” that they voluntarily requests that Kendall County revoke the special use permit on the above-referenced property; and

NOW, THEREFORE, BE IT ORDAINED, by the County Board of Kendall County, Illinois that the special use permit granted under Ordinance 72-8 for the subject property be revoked as of the date of this Ordinance; and

BE IT FURTHER ORDAINED, that the Zoning Administrator and other appropriate County officials are hereby authorized and directed to update the Official Zoning Map of Kendall County to reflect the revocation of the special use permit granted under Ordinance 72-8 for the subject property.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 17th day of April, 2018.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

That part of the Southeast Quarter of Section 6, Township 37 North, Range 7, East of the Third Principal Meridian, described as follows: Beginning at the Southwest Corner said Southeast Quarter;

thence East along the South line of said Southeast Quarter 445.59 feet; thence North along a line forming an angle of 88 degrees 16 Minutes 42 Seconds measured to the left of the last described line of said Section 6, a distance of 99.74 feet to a point which is 99.70 feet perpendicularly distant North of said South line of Section 6; thence Northeasterly along a line forming an angle of 26 degrees 56 minutes 20 seconds to the right of the prolongation of the last described line, a distance of 1049.98 feet to a point which is 1021.04 feet perpendicularly distant North of the South line of said Section 6, thence West along a line forming an angle of 117 Degrees 58 Minutes 59 Seconds to the left of the prolongation of the last described line 646.8 feet to a point on the center line of a road (presently known as West Beecher Road); thence Southwesterly along the center line of said Road, 107306 feet to the point of beginning, all in Kendall County, Illinois.

Exhibit B

March 5, 2018

Kendall County
Planning, Building and Zoning
Attn: Matthew H. Asselmeier
111 West Fox Street Room 203
Yorkville, IL 60560-1498
Phone: 630-553-4139 Fax: 630.553.4179

I, Mary Auer, am the owner of the parcel 02-06-400-005.

On April 11, 1972, the property was granted a special use (Ordinance 72-08). The special use granted in 1972 was granted for the operation of a gravel mine.

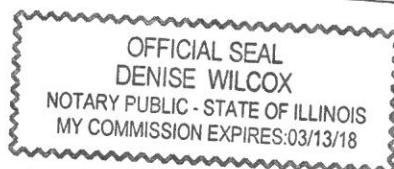
Pursuant to Section 13.08.F of the Kendall County Zoning Ordinance, I hereby voluntarily request that Kendall County revoke my special use on the above-referenced property. By signing below, I acknowledge that no public hearing shall be conducted for revocation of the special use. I understand that the requested revocation shall not become effective unless and until approved by a majority vote of the Kendall County Board. By signing below, I hereby waive my right to a public hearing and formally request the above-referenced special use be removed from my property.

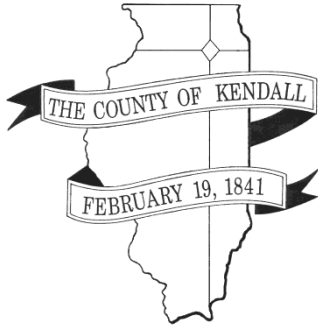
Mary C Auer
(Signature)

3/5/18
(Date)

Mary C Auer
(Printed Name)

Attest: Denise Wilcox
Notary Public





DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: April 2, 2018
Re: Amended Petition 17-29 – Proposed Text Amendments to Section 13.08.H of the Kendall County Zoning Ordinance Increasing the Notification Requirements for Applications for Special Use Permits on the A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

At the March 15th Committee of the Whole meeting, the Committee referred Petition 17-29 pertaining to increasing the notification distance for applications for special use permits on A-1 zoned property to one thousand feet (1,000') and requiring that only adjacent property owners be notified of special use applications on properties not zoned A-1 to the Planning, Building and Zoning Committee.

It is Staff's interpretation that the Committee of the Whole would like further review of the notification requirements of specific A-1 special uses. On October 24, 2017, Staff prepared the attached memo regarding requiring some special uses to have a larger notification area than other special uses in the A-1 Zoning District.

Also, attached please find the current list of A-1 special use permits. The maps of specific case studies used for previous meetings are also attached.

The current practice of Kendall County is to require notification of all property owners within five hundred (500') feet of requests for special use permits on properties zoned A-1 and that adjacent property owners are notified of applications for special use permits on properties not zoned A-1. This requirement is not listed in the Kendall County Zoning Ordinance.

On September 11, 2017, the Planning, Building and Zoning Committee originally proposed increasing the notification requirement to two thousand, six hundred feet (2,600). When ZPAC reviewed the original proposal, they requested the Planning, Building and Zoning Committee to amend their proposal. The Planning, Building and Zoning Committee amended the proposal to the proposed one thousand foot (1,000') notification requirement.

ZPAC reviewed the revised proposal on December 5th. The Kendall County Regional Planning Commission reviewed the proposal on January 24th. The Kendall County Zoning Board of Appeals held the public hearing on this proposal on January 29th. All of the advisory board unanimously recommended setting the notification requirement at five hundred feet (500') for special use permits on A-1 zoned property and only adjoining property owners be notified of special use permit applications on non-A-1 zoned property. The record of decision from this hearing and the minutes of all of the advisory committees can be found at https://www.co.kendall.il.us/wp-content/uploads/Petition_17-29.pdf.

The reasons for the recommendation were:

1. A one thousand foot (1,000') requirement was larger than neighboring counties (ZPAC).
2. The cost of Six Dollars and Seventy-Four Cents (\$6.74) to do the mailings to more people would be a burden to petitioners (ZPAC, RPC, ZBA).
3. The added time for the applicant to mail the notices (ZPAC).

4. The added time for Staff to process the additional green cards (ZPAC).
5. No method exists to notify everyone that thinks they should be notified (ZPAC)
6. Anyone could attend the hearing and the testimony of the person that received notice has equal weight as a person that did not receive the notice (ZBA).
7. Neighbors tell neighbors; social media allows neighbors to communicate and mailing the notice is not the only way neighbors find out about hearings (ZBA).

One member of the ZBA favored the proposal in agricultural areas, but did not see how the Department could separate an A-1 zoned area near residential use with an A-1 zoned property in the middle of agricultural lands.

This amended proposal was mailed to each township on December 5th and each township was notified of the recommendation of the Kendall County Zoning Board of Appeals on January 30th. No township filed a formal objection or submitted any comments on the proposal.

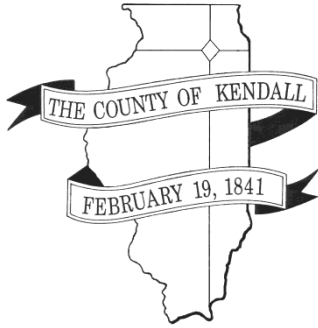
The Planning, Building and Zoning Committee reviewed this proposal on March 11th. The PBZ Committee, by a vote of 3-2, approved forwarding the proposal to the Committee of the Whole.

This proposal applies on only special use permit applications, major amendments to special use permits, and non-owner initiated special use revocations.

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

MHA

ENC: October 24, 2017 Memo
List of Active A-1 Special Uses
Proposed Ordinance
Map Amendments



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: October 24, 2017
Re: Distance Notification Requirements for Applications for Special Uses in A-1 Zoned Areas

At the September Planning, Building and Zoning Committee meeting, Staff was requested to create a list of special uses in the A-1 District requiring greater notification. Below please find Staff's suggestions for increased notification (i.e. 2,600 feet). The reasons for increased notification are included in parentheses. Uses shown in bold currently do not have any special use permits issued.

1. Airports and Heliports (Noise, Light and Vibrations)
2. **Animal Feed Preparation, Grinding and Mixing** (Noise, Smells and Vibrations)
3. Athletic Fields with Lights (Noise and Light)
4. **Banquet Halls** (Noise)
5. Cemeteries, Including Crematoriums and Mausoleums (Smells and Groundwater Concerns)
6. Child Daycare Facilities (Noise)
7. Communication Uses (Visual)
8. Composting of Landscape Waste and Food (Smells and Visual)
9. **Correctional Facilities** (Noise, Lights and General Safety)
10. Fertilizer Seed and Sales, Including Bulk Storage and Mixing (Smells and General Safety)
11. Grain Storage When Not Accessory to the Pursuit of Agriculture (Noise and Smells)
12. **Kendall County Sheriff's Office Shooting Range** (Noise, Lights, Vibrations and General Safety)
13. Kennels (Noise and Smells)
14. Landscaping Business (Noise and Visual)
15. Outdoor Commercial Sporting Activities Including Swimming Facilities and Motocross Sports (Noise, Lights and Vibrations)
16. Outdoor Target Practice and Shooting (Noise, Lights, Vibrations and General Safety)
17. Paintball Facilities (Noise and Light)
18. Performing Arts Centers (Noise and Light)
19. **Public or Private Telecommunication Hubs, Filtration Plants, Sewage Treatment Plants, Electric Sub-Stations and Similar Uses** (Noise, Smells and Visual)
20. Recreational Camps and Recreation Vehicle Parks (Noise and Lights)
21. Small Poultry and Small Animal Processing Plants (Noise, Smells and Lights)
22. Storage Facilities for Motor Vehicles, Boats, Trailers and Other Recreational Vehicles (Lights and Visual)
23. Telecommunication Stations (Visual)
24. **Wind Farm, Commercial** (Noise and Visual)

Staff suggests that the following uses not be required to have increased notification. Uses shown in bold currently do not have any special use permits issued.

1. **Adult Day Care or Respite Care**
2. **Agency Licensed Family Residential Care Homes – Transitional Halfway House**
3. **Agency Licensed Group Residential Care Home – Permanent**
4. Agricultural Implement Sales and Service
5. **Auction Facilities**
6. **Bait Shop with Items Not Produced on the Property**
7. Bed and Breakfast Establishments
8. Cleanup and Restoration Services
9. Golf Courses, Club Houses, Country Clubs and Membership Riding Clubs
10. Governmental Buildings and Facilities
11. **Group Homes (The 1 Group Home is Requesting Revocation of Special Use Permit)**
12. **Halfway House**
13. **Hospice**
14. **Indoor Target Practice**
15. Micro Distillery
16. **Nano Brewery (Nano Brewery is Part of Another Special Use)**
17. Office of Professional Services
18. Parks
19. **Philanthropic Institutions and Institutions Supported by Charity**
20. Places of Worship
21. **Private Clubs or Lodges Not Including Gun Clubs or Regulated Uses**
22. Production and Sale of Ciders, Jams, Jellies and Similar Uses
23. Retail or Wholesale Yards for Agricultural Products Not Grown on the Premises
24. **Retail or Wholesale Sale of Pottery, Art and Home Décor in a Tea Room or Sit-Down Food Sale Area**
25. Riding Stables and Other Horse Related Uses
26. **Service Clubs**
27. Veterinary Establishments

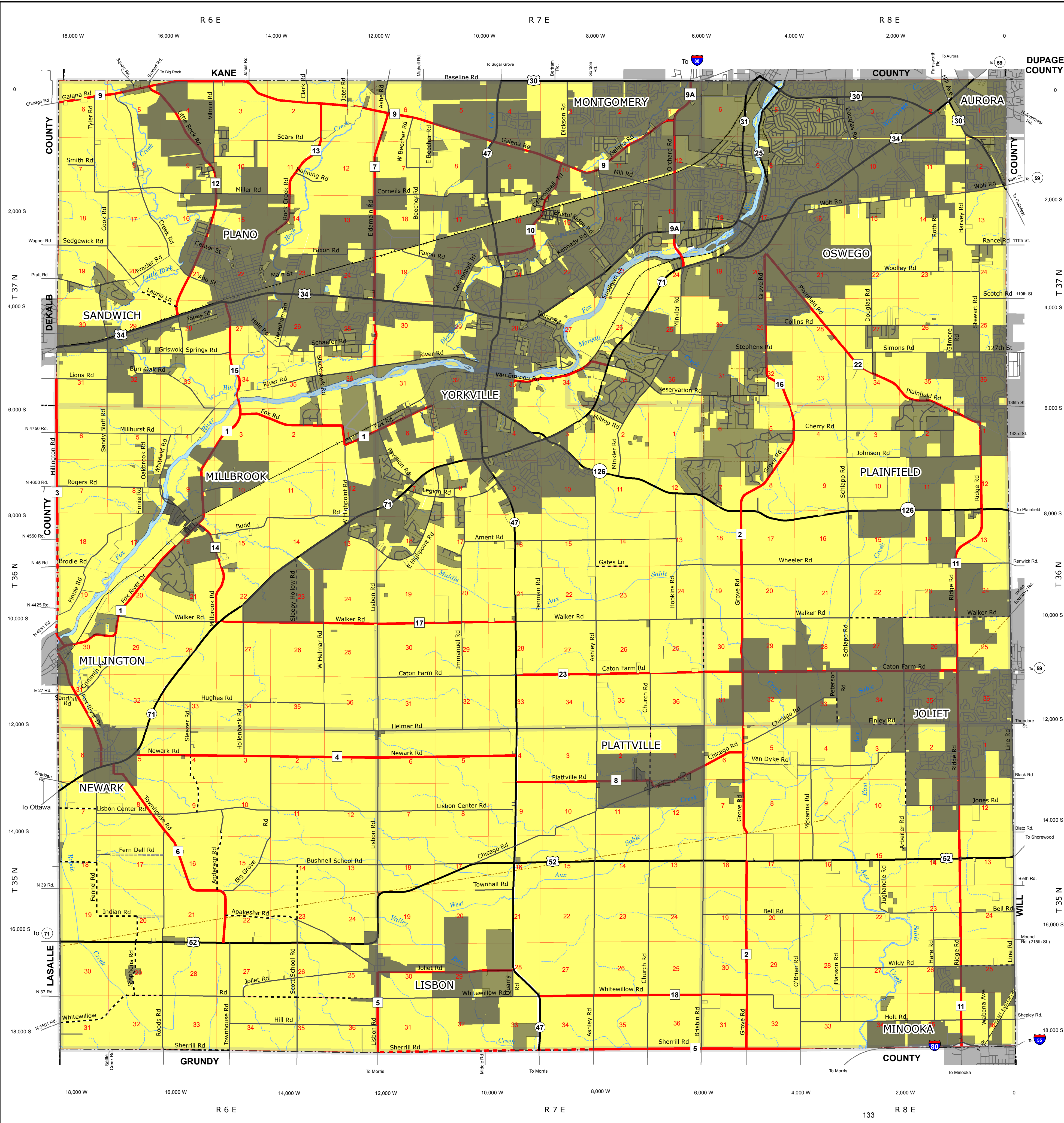
Member Kellogg also suggested a larger notification distance for Ready-Mix Cement Plants, Gravel Mining and Sanitary Landfill. These uses are no longer special uses in the A-1 District. The locations of these existing uses are considered lawfully non-conforming.

The A-1 Zoning Map is attached for your reference.

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

MHA

ENC: A-1 Zoning Map

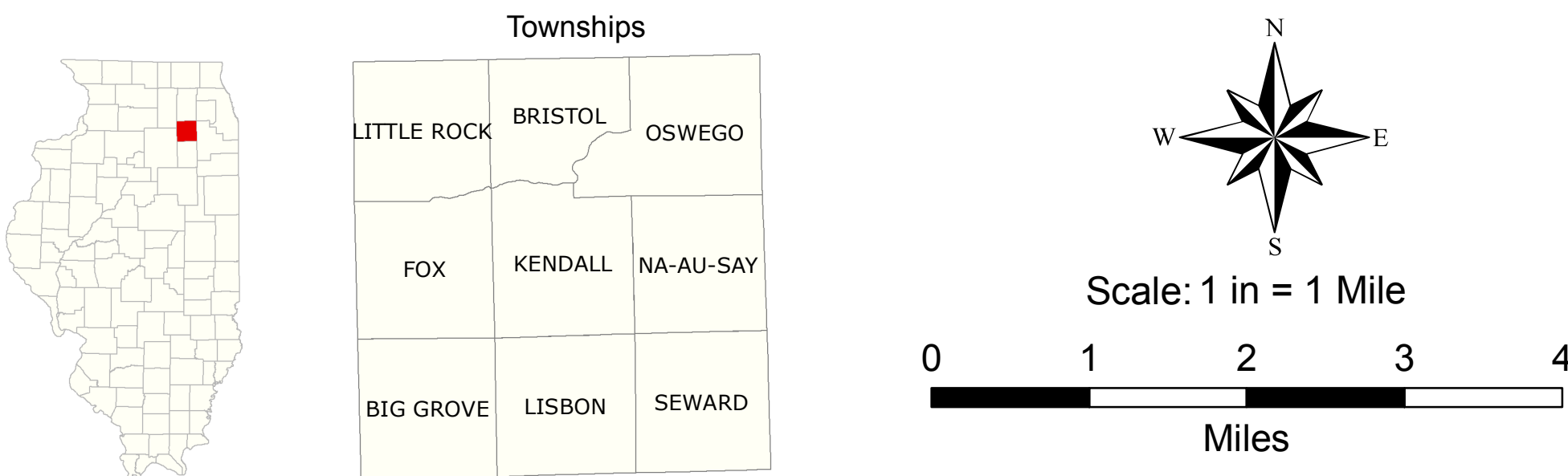


ZONING MAP : A1-SU & A1-SU-BP

KENDALL COUNTY

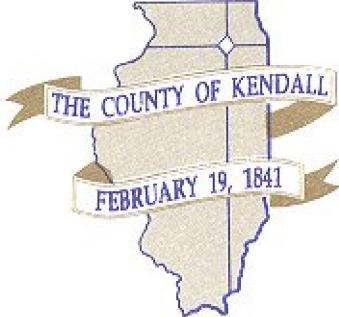
- 2016 -

<http://www.co.kendall.il.us>



Legend

- ADJACENT COUNTY
- COUNTY
- INTERSTATE
- STATE
- FEDERAL
- BITUMINOUS
- GRAVEL
- DIRT
- LOCAL
- RAILROAD
- SECTIONS
- POLITICAL TOWNSHIPS
- COUNTY FOREST PRESERVE
- STATE PARK
- A1/A1-SU/A1-SU-BP
- All Other Zoning/Municipalities

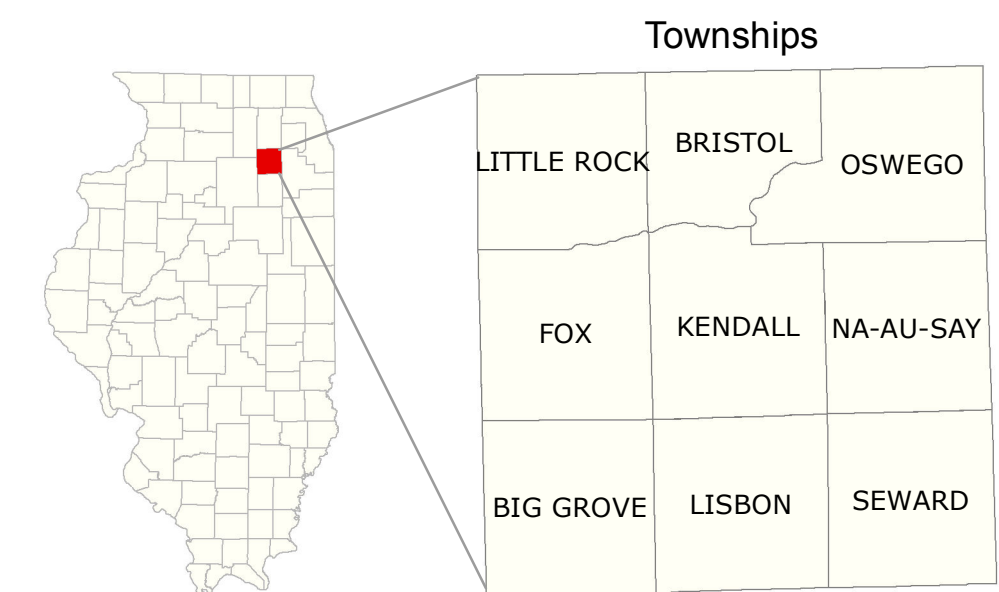
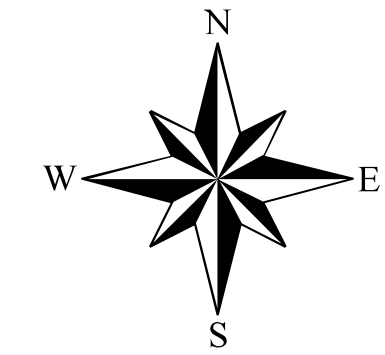


Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

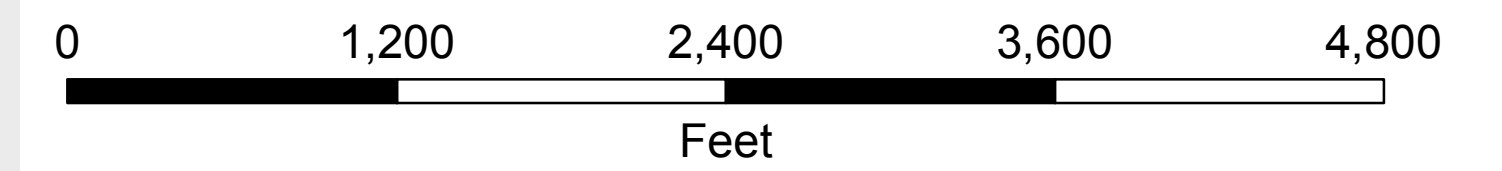
# of them	Type of Special Use
0	Adult Day Care or Respite Care
0	Agency Licensed Family Residential Care Homes - Transitional Halfway house
0	Agency Licensed Group Residential Care Home- Permanent
8	Agricultural Implement Sales and Service
8	Airports and Heliports (Public and Private) Including Aircraft Hangers, Tie Downs and Aircraft Service and Repair
0	Animal Feed; Preparation, Grinding, Mixing and Storage
1	Athletic Field with Lights
0	Auction Facility
0	Bait Shop with Items Not Produced on the Property
5	Banquet Halls
2	Bed and Breakfast Establishments
4	Cemeteries, Including Crematoriums and Mausoleums
2	Child Day Care Facilities
1	Clean Up and Restoration Services
3	Communication Use
1	Composting of Landscape Waste and Food Waste
0	Correctional Facilities
3	Fertilizer and Seed Sales, Including Bulk Storage and Mixing
1	Golf Courses, Club Houses, Country Clubs, and Membership Riding Clubs
3	Governmental Buildings and Facilities
3	Grain Storage, When Not Accessory to the Pursuit of Agriculture.
0	Group Homes
0	Halfway House
0	Hospice
0	Indoor Target Practice
0	Kendall County Sheriff's Office Shooting Range
5	Kennels
9	Landscaping Business
2	Micro Distillery
0	Nano Breweries
1	Offices of Architects, Brokers, Engineers, Insurance Agents, Lawyers, Real Estate Agents, Planners and Other Professionals, Medical and Dental Practitioners, Clergy, Salesmen, Sales Representatives or Manufacturing Representatives
2	Outdoor Commercial Sporting Activities Including but not limited to Swimming Facilities and Motocross Sports.
3	Outdoor Target Practice or Shooting
1	Paintball Facilities
1	Parks
1	Performing Arts Center
0	Philanthropic Institutions and Institutions Supported by Charity
12	Places of Worship
0	Public or Private Utilities and Service uses: Telecommunication Hub, Filtration Plant, Sewage Treatment Plant, Electric Substations and Similar Uses
0	Private Clubs or Lodges Not Including Indoor or Outdoor Gun Clubs and Regulated Uses
1	Production and Sale of Sweet Cider, Hard Cider, Wine, Jams, Wine Jams, Jellies, Pies, Pickles, Honey, Sauces and Similar Items Utilizing Crops Grown on the Same Property or in Combination with Crops Grown Off-Site Where Such Production Takes Place on the Premises.
5	Recreational Camps and Recreational Vehicle Parks
9	Retail or Wholesale Sales Yards for Agricultural Products That Are Not Grown on the Premises
0	Retail or Wholesales Sale of Pottery, Art, or Home Décor Products, Alone or Together with the Operation of a Tea room, Sit-Down Food Sale Area for Food Sales On-Premises Incidental to the Operation of the Primary Retail Sales Use
10	Riding Stables and Other Horse Related Uses
0	Service Clubs
2	Small Poultry & Small Animal Processing Plant
4	Storage Facilities for Motor Vehicles, Boats, Trailers, and Other Recreational Vehicles
6	Telecommunications Stations
1	Veterinary establishments
0	Wind Farms, Commercial
2	Auto, Truck and Tractor Repair
2	Ag Labor Housing
1	Watchman's Quarters
2	Residential Use
1	Electromagnetic Compatibility Testing
1	Training Facility for AT&T
1	Farmers Market, Winery, Bakery and Corn Maze
1	For Profit Business
2	Gas Distribution Facility
1	Manufacture of Plaster or Cement Mantels
1	Ready-Mix Cement Plant
3	Private School
1	Truck Driving School
1	Radio Testing Facility
3	Gravel Mining
1	Mink Housing
1	Industrial Uses
1	Welding
1	Museum (Farnsworth House)
1	Sanitary Landfill
6	Unknown
154	Total
	Updated 1/26/18

Buffer Scenario 500 ft Bristol Twp KENDALL COUNTY - 2018 -

<http://www.co.kendall.il.us>

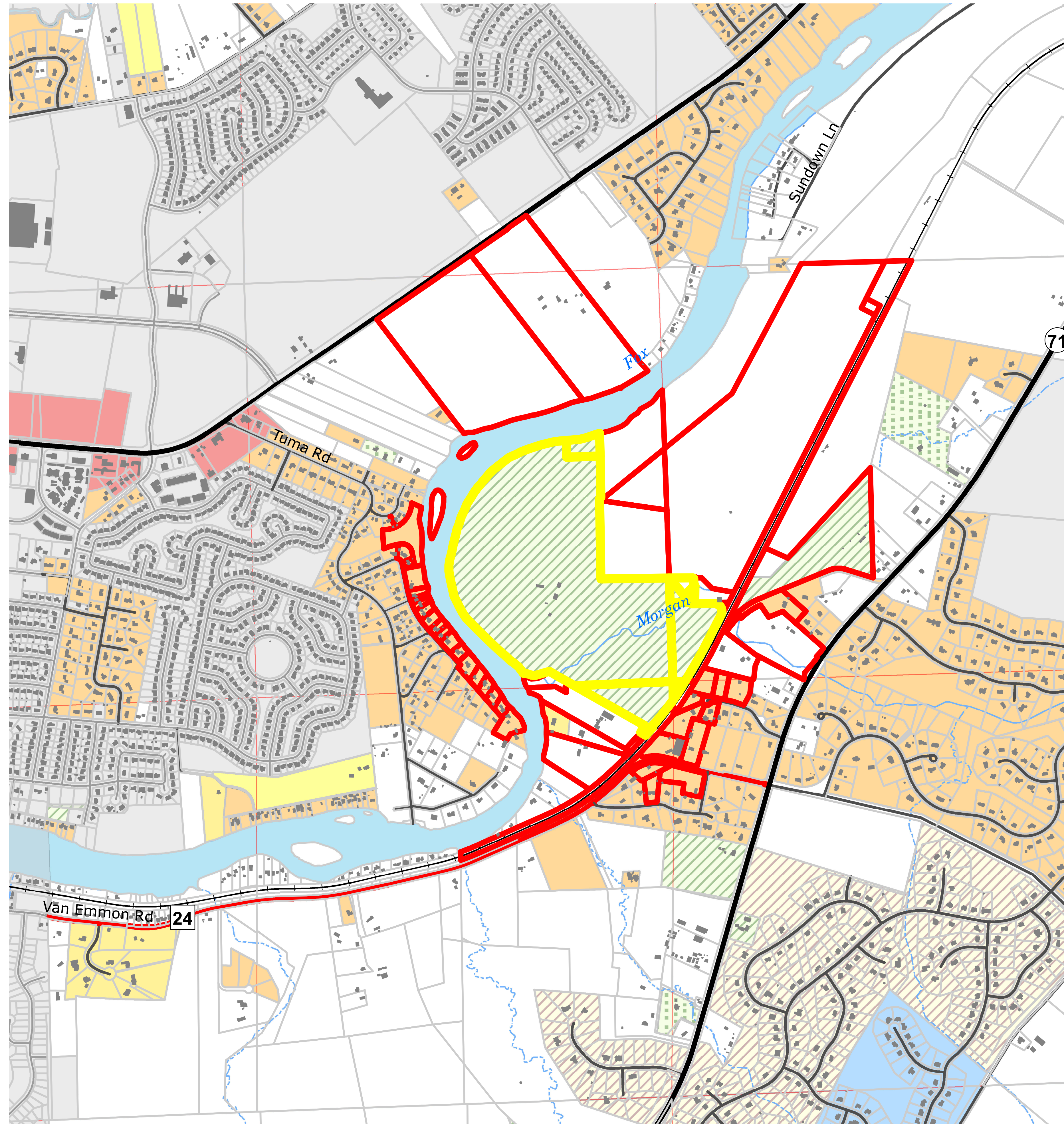


Scale: 1 in = 700 feet



Legend

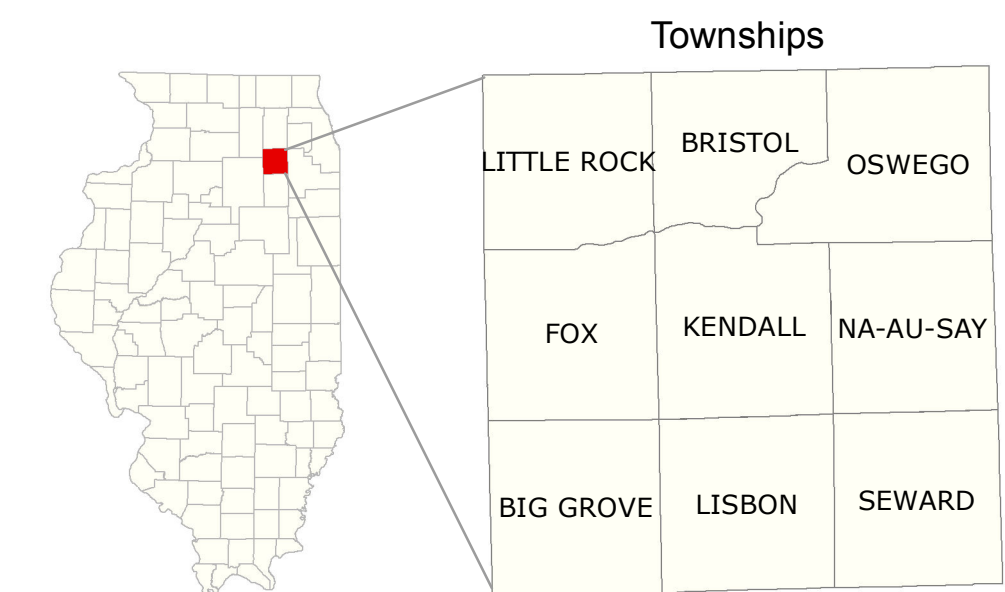
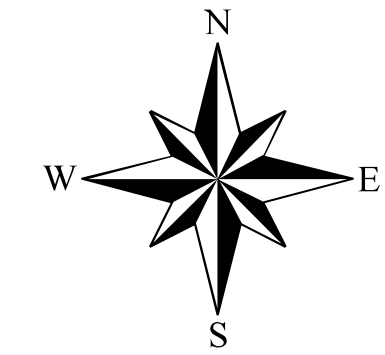
- Subject Property
- 500 ft - 63 Parcels x \$6.74=\$424.62



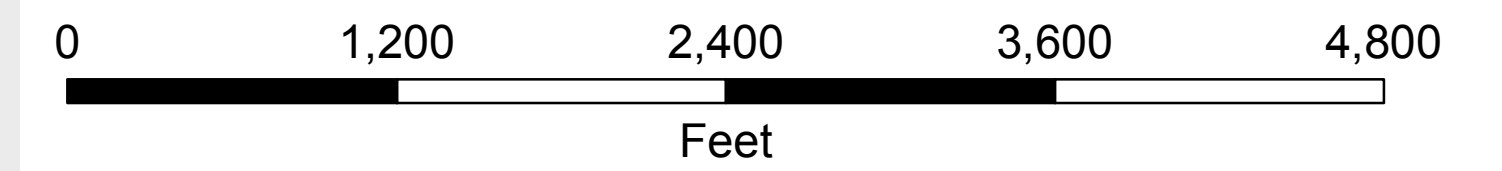
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

Buffer Scenario
1000 ft
Bristol Twp
KENDALL COUNTY
- 2018 -

<http://www.co.kendall.il.us>

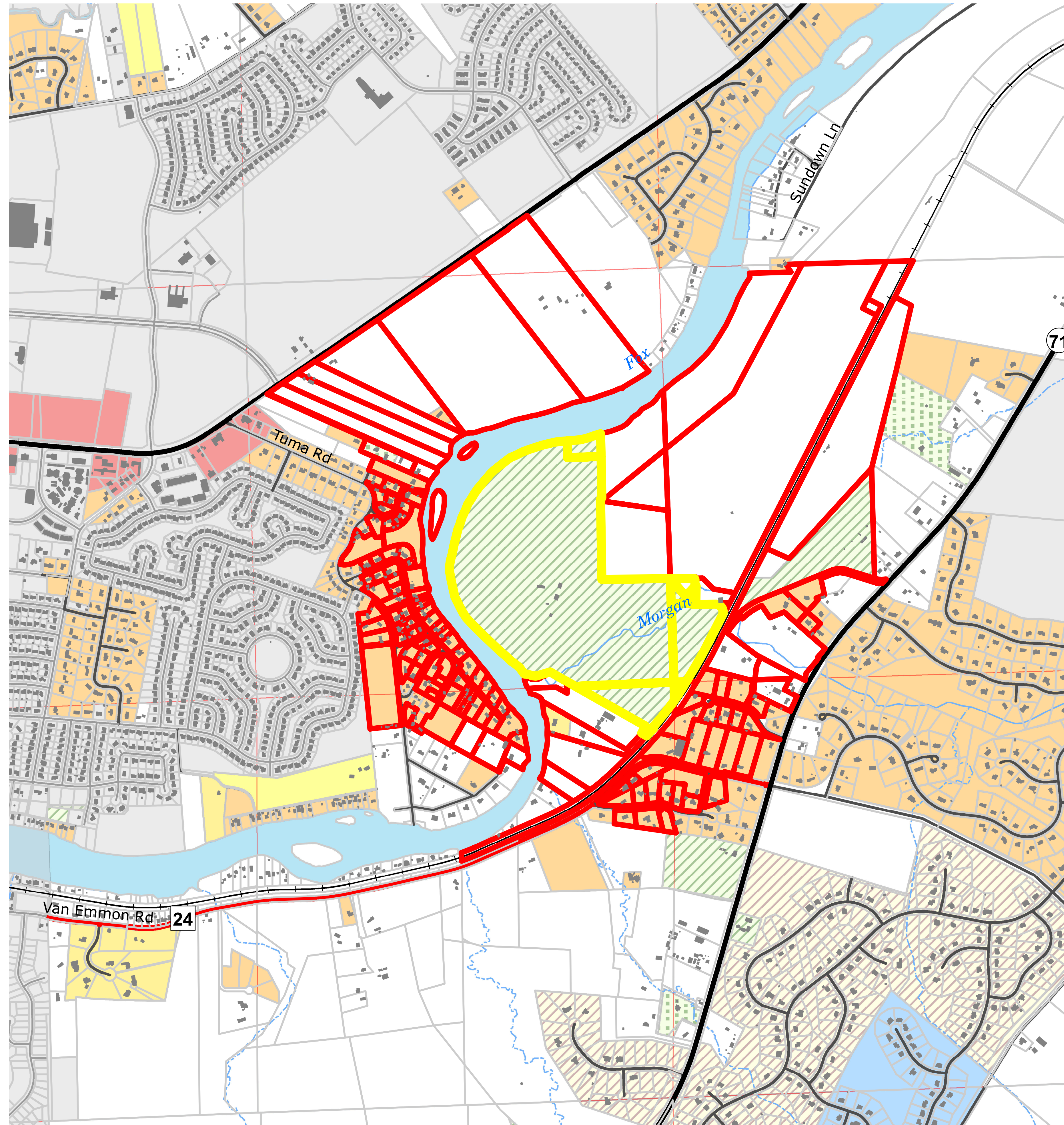


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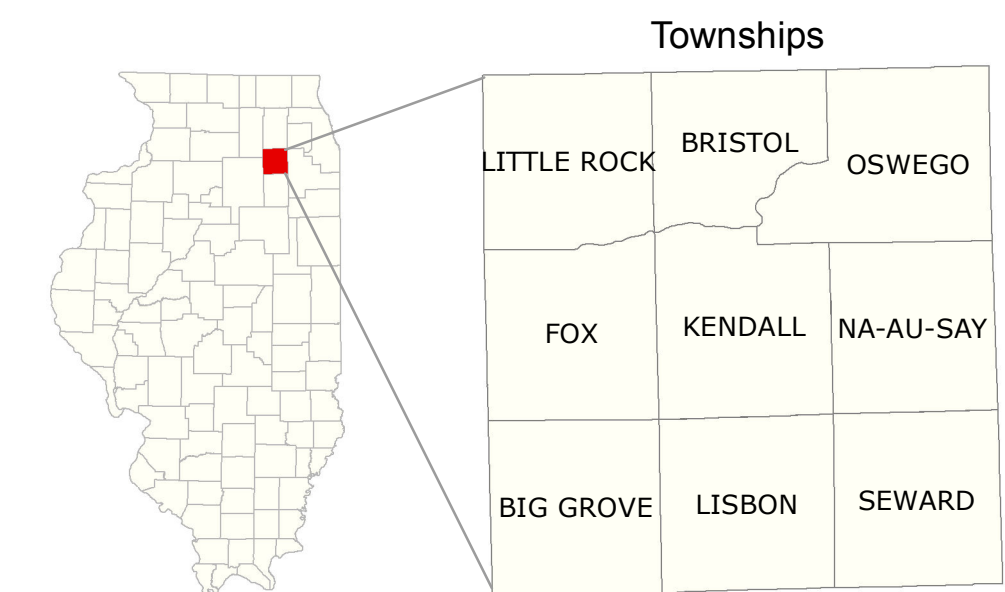
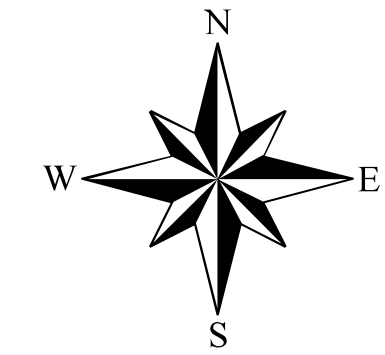
- Subject Property
- 1000 ft - 155 Parcels x \$6.74=\$1,044.70



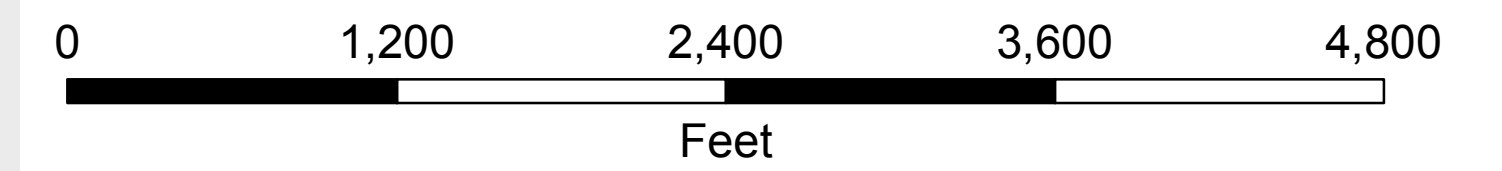
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

Buffer Scenario
2600 ft
Bristol Twp
KENDALL COUNTY
- 2018 -

<http://www.co.kendall.il.us>

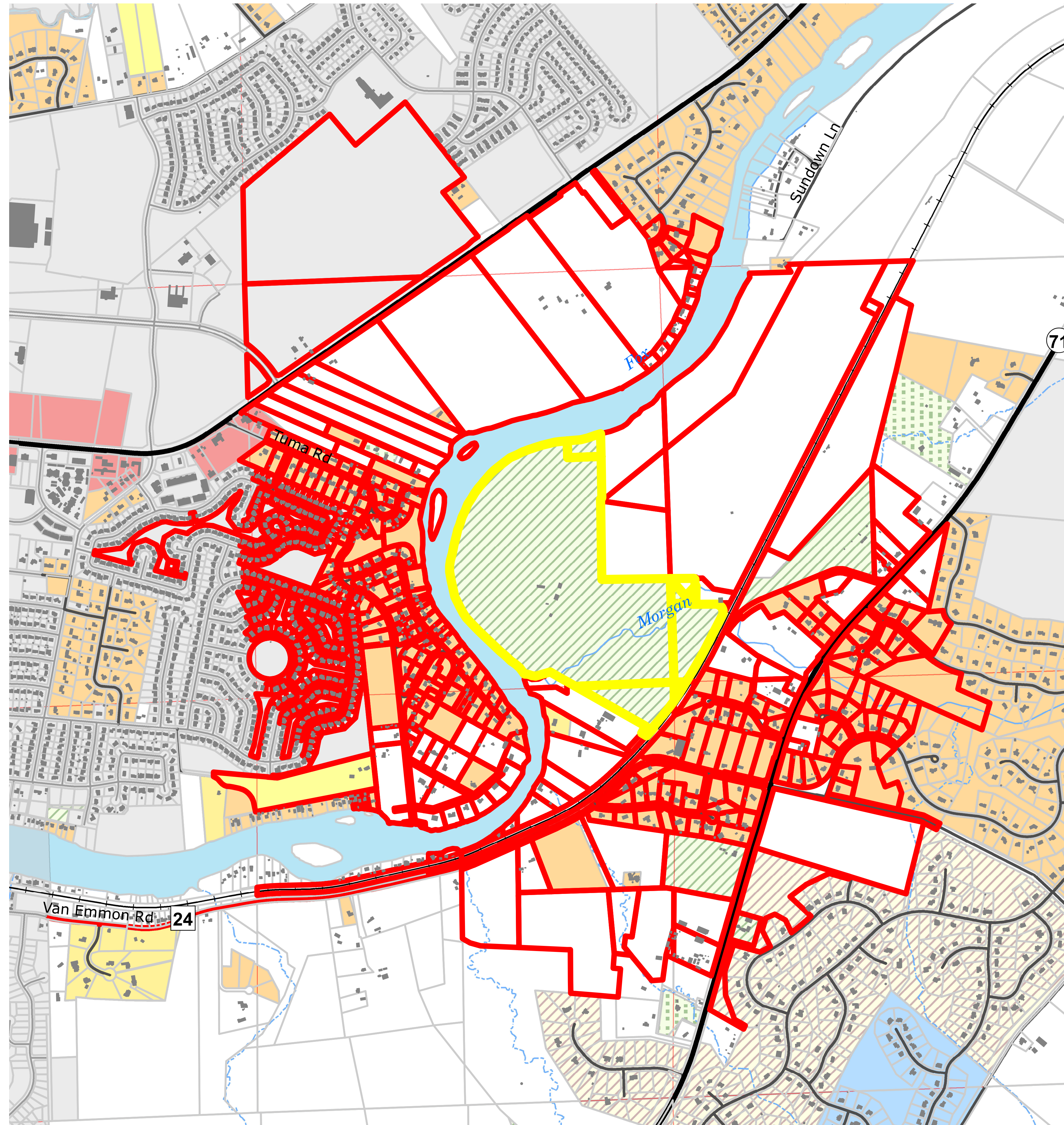


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Legend

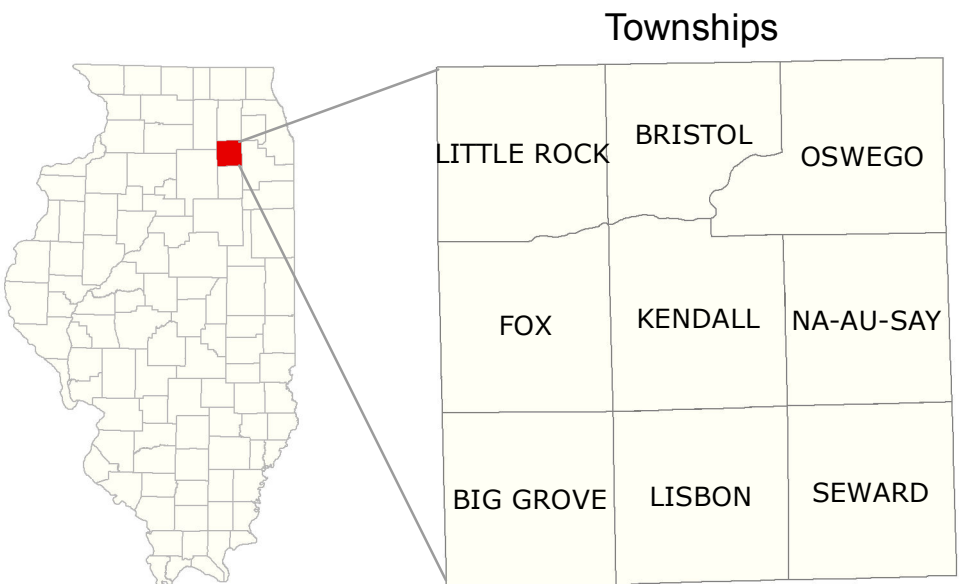
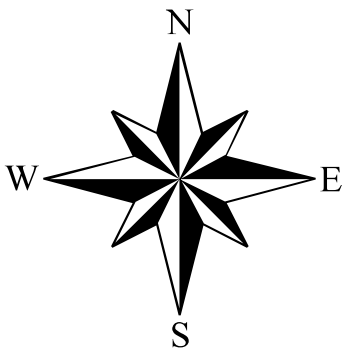
- Subject Property
- 2600 ft - 537 Parcels x \$6.74=\$3,619.38



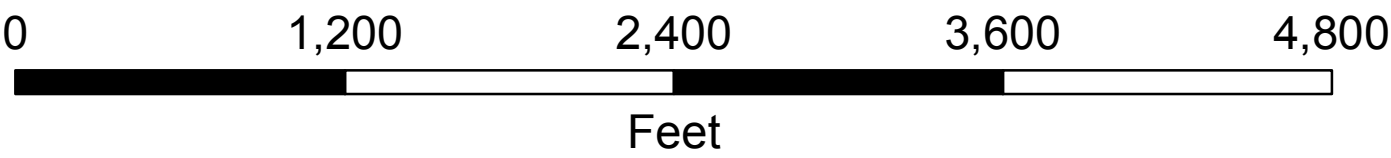
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

Buffer Scenario
500 ft
Oswego Twp
KENDALL COUNTY
- 2018 -

<http://www.co.kendall.il.us>

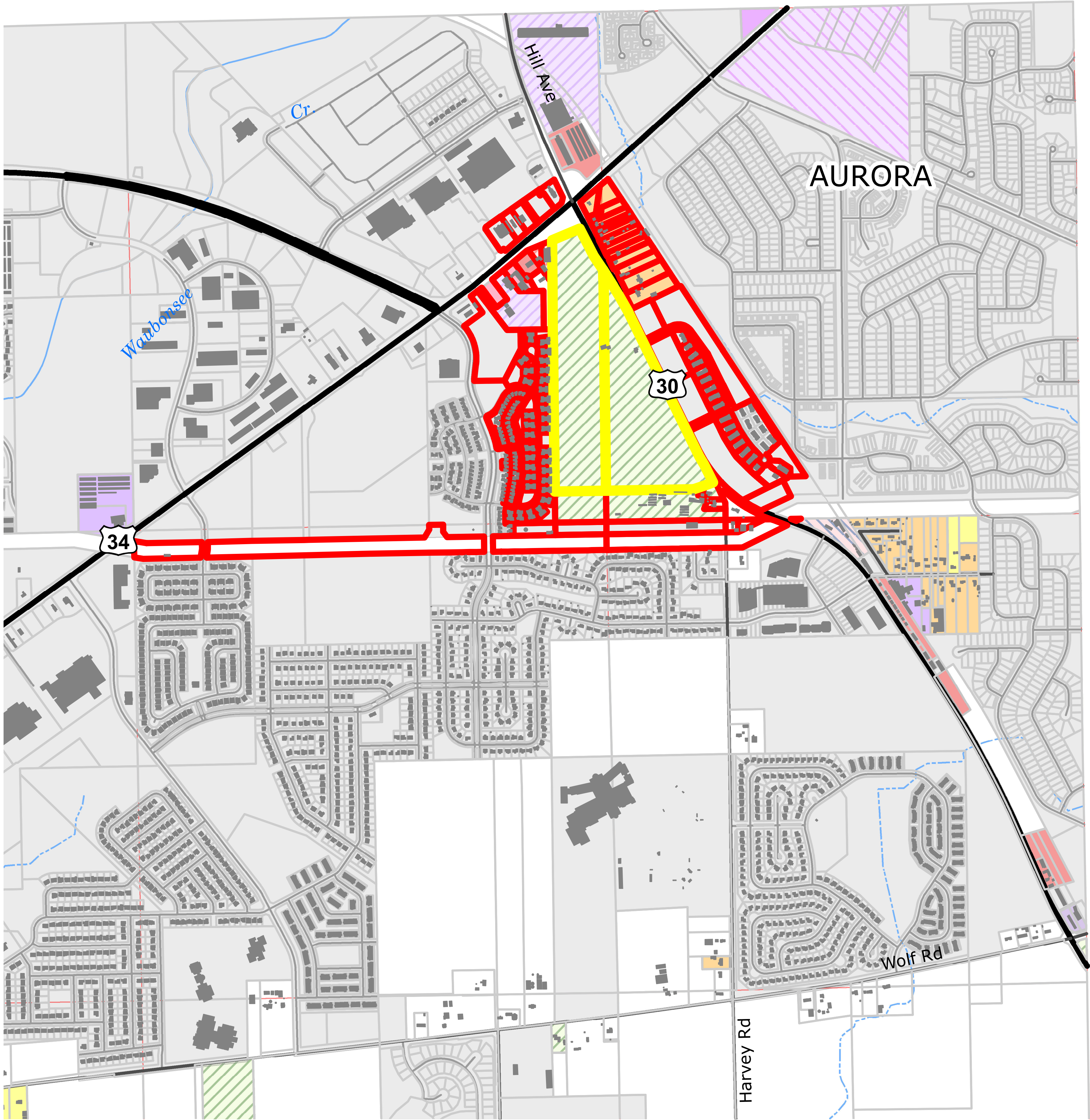


Scale: 1 in = 700 feet



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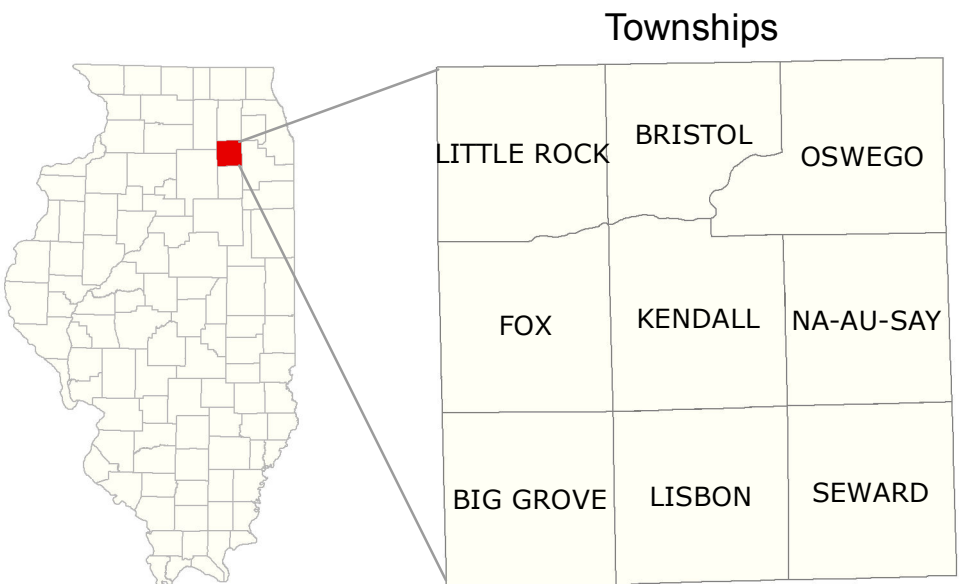
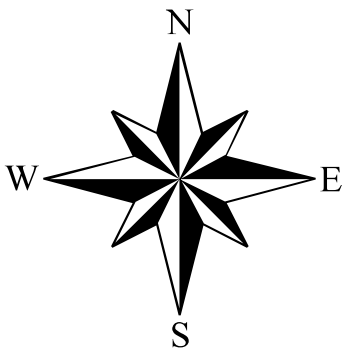
- Subject Property
- 500 ft - 341 Parcels x \$6.74=\$2,298.34



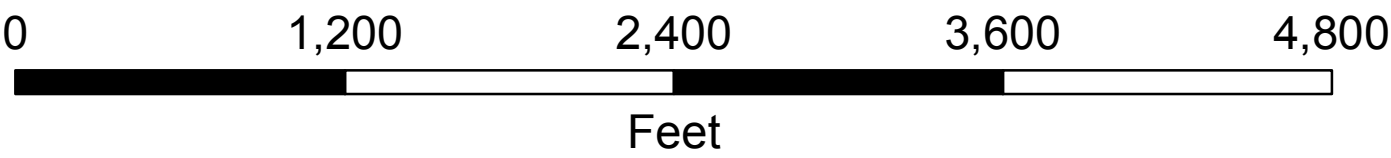
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

Buffer Scenario
1000 ft
Oswego Twp
KENDALL COUNTY
- 2018 -

<http://www.co.kendall.il.us>

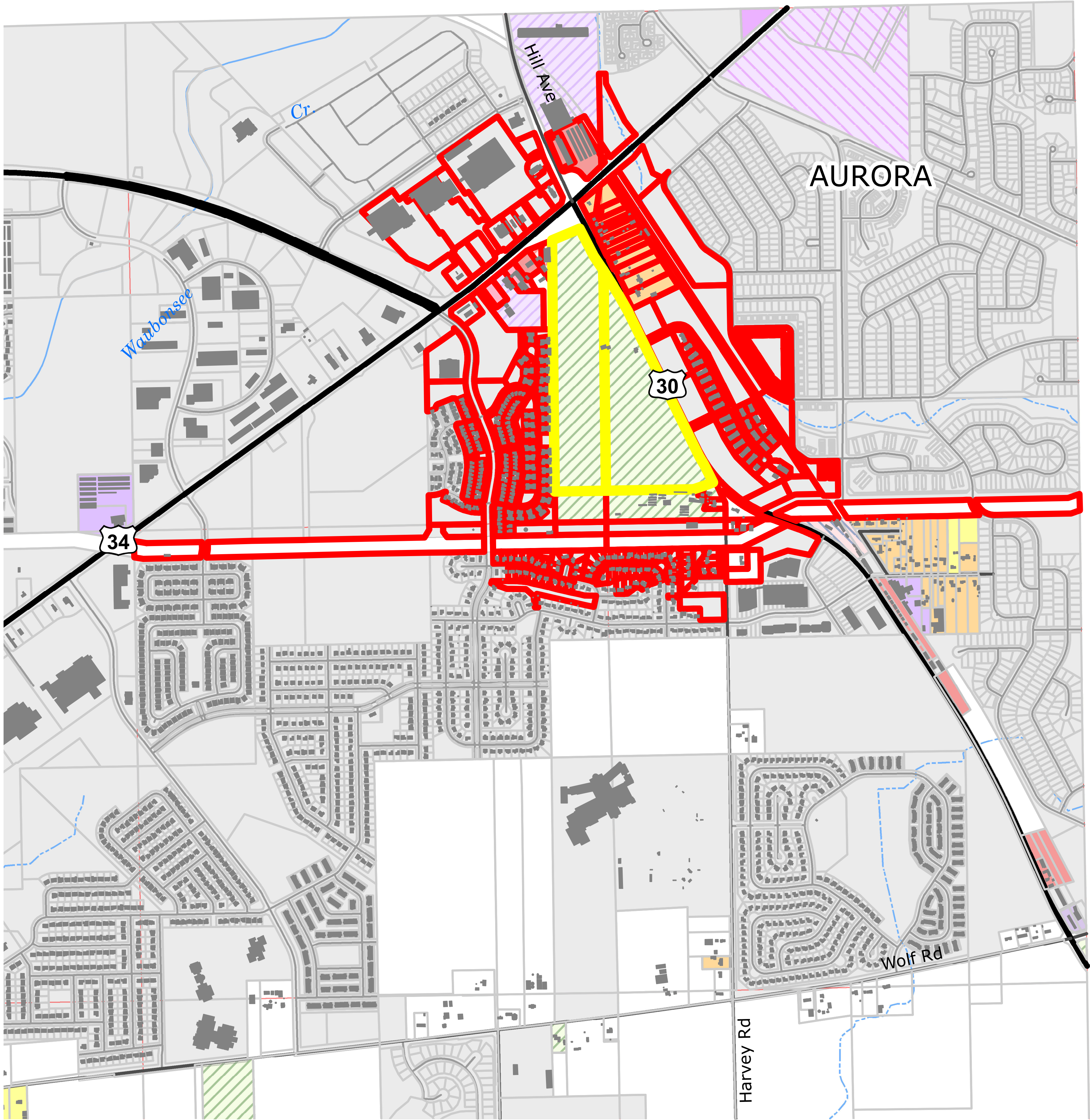


Scale: 1 in = 700 feet



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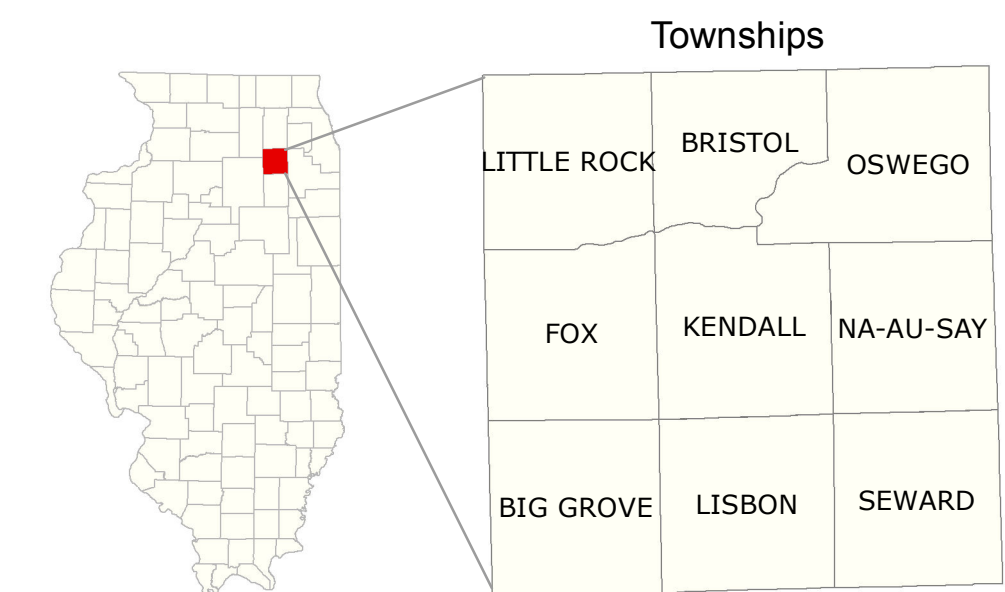
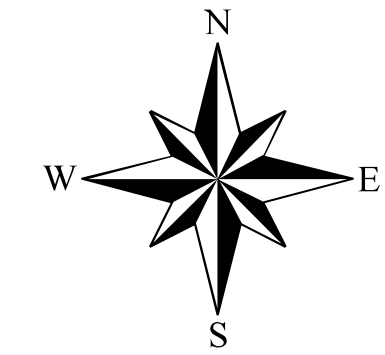
- Subject Property
- 1000 ft - 598 Parcels x \$6.74=\$4,030.52



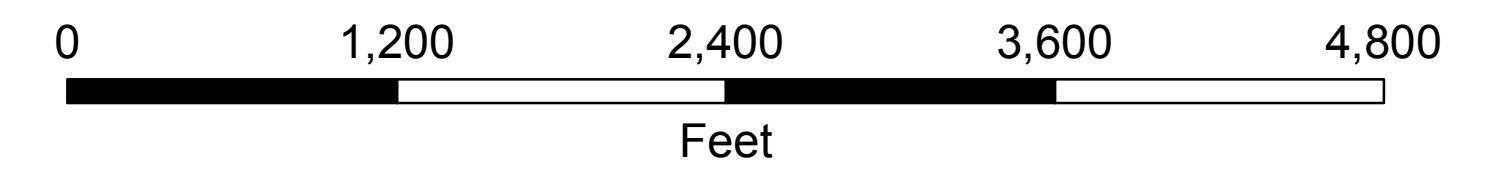
Kendall County GIS
111 West Fox Street - Room 308
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630.553.4030

Buffer Scenario
2600 ft
Oswego Twp
KENDALL COUNTY
- 2018 -

<http://www.co.kendall.il.us>

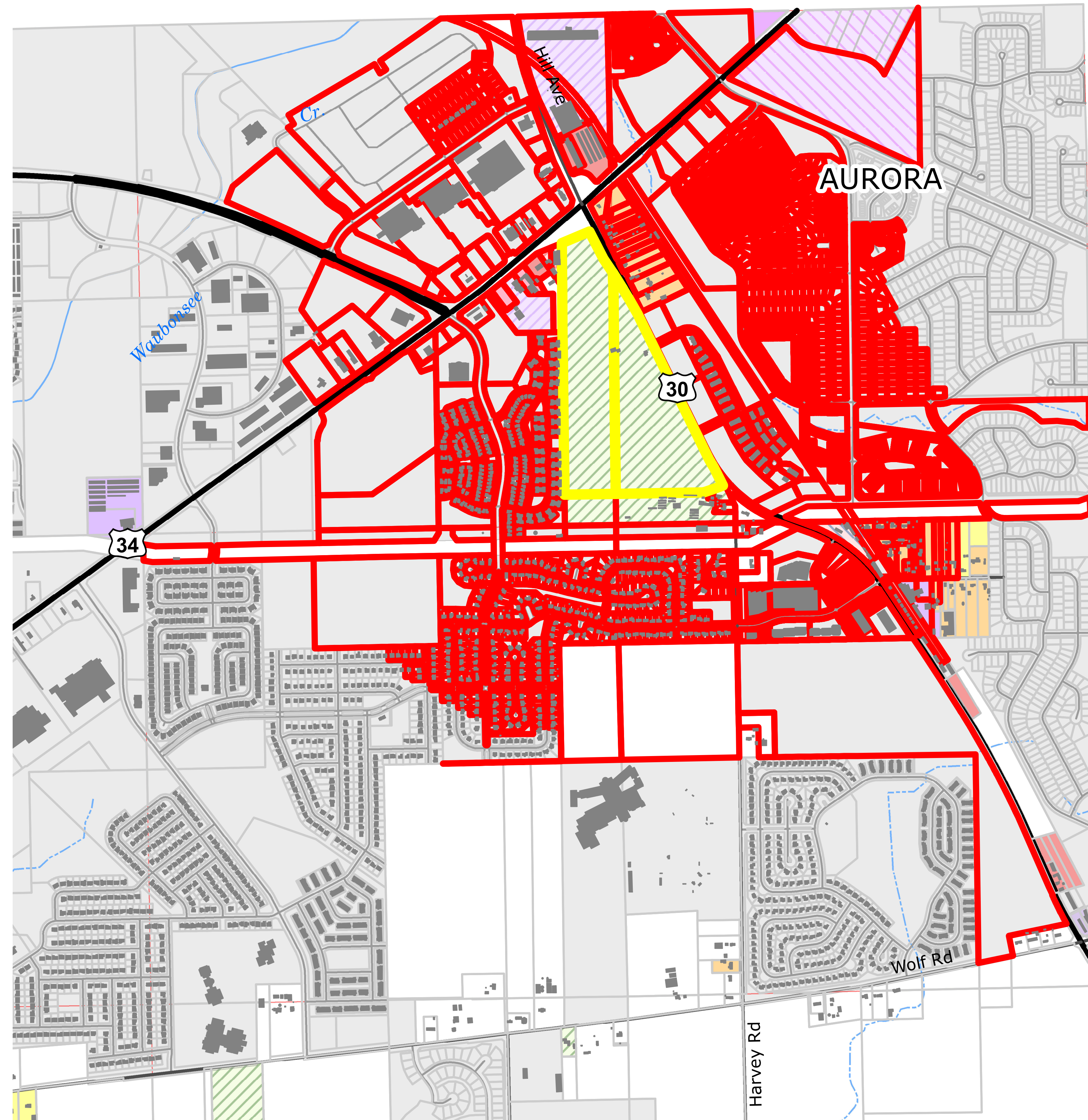


Scale: 1 in = 700 feet



Legend

- Subject Property
- 2600 ft - 1829 Parcels x \$6.74=\$12,327.46



Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

ORDINANCE # 2018-_____

**TEXT AMENDMENT TO SECTION 13.08.H OF THE KENDALL COUNTY
ZONING ORDINANCE INCREASING THE NOTIFICATION REQUIREMENTS
FOR APPLICATIONS FOR SPECIAL USE PERMITS ON PROPERTIES ZONED A-
1 AGRICULTURAL DISTRICT**

WHEREAS, Kendall County historically required that property owners seeking applications for special use permits on A-1 Agricultural zoned properties notify neighboring property owners within five hundred feet (500') of the property subject to the special use application by certified mail return receipt within at least fifteen (15) days prior to the public hearing; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee requested a text amendment to Section 13.08.H of the Kendall County Zoning Ordinance related to the notification of neighboring property owners in cases of special use permit applications on A-1 Agricultural zoned properties; and

WHEREAS, the Kendall County Board amends this ordinance from time to time in the public interest; and

WHEREAS, 55 ILCS 5/5-12009.5 defines the notification requirements for hearings on special use applications; and

WHEREAS, the Kendall County Board adopted Ordinance 2011-01 on January 18, 2011 setting the notification requirement at five hundred (500') feet in cases of map amendment and text amendment applications on A-1 Agricultural zoned property;

WHEREAS, the current language of Section 13.08.H of the Kendall County Zoning Ordinance does not specifically state a notification requirement for applications for special use permits; and

WHEREAS, all administrative procedures required prior to passing text amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on January 29, 2018; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.08.H of the Kendall County Zoning Ordinance as provided:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The second paragraph of Section 13.08.H is hereby deleted and replaced with the following:

“In addition to any other notice required by this Section, the Zoning Board of Appeals must give at least fifteen (15) days notice before the hearing to any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a special use. If the property is zoned A-1, the applicant shall provide notice of the public hearing at least fifteen (15) days prior to the hearing date by certified mail return receipt requested to the property owner of record for all parcels within one thousand feet (1,000’), excluding road right-of-way, of the parcel subject to the special use permit application. For all other zoning categories, only adjacent properties must be notified via certified mail return receipt requested. The petitioner or applicant must pay the costs of the publication of the notices required by this Section.”

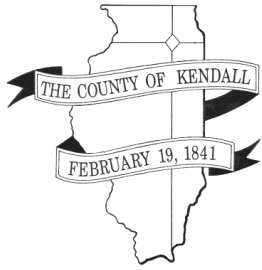
- III. Any completed application for a special use permit, major amendment to a special use permit, or non-owner initiated special use permit revocation lawfully submitted prior to the adoption of this ordinance shall follow the rules and procedures for notification of public hearings in place on the date the application was submitted.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 17th day of April, 2018.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: April 2, 2018

Re: Request from the Kendall County Regional Planning Commission to Amend Petition 18-07
Pertaining to Establishing Procedures for Renewing Special Use Permits

The Kendall County Regional Planning Commission met on March 28th and reviewed Petition 18-07 regarding establishing procedures for renewing special use permits. The PBZ Committee previously approved initiating this text amendment on February 13th.

The Kendall County Regional Planning Commission expressed concerns that the County Board could amend special use permits at the time of renewal or review. The Commission was concerned that such changes could be arbitrary and that business owners could see a loss of their investment if the County Board changed the rules on a special use permit holder. The Commission also did not like the language regarding previous owners in the proposal. The Commission's proposed changes are attached.

The Kendall County Regional Planning Commission also requested that Staff examine the renewal procedures of neighboring counties. DeKalb, Kane, DuPage, and McHenry require renewals to go through the complete special use application process. Grundy County requires special use permits go through the entire process only if a violation occurred. If no violation occurred, then the special use permit was automatically renewed.

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

Thanks,

MHA

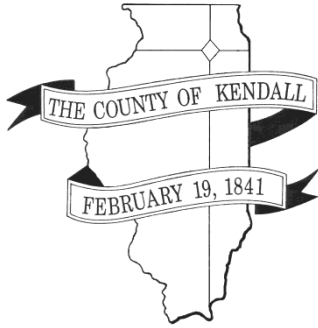
ENC.

Renewal of Special Use Permits Procedures

13.08.R. Special Use Renewal Procedures

1. All special use permits requiring renewal shall automatically be renewed for the same duration as listed in the special use permit currently in effect unless the owner of the special use permit ~~or the Kendall County Board~~ requests one or more amendments to the special use permit or if the owner ~~or previous owner(s)~~ of the special use permit violated the provisions and conditions of the special use permit during the most recent effective period of the special use permit.
- ~~2. If the owner of the special use permit or the Kendall County Board requests one or more amendments to the special use permit, then the amendments shall be processed under the applicable provisions of the Kendall County Zoning Ordinance for minor and major amendments to a special use permit, depending on the nature of the requested amendment(s).~~
 - ~~a. If the owner of the special use permit requests one or more amendments, the owner of the special use permit shall be responsible for paying all applicable fees related to the securing of the requested amendment(s).~~
 - ~~b. If the Kendall County Board requests one or more amendments to the special use permit at the time of renewal, the Kendall County Board shall be responsible for paying all applicable fees related to the securing of the requested amendment(s).~~
 - ~~c. The most recent special use permit shall remain effective until the expiration date listed in the special use permit or the date in which the Zoning Administrator, in cases of minor amendments, or the Kendall County Board, in cases of major amendments, issues a decision on the application, whichever is later.~~
 - ~~d. The Zoning Administrator, in cases of minor amendments, and the Kendall County Board, in cases of major amendments, may impose reasonable restrictions and conditions on any new or existing restriction or condition on an amended special use permit.~~
 - ~~e. If the Zoning Administrator, in cases of minor amendments, or the Kendall County Board, in cases of major amendments, denies an amendment application, the most current version of the special use permit shall remain in effect as outlined in Section 13.08.R.1 above.~~
 - ~~f. At least one (1) year shall lapse between the date of denial and the application for the same or similar amendment(s) to a special use permit at the same property.~~

3. If the owner ~~or previous owner(s)~~ of the special use permit is found guilty of violating the terms and conditions of the special use permit through an administrative adjudication process or by a court of competent jurisdiction during the most recent effective period of the special use permit, the owner of the special use permit shall apply for renewal of the special use permit under the same process as applications for new special use permits.
 - a. If the owner of a special use permit applies for renewal under this sub-Section, the existing special use permit shall remain effective until the expiration date listed in the existing special use permit or until the Kendall County Board issues a decision on the renewal application, whichever is later.
 - b. If the owner of a special use permit requiring renewal under this sub-Section of the Zoning Ordinance does not submit an application for renewal, then the special use permit shall be automatically revoked at its expiration date.
 - c. If the Kendall County Board denies a request for a required renewal of a special use permit, the existing special use permit shall be deemed expired and revoked on the expiration date listed in the existing special use permit. Nothing in the provision shall be construed as a regulation restricting the Kendall County Board from initiating revocation procedures as outlined in Section 13.08.F. of the Kendall County Zoning Ordinance.
 - d. If a special use permit is revoked under the provisions of b or c listed above, the Zoning Administrator shall cause the Official Zoning Map of Kendall County to be amended to reflect the revocation.
 - e. At least one (1) year shall lapse between the date of revocation and the application for a new special use permit for the same or similar use at the same property.
4. This Sub-Section shall apply to any special use permit issued after **INSERT DATE** requiring renewal. Any special use permit issued prior to this date that requires renewal may follow the provisions of this Sub-Section if the owner(s) of the special use permit sign a notarized affidavit agreeing to the provisions of this Sub-Section.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: February 6, 2018
Re: Proposed Special Use Renewal Amendments

At the December 2017 PBZ Committee meeting, the Committee requested Staff to draft proposed text amendments to the Zoning Ordinance clarifying the renewal process for special use permits. The proposed text amendments are attached.

If you have any questions, please let me know.

MHA

ENC: Proposed Text Amendments Regarding Renewal of Special Use Permits

Renewal of Special Use Permits Procedures

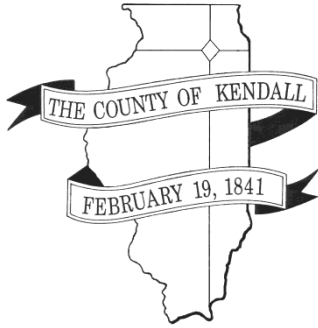
13.08.R. Special Use Renewal Procedures

1. All special use permits requiring renewal shall automatically be renewed for the same duration as listed in the special use permit currently in effect unless the owner of the special use permit or the Kendall County Board requests one or more amendments to the special use permit or if the owner or previous owner(s) of the special use permit violated the provisions and conditions of the special use permit during the most recent effective period of the special use permit.
2. If the owner of the special use permit or the Kendall County Board requests one or more amendments to the special use permit, then the amendments shall be processed under the applicable provisions of the Kendall County Zoning Ordinance for minor and major amendments to a special use permit, depending on the nature of the requested amendment(s).
 - a. If the owner of the special use permit requests one or more amendments, the owner of the special use permit shall be responsible for paying all applicable fees related to the securing of the requested amendment(s).
 - b. If the Kendall County Board requests one or more amendments to the special use permit at the time of renewal, the Kendall County Board shall be responsible for paying all applicable fees related to the securing of the requested amendment(s).
 - c. The most recent special use permit shall remain effective until the expiration date listed in the special use permit or the date in which the Zoning Administrator, in cases of minor amendments, or the Kendall County Board, in cases of major amendments, issues a decision on the application, whichever is later.
 - d. The Zoning Administrator, in cases of minor amendments, and the Kendall County Board, in cases of major amendments, may impose reasonable restrictions and conditions on any new or existing restriction or condition on an amended special use permit.
 - e. If the Zoning Administrator, in cases of minor amendments, or the Kendall County Board, in cases of major amendments, denies an amendment application, the most current version of the special use permit shall remain in effect as outlined in Section 13.08.R.1 above.
 - f. At least one (1) year shall lapse between the date of denial and the application for the same or similar amendment(s) to a special use permit at the same property.
3. If the owner or previous owner(s) of the special use permit is found guilty of violating the terms and conditions of the special use permit through an administrative adjudication process or by a court of competent jurisdiction during the most recent effective period of the special use permit, the owner of the special use permit shall apply for renewal of the special use permit under the same process as applications for new special use permits.
 - a. If the owner of a special use permit applies for renewal under this sub-Section, the existing special use permit shall remain effective until the expiration date listed in the

existing special use permit or until the Kendall County Board issues a decision on the renewal application, whichever is later.

- b. If the owner of a special use permit requiring renewal under this sub-Section of the Zoning Ordinance does not submit an application for renewal, then the special use permit shall be automatically revoked at its expiration date.
 - c. If the Kendall County Board denies a request for a required renewal of a special use permit, the existing special use permit shall be deemed expired and revoked on the expiration date listed in the existing special use permit. Nothing in the provision shall be construed as a regulation restricting the Kendall County Board from initiating revocation procedures as outlined in Section 13.08.F. of the Kendall County Zoning Ordinance.
 - d. If a special use permit is revoked under the provisions of b or c listed above, the Zoning Administrator shall cause the Official Zoning Map of Kendall County to be amended to reflect the revocation.
 - e. At least one (1) year shall lapse between the date of revocation and the application for a new special use permit for the same or similar use at the same property.
4. This sub-Section shall apply to any special use permit issued after **INSERT DATE** requiring renewal. Any special use permit issued prior to this date that requires renewal may follow the provisions of this sub-Section if the owner(s) of the special use permit sign a notarized affidavit agreeing to the provisions of this sub-Section.

Zoning	Ord #	Previous Ord	Address	Special Use Description	Check Frequency
B3-SU	15-02	13-22365	71 Boulder Hill Pass	Special Use Description	
A1-SU	15-16	97-06	3485 Route 126	River's Edge Fellowship Only	Annually
B3-SU	15-15		Boulder Hill Pass	DK Truck and Tractor Only	Annually
B3-SU	12-10		71 Boulder Hill Pass	Strong Tower of Refuge Ministry Only	Annually
R3-SU	09-25		7275 Route 34	Yarn Foundation, Inc.	Annually
A1-SU	09-24	13-22349	1072 Tyler Road	Retail Gift Shop	Annually
A1-SU	09-38	13-22355	6139 Cotton Farm Road	Ag Housing	Annually
A1-SU	05-28	2005	Bell Road in Minooka	Implement Sales and Service Motor Repair	Annually
A1-SU	05-52	2005	12624 McKenna Road	Athletic Park	Review as Necessary
M2-SU	04-43		Billboard at Haterichter and 34	Airstrip	Annually (Wilson's Must Maintain Pilot's License)
A1-SU	02-26		3428 Roth Road	Billboard	Renew Every Three Years
A1-SU	02-16		3478 Route 52	Occupancy Letter for Groomsman	Annually
A1-SU	00-30		14270 Fernell Road	Occupancy Letter for Groomsman	Annually (Property Must Be Owned by Only Ingenuity, LLC or Northern Tradition Farms)
A1-SU	98-31		14313 Route 52	Auto Truck and Tractor Repair	Annually (Property Must Be Owned by David and Lori Chelsen)
A1-SU	99-35	96-15	14525 Route 71	Watchman's Quarters	Annually
A1-SU	88-01		14005 Joliet Road	Truck Driving School	Every Two Years (Due in 2018)
A1-SU	87-25		1626 Route 31	Dog Kennel	Review Every Five Years (Due in 2018)
A1-SU	82-02		15331 Burr Oak Road	Church Camp	Annually (Must Maintain Similar Mission as LDS Camp)
A1-SU	77-05		10017 Lisbon Road	Swimming Classes	Annually
R3-SU	72-15		43 West Street Bristol	Implement Repair and Service	Inspect Annually
A1-SU	72-08		Corner of Beecher and E. Beecher	Day Nursery School	Review in 2018
	72-08		02-07-200-013	Gravel Mining	Annually
	72-08		02-06-400-005		
	72-08		02-06-400-006 (Green Buffer)		
	72-08		02-07-200-015		
	72-08		02-07-200-008 (Comply with Road District Commissioner)		
	72-08		02-08-100-007 (Green Buffer and Comply with Road District Commissioner)		
	72-08		02-08-100-005 (Comply with Road District Commissioner)		
	72-08		02-08-300-015 (Comply with Road District Commissioner)		
	72-08		02-08-300-014 (Comply with Road District Commissioner)		
	72-08		02-08-300-008 (Green Buffer)		
	72-08		02-08-300-012 (Green Buffer)		
	72-08		02-08-300-011 (Green Buffer)		



DEPARTMENT OF PLANNING, BUILDING & ZONING

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Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: April 2, 2018
Re: Work Related to NPDES Annual Report

Kendall County is required to submit certain documents annually as required by its NPDES Permit. Attached please find the proposal from WBK for this work. The scope of work and costs are the same as 2017.

If you have any questions, please let me know.

MHA

ENC: WBK Proposal

Proposal for NPDES MS-4 Annual Report

Kendall County | Yorkville, Illinois

March 16, 2018

Mr. Matthew Asselmeier
Kendall County Planning, Building and Zoning
111 W. Fox Street
Yorkville, Illinois 60560

Dear Mr. Asselmeier:

WBK Engineering, LLC (WBK) is pleased to provide this proposal to Kendall County (Client) for professional services related to submittal of the 2018 Annual Report to the IEPA in conformance with NPDES – MS-4 requirements under ILR40. WBK looks forward to the opportunity to assist Kendall County on the preparations of the Annual Report. Included below is our understanding of the assignment, scope of services, project assumptions, and estimate of fee.

Understanding of the Assignment

It is our understanding that the client has a current Notice of Intent (NOI) that was submitted to the IEPA in 2016 for the 2016-2017 permitting year (Year 1). We further understand the County needs to file an Annual Report with the IEPA for the 2018-2019 permitting year (Year 3) for the renewal of the MS-4 ILR40 permit and is seeking assistance with preparation of the report. The annual report will be prepared utilizing the most current IEPA forms and submitted in accordance with IEPA requirements.

Scope of Services

Task 1 | Preparation of 2018 MS-4 Annual Report

WBK will prepare the MS-4 Annual Report in accordance with IEPA requirements and utilizing IEPA format for NPDES – MS-4. We will review the six minimum control measures with the County and document goals and objectives towards compliance. We expect to interview the Senior Planner and to inventory existing activities that demonstrate compliance with NPDES MS-4 requirements. We will identify activities performed by County Departments and report the same. A complete submittal will be prepared and submitted to the IEPA on behalf of the County with all supporting documentation.

Estimate of Fees

We propose to bill you a lump sum fee of \$1,700 for the scope of services described above, plus reimbursable expenses. We establish our contract in accordance with the attached General Terms and Conditions. These General Terms and Conditions are expressly incorporated into and are made an integral part of this contract for professional services.

Please note that preparing this proposal requires the exercise of professional knowledge and judgment, and as such, this proposal remains the proprietary instrument of service of the firm WBK Engineering, LLC. No portion of this proposal may be shared with another firm providing similar services without our permission.

If this proposal is acceptable, please return one (1) signed copy to us for our files to serve as a notice to proceed. Thank you for the opportunity to provide service to Kendall County. If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Kelsey". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Patrick Kelsey, CPSS/SC
Resource Management Practice Principal

Encl: General Terms and Conditions—Kendall County (April 4, 2016)

THIS PROPOSAL AND GENERAL TERMS & CONDITIONS ACCEPTED FOR KENDALL COUNTY:

BY: _____

TITLE: _____

DATE: _____

WBK ENGINEERING, LLC
GENERAL TERMS AND CONDITIONS WITH KENDALL COUNTY, ILLINOIS

1. Relationship Between Engineer and Client: WBK ENGINEERING, LLC (Engineer) shall serve as Client's professional engineer consultant in those phases of the Project to which this Agreement applies. This relationship is that of a buyer and seller of professional services and as such the Engineer is an independent contractor in the performance of this Agreement and it is understood that the parties have not entered into any joint venture or partnership with the other. The Engineer shall not be considered to be the agent of the Client. Nothing contained in this Agreement shall create a contractual relationship with a cause of action in favor of a third party against either the Client or Engineer.

Furthermore, causes of action between the parties to this Agreement pertaining to acts or failures to act shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of substantial completion.

2. Responsibility of the Engineer: Engineer will strive to perform services under this Agreement in accordance with generally accepted and currently recognized engineering practices and principles, and in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document, or otherwise.

Notwithstanding anything to the contrary which may be contained in this Agreement or any other material incorporated herein by reference, or in any Agreement between the Client and any other party concerning the Project, the Engineer shall not have control or be in charge of and shall not be responsible for the means, methods, techniques, sequences or procedures of construction, or the safety, safety precautions or programs of the Client, the construction contractor, other contractors or subcontractors performing any of the work or providing any of the services on the Project. Nor shall the Engineer be responsible for the acts or omissions of the Client, or for the failure of the Client, any architect, engineer, consultant, contractor or subcontractor to carry out their respective responsibilities in accordance with the Project documents, this Agreement or any other agreement concerning the Project. Any provision which purports to amend this provision shall be without effect unless it contains a reference that the content of this condition is expressly amended for the purposes described in such amendment and is signed by the Engineer.

3. Changes: Client reserves the right by written change order or amendment to make changes in requirements, amount of work, or engineering time schedule adjustments, and Engineer and Client shall negotiate appropriate adjustments acceptable to both parties to accommodate any changes, if commercially possible. It is understood by Engineer that this agreement is with a government entity. As such, any further price adjustments must be provided to the County in advance for approval and voted upon by the County Board prior to acceptance and expenditure. Client understands that the project schedule will be adjusted to accommodate the formal County procedure. The Engineer is not obligated to begin any additional work until County Board approval.
4. Suspension of Services: Client may, at any time, by written order to Engineer (Suspension of Services Order) require Engineer to stop all, or any part, of the services required by this Agreement. Upon receipt of such an order, Engineer shall immediately comply with its terms

and take all reasonable steps to minimize the costs associated with the services affected by such order. Client, however, shall pay all costs incurred by the suspension, including all costs necessary to maintain continuity and for the resumption of the services upon expiration of the Suspension of Services Order. Any costs greater than the “not to exceed” fee referenced herein and by attachments must be provided to the County in advance for approval and voted upon by the County Board prior to acceptance and expenditure. Engineer will not be obligated to provide the same personnel employed prior to suspension, when the services are resumed, in the event that the period of suspension is greater than thirty (30) days.

5. Termination: This Agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. This Agreement may be terminated by Client, under the same terms, whenever Client shall determine that termination is in its best interests. Cost of termination, including salaries, overhead and fees, incurred by Engineer and directly resulting from the project at issue, before the termination date shall be reimbursed by Client. Upon receipt of a termination notice, Engineer shall immediately comply with its terms and take all reasonable steps to minimize the costs associated with termination of services. Client shall not be liable for those costs and expenses resulting from Engineer's failure to mitigate such losses. Further, Client shall not be responsible for salaries, overhead and fees accrued after Agreement's termination.
6. Documents Delivered to Client: Drawings, specifications, reports, and any other Project Documents prepared by Engineer in connection with any or all of the services furnished hereunder shall be delivered to the Client for the use of the Client. Engineer shall have the right to retain originals of all Project Documents and drawings for its files. Furthermore, it is understood and agreed that the Project Documents such as, but not limited to reports, calculations, drawings, and specifications prepared for the Project, whether in hard copy or machine readable form, are instruments of professional service intended for one-time use in the construction of this Project. These Project Documents are and shall remain the property of the Engineer. The Client may retain copies, including copies stored on magnetic tape or disk, for information and reference in connection with the occupancy and use of the Project.

When and if record drawings are to be provided by the Engineer, Client understands that information used in the preparation of record drawings is provided by others and Engineer is not responsible for accuracy, completeness, nor sufficiency of such information. Client also understands that the level of detail illustrated by record drawings will generally be the same as the level of detail illustrated by the design drawing used for project construction. If additional detail is requested by the Client to be included on the record drawings, then the Client understands and agrees that the Engineer will be due additional compensation for additional services.

It is also understood and agreed that because of the possibility that information and data delivered in machine readable form may be altered, whether inadvertently or otherwise, the Engineer reserves the right to retain the original tapes/disks and to remove from copies

provided to the Client all identification reflecting the involvement of the Engineer in their preparation. The Engineer also reserves the right to retain hard copy originals of all Project Documentation delivered to the Client in machine readable form, which originals shall be referred to and shall govern in the event of any inconsistency between the two.

The Client understands that the automated conversion of information and data from the system and format used by the Engineer to an alternate system or format cannot be accomplished without the introduction of inexactitudes, anomalies, and errors. In the event Project Documentation provided to the Client in machine readable form is so converted, the Client agrees to assume all risks associated therewith.

The Client recognizes that changes or modifications to the Engineer's instruments of professional service introduced by anyone other than the Engineer may result in adverse consequences which the Engineer can neither predict nor control.

7. Reuse of Documents: All Project Documents including but not limited to reports, opinions of probable costs, drawings and specifications furnished by Engineer pursuant to this Agreement are intended for use on the Project only. They cannot be used by Client or others on extensions of the Project or any other project. Any reuse, without specific written verification or adaptation by Engineer, shall be at Client's sole risk.
8. The Engineer shall have the right to include representations of the design of the Project, including photographs of the exterior and interior, among the Engineer's promotional and professional materials. The Engineer's materials shall not include the Client's confidential and proprietary information if the Client has previously advised the Engineer in writing of the specific information considered by the Client to be confidential and proprietary.
9. Standard of Practice: The Engineer will strive to conduct services under this agreement in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions as of the date of this Agreement.
10. Compliance with Laws: The Engineer will strive to exercise usual and customary professional care in his/her efforts to comply with those laws, codes, ordinance and regulations which are in effect as of the date of this Agreement. With specific respect to prescribed requirements of the Americans with Disabilities Act of 1990 or certified state or local accessibility regulations (ADA), Client understands ADA is a civil rights legislation and that interpretation of ADA is a legal issue and not a design issue and, accordingly, retention of legal counsel (by Client) for purposes of interpretation is advisable.

Further to the law and code compliance, the Client understands that the Engineer will strive to provide designs in accordance with the prevailing Standards of Practice as previously set forth, but that the Engineer does not warrant that any reviewing agency having jurisdiction will not for its own purposes comment, request changes and/or additions to such designs. In the event such design requests are made by a reviewing agency, but which do not exist in the form of a written regulation, ordinance or other similar document as published by the

reviewing agency, then such design changes (at substantial variance from the intended design developed by the Engineer), if effected and incorporated into the project documents by the Engineer, shall be considered as Supplementary Task(s) to the Engineer's Scope of Service and compensated for accordingly. However, Engineer acknowledges that any such compensation will be contingent upon prior submittal of costs to the County for review and approval by the Kendall County Board.

11. Affirmative Action: The Engineer is committed to the principles of equal employment opportunity. Moreover, as a government contractor bound by Executive Order 11246, Engineer takes its affirmative action obligations very seriously. Engineer states as its Policy of Affirmative Action the following:

It will be the policy of the Engineer to recruit, hire, train and promote persons in all job titles without regard to race, color, religion, sex, age, disability, veteran status, national origin, or any other characteristic protected by applicable law.

All employment decisions shall be consistent with the principle of equal employment opportunity, and only job-related qualifications will be required.

All personnel actions, such as compensation, benefits, transfers, tuition assistance, social and recreational programs, etc. will be administered without regard to race, color, religion, sex, age, disability, veteran status, national origin, or any other characteristic protected by applicable law.

12. Indemnification: Engineer shall indemnify, hold harmless and defend with counsel of Kendall County's own choosing, Client Kendall County, its officials, officers, employees, including their past, present, and future board members, elected officials and agents from and against all liability, claims, suits, demands, proceedings and actions, including costs, reasonable fees and expense of defense, arising from, to, any loss, damage, injury, death, or loss or damage to property (collectively, the "Claims"), to the extent such Claims result from the Engineer's negligent or willful acts, errors or omissions in its performance under this Agreement. Nothing contained herein shall be construed as prohibiting Kendall County, its officials, directors, officers, agents and employees, from defending through the selection and use of their own agents, attorneys and experts, any claims, suits, demands, proceedings and actions brought against them. Pursuant to Illinois law, 55 ILCS 5/3- 9005, any attorney representing the County, under this paragraph, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney, as provided in 55 ILCS 5/3-9005. Kendall County's participation in its defense shall not remove Engineer's duty to indemnify and hold the County harmless, as set forth above.

In the event of joint or concurrent negligence of Engineer and Client, each shall bear that portion of the loss or expense that its share of the joint or concurrent negligence bears to the total negligence (including that of third parties), which caused the personal injury or property damage.

Engineer shall not be liable for special, incidental or consequential damages, including, but not limited to loss of profits, revenue, use of capital, claims of customers, cost of purchased or replacement power, whether based on contract, tort, negligence, strict liability or otherwise, by reasons of the services rendered under this Agreement.

13. Opinions of Probable Cost: Since Engineer has no control over the cost of labor, materials or equipment, or over the Contractor(s) method of determining process, or over competitive bidding or market conditions, his/her opinions of probable Project Construction Cost provided for herein are to be made on the basis of his/her experience and qualifications and represent his/her judgement as a design professional familiar with the construction industry, but Engineer cannot and does not guarantee that proposal, bids or the Construction Cost will not vary from opinions of probable construction cost prepared by him/her. If prior to the Bidding or Negotiating Phase, Client wishes greater accuracy as to the Construction Cost, the Client shall employ an independent cost estimator Consultant for the purpose of obtaining a second construction cost opinion independent from Engineer.
14. Governing Law & Dispute Resolutions: This Agreement shall be governed by and construed in accordance with Articles previously set forth by (Item 9 of) this Agreement, together with the laws of the **State of Illinois**.

Any claim, dispute or other matter in question arising out of or related to this Agreement, which cannot be mutually resolved by the parties of this Agreement, shall be subject to mediation as a condition precedent to the institution of legal or equitable proceedings by either party. If such matter relates to or is the subject of a lien arising out of the Engineer's services, the Engineer may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by arbitration.

The Client and Engineer shall endeavor to resolve claims, disputes and other matters in question between them by mediation which, unless the parties mutually agree otherwise, shall be in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect. Requests for mediation shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. Mediation shall proceed in advance of legal or equitable proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order.

The parties shall share the mediator's fee equally. The mediation shall be held in the county where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

15. Successors and Assigns: The terms of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns: provided, however, that neither party shall assign this Agreement in whole or in part without the prior written approval of the other.

16. Waiver of Contract Breach: The waiver of one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof, shall be limited to the particular instance, shall not operate or be deemed to waive any future breaches of this Agreement and shall not be construed to be a waiver of any provision, except for the particular instance.
17. Entire Understanding of Agreement: This Agreement represents and incorporates the entire understanding of the parties hereto, and each party acknowledges that there are no warranties, representations, covenants or understandings of any kind, matter or description whatsoever, made by either party to the other except as expressly set forth herein or within the Proposal for Engineering Services and the Schedule of Charges, which are herein incorporated by reference. Client and the Engineer hereby agree that any purchase orders, invoices, confirmations, acknowledgments or other similar documents executed or delivered with respect to the subject matter hereof that conflict with the terms of the Agreement, Proposal for Engineering Services and the Schedule of Charges shall be null, void and without effect to the extent they conflict with the terms of this Agreement.
18. Amendment: This Agreement shall not be subject to amendment unless another instrument is duly executed by duly authorized representatives of each of the parties and entitled "Amendment of Agreement".
19. Severability of Invalid Provisions: If any provision of the Agreement shall be held to contravene or to be invalid under the laws of any particular state, county or jurisdiction where used, such contravention shall not invalidate the entire Agreement, but it shall be construed as if not containing the particular provisions held to be invalid in the particular state, country or jurisdiction and the rights or obligations of the parties hereto shall be construed and enforced accordingly.
20. Force Majeure: Neither Client nor Engineer shall be liable for any fault or delay caused by any contingency beyond their control including but not limited to acts of God, wars, fires, natural calamities.
21. Subcontracts: Engineer may subcontract portions of the work, but each subcontractor must be approved by Client in writing. Engineer hereby waives any claim of lien against subject premises on behalf of Engineer, its officers, insurers, employees, agents, suppliers and/or sub-contractors employed by this Agreement. Upon completion of the project and as a condition prior to payment in full, Engineer shall tender to Client a final waiver of lien for all subcontractors and/or suppliers.
22. Access and Permits: Client shall arrange for Engineer to enter upon public and private property and obtain all necessary approvals and permits required from all governmental authorities having jurisdiction over the Project. Client shall pay costs (including Engineer's employee salaries, overhead and fee) incident to any effort by Engineer toward assisting Client in such access, permits or approvals, if Engineer performs such services. Should such services be necessary, Engineer shall provide a written quote to Client in advance for approval.

23. Designation of Authorized Representative: Each party (to this Agreement) shall designate one or more persons to act with authority in its behalf in respect to appropriate aspects of the Project. The persons designated shall review and respond promptly to all communications received from the other party.
24. Notices: Any notice or designation required to be given to either party hereto shall be in writing, and unless receipt of such notice is expressly required by the terms hereof shall be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed, and addressed to the party to whom such notice is directed at such party's place of business or such other address as either party shall hereafter furnish to the other party by written notice as herein provided.

In the case of notice to Kendall County, County Administrator, County of Kendall, 111 West Fox Street, Room 316, Yorkville, IL 60560, Fax (630) 553-4214 with copy sent to: Kendall County State's Attorney, 807 John Street, Yorkville, Illinois 60560, fax (630) 553-4204. And, in the case of Engineer, to: P.J. Fitzpatrick, WBK Engineering, LLC, 116 W. Main Street, Suite 201, St. Charles, IL 60174

25. Limit of Liability: The Client and the Engineer have discussed the risks, rewards, and benefits of the project and the Engineer's total fee for services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that the Client agrees that to the fullest extent permitted by law, the Engineer's total aggregate liability to the Client for any and all injuries, claims, costs, losses, expenses, damages of any nature whatsoever or claim expenses arising out of this Agreement from any cause or causes, including attorney's fees and costs, and expert witness fees and costs, shall not exceed those amounts that are equal to what Engineer has retained insurance coverage for at the time of contracting. Said insurance limits at the time of contracting include: Professional Liability of \$2,000,000.00 each occurrence and \$4,000,000.00 general aggregate; General Liability of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate; Automobile Liability of \$1,000,000.00; and an Excess/Umbrella of \$10,000,000.00 per occurrence. Engineer understands that said limits on liability are based upon the coverage amounts that may be paid by his insurer and such liability limits are set irrespective of whether the insurer(s) actually pay such limits on Engineer's behalf. Engineer further understands that should insurance not provide the coverage amounts above, Engineer shall still be responsible for its liability up to the amounts listed. Such causes included but are not limited to the Engineer's negligence, errors, omissions, strict liability or breach of contract. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.
26. Client's Responsibilities: The Client agrees to provide full information regarding requirements for and about the Project, including a program which shall set forth the Client's objectives, schedule, constraints, criteria, special equipment, systems and site requirements.

The Client agrees to furnish and pay for all legal, accounting and insurance counseling services as may be necessary at any time for the Project, including auditing services which

the Client may require to verify the Contractor's Application for Payment or to ascertain how or for what purpose the Contractor has used the money paid by or on behalf of the Client.

The Client agrees to require the Contractor, to the fullest extent permitted by law, to indemnify, hold harmless, and defend the Engineer, its consultants, and the employees and agents of any of them from and against any and all claims, suits, demands, liabilities, losses, damages, and costs ("Losses"), including but not limited to costs of defense, arising in whole or in part out of the negligence of the Contractor, its subcontractors, the officers, employees, agents, and subcontractors of any of them, or anyone for whose acts any of them may be liable, regardless of whether or not such Losses are caused in part by a party indemnified hereunder. Specifically excluded from the foregoing are Losses arising out of the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs, or specifications, and the giving of or failure to give directions by the Engineer, its consultants, and the agents and employees of any of them, provided such giving or failure to give is the primary cause of Loss. The Client also agrees to require the Contractor to provide to the Engineer the required certificate of insurance.

The Client further agrees to require the Contractor to name the Engineer, its agents and consultants as additional insureds on the Contractor's policy or policies of comprehensive or commercial general liability insurance. Such insurance shall include products and completed operations and contractual liability coverages, shall be primary and noncontributing with any insurance maintained by the Engineer or its agents and consultants, and shall provide that the Engineer be given thirty days, unqualified written notice prior to any cancellation thereof.

When Contract Documents prepared under the Scope of Services of this contract require insurance(s) to be provided, obtained and/or otherwise maintained by the Contractor, the Client agrees to be wholly responsible for setting forth any and all such insurance requirements. Furthermore, any document provided for Client review by the Engineer under this Contract related to such insurance(s) shall be considered as sample insurance requirements and not the recommendation of the Engineer. Client agrees to have their own risk management department review any and all insurance requirements for adequacy and to determine specific types of insurance(s) required for the project. Client further agrees that decisions concerning types and amounts of insurance are specific to the project and shall be the product of the Client. As such, any and all insurance requirements made part of Contract Documents prepared by the Engineer are not to be considered the Engineer's recommendation, and the Client shall make the final decision regarding insurance requirements.

27. Information Provided by Others: The Engineer shall indicate to the Client the information needed for rendering of the services of this Agreement. The Client shall provide to the Engineer such information as is available to the Client and the Client's consultants and contractors, and the Engineer shall be entitled to rely upon the accuracy and completeness thereof. The Client recognizes that it is impossible for the Engineer to assure the accuracy, completeness and sufficiency of such information, either because it is impossible to verify,

or because of errors or omissions which may have occurred in assembling the information the Client is providing.

28. Payment: Client shall be invoiced once each month for work performed during the preceding period. Payment shall be made in accordance with the Illinois Local Government Prompt Payment Act, as amended (50 ILCS 505/1 et seq.)
29. When construction observation tasks are part of the service to be performed by the Engineer under this Agreement, the Client will include the following clause in the construction contract documents and Client agrees not to modify or delete it:

Kotecki Waiver: Contractor (and any subcontractor into whose subcontract this clause is incorporated) agrees to assume the entire liability for all personal injury claims suffered by its own employees, including without limitation claims under the **Illinois** Structural Work Act, asserted by persons allegedly injured on the Project; waives any limitation of liability defense based upon the Worker's Compensation Act, court interpretations of said Act or otherwise; and to the fullest extent permitted by law, agrees to indemnify and hold harmless and defend Owner and Engineer and their agents, employees and consultants (the "Indemnitees") from and against all such loss, expense, damage or injury, including reasonable attorneys' fees, that the Indemnitees may sustain as a result of such claims, except to the extent that **Illinois** law prohibits indemnity for the Indemnitees' own negligence. The Owner and Engineer are designated and recognized as explicit third-party beneficiaries of the Kotecki Waiver within the general contract and all subcontracts entered into in furtherance of the general contract.

30. Job Site Safety/Supervision & Construction Observation: The Engineer shall neither have control over or charge of, nor be responsible for, the construction means, methods, techniques, sequences of procedures, or for safety precautions and programs in connection with the Work since they are solely the Contractor's rights and responsibilities. The Client agrees that the Engineer has no responsibility to supervise and direct the work; and that the Contractor shall be solely responsible for the means, methods, techniques, sequences and procedures of construction and safety at the job site. The Client agrees that this intent shall be carried out in the Client's contract with the Contractor. The Client further agrees that the Contractor shall be contracted with to be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work; and that the Contractor shall be required to take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees on the subject site and all other persons who may be affected thereby. The Engineer shall have no authority to stop the work of the Contractor or the work of any subcontractor on the project. Nothing within this paragraph shall be construed to constitute a warranty or guarantee as to the safety of the services the Contractor shall perform or to intimate the existence of a duty for providing indemnification or shared liability on behalf of the County for any actions, inactions or failures of contractors to provide proper safety precautions in the performance of their work.

When construction observation services are included in the Scope of Services, the Engineer shall visit the site at intervals appropriate to the stage of the Contractor's operation, or as otherwise agreed to by the Client and the Engineer to: 1) become generally familiar with and to keep the Client informed about the progress and quality of the Work; 2) to strive to bring to the Client's attention defects and deficiencies in the Work and; 3) to determine in general if the Work is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Engineer shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. If the Client desires more extensive project observation, the Client shall request that such services be provided by the Engineer as Additional and Supplemental Construction Observation Services in accordance with the terms of this Agreement.

The Engineer, and the Client, shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the Work, or any agents or employees of any of them. The Engineer and the Client do not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.

When municipal review services are included in the Scope of Services, the Engineer (acting on behalf of the municipality), when acting in good faith in the discharge of its duties, shall not thereby render itself liable personally and is, to the maximum extent permitted by law, relieved from all liability for any damage that may accrue to persons or property by reason of any act or omission in the discharge of its duties. The Engineer shall be entitled to all defenses and municipal immunities that are, or would be, available to the Client.

31. Insurance and Indemnification: The Engineer and the Client understand and agree that the Client will contractually require the Contractor to defend and indemnify the Engineer and/or any subconsultants from any claims arising from the Work. The Engineer and the Client further understand and agree that the Client will contractually require the Contractor to procure commercial general liability insurance naming the Engineer as an additional named insured with respect to the work. The Contractor shall be required to provide to the Client certificates of insurance evidencing that the contractually required insurance coverage has been procured. However, the Contractor's failure to provide the Client with the requisite certificates of insurance shall not constitute a waiver of this provision by the Engineer.

32. Hazardous Materials/Pollutants: Unless otherwise provided by this Agreement, the Engineer and Engineer's consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials/pollutants in any form at the Project site, including but not limited to mold/mildew, asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic/hazardous/pollutant type substances.

Furthermore, Client understands that the presence of mold/mildew and the like are results of prolonged or repeated exposure to moisture and the lack of corrective action. Client also understands that corrective action is an operation, maintenance and repair activity for which the Engineer is not responsible.

33. Non-Discrimination: Engineer, its officers, employees, and agents agree not to commit unlawful discrimination and agree to comply with all applicable provisions of the Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Section 504 of the Federal Rehabilitation Act, and all applicable rules and regulations.
34. Compliance With State and Federal Laws: Engineer agrees to comply with all applicable federal, state and local laws and regulatory requirements and to secure such licenses as may be required for its employees and to conduct business in the state, municipality, county and location. Such obligation includes, but is not limited to, environmental laws, civil rights laws, prevailing wage and labor laws.
35. Authority To Execute Agreement: The County of Kendall and Engineer each hereby warrant and represent that their respective signatures set forth in the attached Proposal for Engineering Services have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.
36. Venue: The parties agree that the venue for any legal proceedings between them shall be the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit, State of Illinois.
37. Non-Appropriation: In the event Kendall County is in default under the Agreement because funds are not appropriated for a fiscal period subsequent to the one in which the Agreement was entered into which are sufficient to satisfy all or part of the County's obligations under this Agreement during said fiscal period, the County agrees to provide prompt written notice of said occurrence to Engineer. In the event of a default due to nonappropriation of funds,

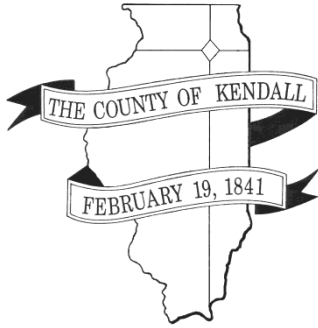
both parties have the right to terminate the Agreement upon providing thirty (30) days written notice to the other party. No additional payments, penalties and/or early termination charges shall be required upon termination of the Agreement.

38. Insurance. Engineer will obtain and continue in force, during the term of this Agreement, all insurance as set forth below. Each insurance policy shall not be cancelled or changed without thirty (30) days prior written notice, given by the insurance carrier to Kendall County at the address set forth herein. Before starting work hereunder, Engineer shall deposit with Subscriber certificates evidencing the insurance it is to provide hereunder: (a) Worker's Compensation and Occupational Disease Disability insurance, in compliance with the laws of the jurisdiction where the work is being performed, (b) Employer's comprehensive general liability insurance for both personal injury and property damage

in the minimum amount of \$1,000,000 per occurrence, and \$2,000,000 per aggregate per project, (c) Comprehensive business automobile liability insurance in the minimum amount of \$1,000,000 combined single limit, (d) Minimum umbrella occurrence insurance of \$5,000,000 per occurrence and \$5,000,000 aggregate, (e) Professional liability insurance in the minimum amount of \$1,000,000 combined single limit. Kendall County shall be named as Additional Insureds on a Primary and Non-Contributory basis with respect to the general liability, business auto liability and excess liability insurance, as well as a waiver of subrogation with respect to the general liability and workers' compensation in favor of Kendall County. Also, Kendall County and shall be designated as the certificate holders.

39. Certification: Engineer certifies that Engineer, its parent companies, subsidiaries, and affiliates are not barred from entering into this Agreement as a result of a violation of either 720 ILCS 5/33E-3 or 5/33E-4 (bid rigging or bid rotating) or as a result of a violation of 820 ILCS 130/1 et seq. (the Illinois Prevailing Wage Act).
40. Drug Free Workplace: Engineer and its consultants, employees, contractors, subcontractors, and agents agree to comply with all provisions of the Substance Abuse Prevention on Public Works Act, 820 ILCS 265/1 et seq. and the Illinois Drug Free Workplace Act, 30 ILCS 580/1 et seq.
41. Prevailing Wage: To the extent that this Agreement calls for the construction, demolition, maintenance and/or repair of a "public work" as defined by the Illinois Prevailing Wage Act, 820 ILCS 130/01 et seq. ("the Act"), such work shall be covered under the Act. The Act requires contractors and subcontractors to pay laborers, workers and mechanics performing covered work on public works projects no less than the "prevailing rate of wages" (hourly cash wages plus fringe benefits) in the county where the work is performed. For information regarding current prevailing wage rates, please refer to the Illinois Department of Labor's website at: <http://www.state.il.us/agency/idol/rates/rates.html>. All contractors and subcontractors rendering services under this Agreement must comply with all requirements of the Act, including, but not limited to, all wage, notice and record-keeping duties.
42. Both parties affirm no Kendall County officer or elected official has a direct or indirect pecuniary interest in WBK or this Agreement, or, if any Kendall County officer or elected official does have a direct or indirect pecuniary interest in WBK or this Agreement, that interest, and the procedure followed to effectuate this Agreement has and will comply with 50 ILCS 105/3.

43. Employment of Illinois Workers on Public Works Act. If at the time the Contract Documents are executed, or if during the term of the Contract Documents, there is a period of excessive unemployment in Illinois as defined in the Employment of Illinois Workers on Public Works Act, 30 ILCS 570/0.01 et seq., (hereinafter referred to as “the Act”), Engineer, its consultants, contractors, subcontractors and agents agree to employ Illinois laborers on this Project in accordance with the Act. Engineer understands that the Act defines (a) “period of excessive unemployment” as “as any month following two consecutive calendar months during which the level of unemployment in the State of Illinois has exceeded 5%, as measured by the United States Bureau of Labor Statistics in its monthly publication of employment and unemployment figures”, and (b) “Illinois laborer” as “any person who has resided in Illinois for at least thirty (30) days and intends to become or remain an Illinois resident.” See 30 ILCS 570/1. Engineer understands and agrees that its failure to comply with this provision of the Contract Documents may result in immediate termination of the Contract Documents.
44. Engineer agrees to comply with The Davis Bacon Act – 40 U.S. C. 3141 et seq. as may be necessary. The Davis-Bacon and Related Acts, apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. The DavisBacon Act prevailing wage provisions apply to the “Related Acts,” under which federal agencies assist construction project through grants, loans, loan guarantees, and insurance. Examples of the related Acts are the American Recovery and Reinvestment Act of 2009, the Federal-Aid Highway Acts, the Housing and Community Development Act of 1974, and the Federal Water Pollution Control Act.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: April 2, 2018
Re: Proposed Intergovernmental Agreement Between Kendall County and the Village of Plattville

The intergovernmental agreement between Kendall County and the Village of Plattville expires in June. The Planning, Building and Zoning Department does not propose any changes to the body of the agreement. The Planning, Building and Zoning Department proposes changes to Exhibit A to reflect the transfer of certain powers and duties of the Hearing Officer to the Zoning Board of Appeals. A redlined version of the proposal is attached.

Unlike the Village of Millbrook, the Village of Plattville agreed to the insurance language contained in the 2016 agreement and included in the 2017 agreement.

If you have any questions, please let me know.

Thanks,

MHA

ENC.

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF
PLATTVILLE AND THE COUNTY OF KENDALL**

THIS AGREEMENT, made this day ____ of June, ~~2017~~ 2018 by and between the VILLAGE OF PLATTVILLE, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic; WITNESSETH:

WHEREAS, the Village of Plattville was incorporated by act of the voters on March 21st, 2006; and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves; and

WHEREAS, the Village of Plattville and County of Kendall are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement; and

WHEREAS; the Village of Plattville adopted a Comprehensive Plan on July 27, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Plattville have been heretofore subject to the building and zoning codes of the County of Kendall, and to the Countywide Stormwater Management Ordinances; and

WHEREAS, the parties desire to continue that relationship.

NOW, THEREFORE, it is hereby agreed as follows:

- 1) The above recitals are incorporated by reference as if fully set forth herein.
- 2) That the Village of Plattville has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text

amendments to said ordinances and plans, as may be adopted by Kendall County from time to time, shall be adopted and incorporated by the Village of Plattville as its own.

3) That for the consideration of \$1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for the Village of Plattville as described in Paragraph (2) above and in accordance with the procedures attached hereto as Exhibit A and incorporated herein by reference all of which have been duly adopted by the Village of Plattville, and apply them to all properties located within the municipal boundaries of the Village of Plattville.

4) In addition to the consideration addressed in Paragraph 3 above, the Village of Plattville shall be responsible for all costs associated with the enforcement of the Zoning Ordinance of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, and the Countywide Stormwater Ordinance for cases within the boundaries of the Village of Plattville. At the written request of the Village of Plattville, Kendall County shall provide an estimated cost for investigating individual alleged violations. Upon approval of the cost estimate by the Village of Plattville, Kendall County will conduct the necessary investigation and bill the Village of Plattville accordingly. The Village of Plattville shall reimburse the County of Kendall for any actual costs incurred acting on behalf of the Village of Plattville as provided herein.

5) The Village of Plattville shall defend with counsel of the County's own choosing, indemnify and hold harmless the County of Kendall, its past, present, and future board members, elected officials, insurers, employees and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, expenses, and costs relating thereto, including, but not limited to, attorney's fees and other legal expenses, which the County, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the County's performance or alleged failure to perform its obligations pursuant to the Agreement.

6) That the Village of Plattville shall secure, pay for, and maintain throughout the period during which services are provided under this Agreement, auto liability and general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's auto liability and general liability coverage shall be primary coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

7) That this Agreement shall be for a term of one (1) year, commencing on the date of execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary date each year, said renewal to be in writing.

8) This Agreement may be terminated by either party upon 30 days written notice to the other party.

9) This Agreement represents the entire Agreement between the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

10) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

11) The County of Kendall and the Village of Plattville each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

12) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision. Any legal proceeding related to enforcement of this Agreement shall be brought in the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit.

13) This Agreement and the rights of the parties hereunder may not be assigned (except by operation of law), and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto. Nothing in this Agreement, express or implied, is intended to confer upon any party, other than the parties and their respective successors and assigns, any rights, remedies, obligations or liabilities under or by reason of such agreements.

14) Nothing contained in this Agreement, nor any act of Kendall County or the Village pursuant to this Agreement, shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving Kendall County and the Village. Further, nothing in this agreement should be interpreted to give Kendall County or the Village any control over the other's employees or imply a power to direct the employees of the other government body, which neither entity may exercise.

15) Any notice from either party to the other party hereto shall be in writing and shall be

deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator
111 West Fox Street
Yorkville, Illinois 60560

Village of Plattville
P.O. Box 1173
Yorkville, Illinois 60560

16) Nothing in this agreement shall be deemed to change or alter the jurisdiction of either the Village or Kendall County in any respect beyond the matters agreed upon in this agreement, including, but not limited to their powers and duties.

VILLAGE OF PLATTVILLE

COUNTY OF KENDALL

BY: _____
Village President

BY: _____
Chairman of Kendall County Board

ATTEST: _____
Village Clerk

ATTEST: _____
Kendall County Clerk

Exhibit A

Procedure for Processing Zoning & Subdivision Cases For The Village Of Plattville Under County/Municipal Intergovernmental Agreement

Under the terms of the intergovernmental Agreements executed between the Village of Plattville and Kendall County, the County PBZ staff as well as the Kendall County ZPAC, Concept Review Committee, Regional Planning Commission, **and** Zoning Board of Appeals, **and** ~~Hearing Officer~~ will serve as the municipal staff and the municipal recommending bodies in providing the Village Board with recommendations on applications for zoning map amendments, Special Uses, subdivision plat approvals and zoning variance requests involving properties within the corporate boundaries or proposed for annexation into the corporate boundaries of ~~these two municipalities~~ **the municipality**. In each instance, the Village Board of the municipality shall be responsible for acting on the recommendations supplied and adopting any related ordinances approving such requests. The following outline shall be followed when filing and processing such applications:

1. Pre-Application Meeting:

Prior to the submission of any applications, the petitioner shall schedule a joint “pre-application” meeting with County staff and representatives of the affected municipality to review the proposed request and provide preliminary feedback as well as guidance regarding the steps involved in the processing of the application.

2. Filing of an Application:

- a.) Using the applicable application forms and handouts provided by the County, the petitioner will submit the requisite number of copies of application and supporting documents and plans along with all required fees to the Kendall County Planning Building and Zoning Department (PBZ).
- b.) Simultaneous to that filing, the applicant shall forward an original copy of the application forms along with a copy of all related plans and supporting documents to the Village Clerk of the affected municipality for creation of the Village’s Official file on the matter.

3. Review and Processing of Zoning Map Amendments and Special Uses:

- a.) Zoning Map Amendments and Special Uses, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County’s ZPAC Committee, representatives from

Exhibit A

the affected municipality will be invited to participate as sitting members of the committee.

- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- f.) The County shall forward copies of the agenda, staff report and minutes of the ZPAC meeting to KCRPC as well as the Clerk of the affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village Clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the Regional Plan Commission, petitions involving a zoning map amendment shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the zoning matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- j.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior

Exhibit A

to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.

- k.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- l.) The County shall forward copies of the agenda, staff report and copy of the minutes of the KCRPC meeting to the ZBA as well as to the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- m.) The County shall post copies of the ZBA agenda as required per County policies. The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- n.) If the application involves a request for a Special Use, the petition shall be forwarded to the next available meeting of the Kendall County ~~Special Use Hearing Officer (SU/HO)~~ **Zoning Board of Appeals (ZBA)** for the conduct of the formal Public Hearing on the Special Use as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- o.) All required notices required per State Statute and the County Zoning Ordinance shall be mailed and posted prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- p.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- q.) The County shall forward copies of the agenda, staff report and minutes of the KCRPC meeting to ~~SU/HO~~ **the ZBA** as well as the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- r.) The County shall post copies of the agenda as required per County policies.

Exhibit A

- s.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- t.) Following review and recommendation by the ZBA ~~and/or the SU/HO~~, PBZ staff will forward to the appropriate Village Board a report summarizing all of the recommendations and actions taken by each of the review and recommending bodies along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- u.) Along with the report, PBZ staff will prepare a draft ordinance approving the requested map amendment or Special Use for action by the Village Board. The summary report and draft ordinance in addition to a copy of the minutes of the ZBA ~~and/or SU/HO~~ meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- v.) In the event a related annexation hearing is required, the Clerk shall coordinate with the applicant to insure proper notice has been supplied and shall be responsible for the preparation and posting of Board's Agenda.
- w.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- x.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

4. Review and Processing of Preliminary and Final Subdivision Plats:

- a.) Preliminary and/or Final Plats, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County's ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the ZPAC

Exhibit A

members and the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.

- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All required notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner.
- f.) The County shall forward copies of the agenda, staff report and a copy of the minutes of the ZPAC meeting to the KCRPC as well as the Clerk of affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the KCRPC, PBZ staff will prepare a report to the appropriate Village Board summarizing all of the recommendations and actions taken by each of the review and recommending bodies.
- j.) In addition to the summary the report, PBZ staff will prepare a draft ordinance approving the requested Preliminary and/or Final Plat for action by the Village Board. The summary report and draft ordinance shall NOT be forwarded to the appropriate Village Clerk for scheduling of the matter for action by the Village Board until such time as formal approval of the related preliminary and/or final engineering plans and or other supporting documents or agreements has been granted.
- k.) Once these approvals are received, PBZ staff will forward the summary report and draft ordinance in addition to a copy of the minutes of the KCRPC meeting to the appropriate Village Clerk along with copies of any revised plans, documents or supporting

Exhibit A

information submitted by the petitioner in support of the application.

- l.) The Village Clerk shall then schedule the matter for action by the Village Board and prepare the related agendas for posting.
- m.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- n.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

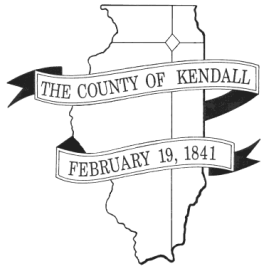
5. Review and Processing of Zoning Variance:

- a.) Zoning Variances shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- b.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- c.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- d.) The County shall prepare and forward copies of the agenda and staff report to the ZBA as well as the Clerk of affected municipality for filing along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application.
- e.) The County shall post copies of the agenda as required per County policies.
- f.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- g.) Following review and recommendation by the ZBA, the PBZ staff will forward a report summarizing the findings and

Exhibit A

recommendations made by ZBA along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application. Along with the report, PBZ staff will prepare a draft ordinance approving the variance for action by the Village Board.

- h.) The summary report, draft ordinance and minutes of the ZBA meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- i.) The Village Clerk shall be responsible for the preparation and posting of Board's Agenda.
- j.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- k.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: April 2, 2018
Re: Planning, Building and Zoning Fee Schedule Update

On March 21st, the County Board approved Ordinance 18-04 transferring certain powers and duties from the Hearing Officer to the Zoning Board of Appeals.

The existing fee schedule of the Planning, Building and Zoning Department references the Hearing Officer for certain applications. Staff requests that the reference to the Hearing Officer be changed to the Zoning Board of Appeals.

In addition, the Zoning Board of Appeals is currently paid on a per meeting basis regardless of the length of time a hearing occurs. Staff requests that the language regarding the One Hundred Dollars (\$100) for each additional hour be removed from the fee schedule as well.

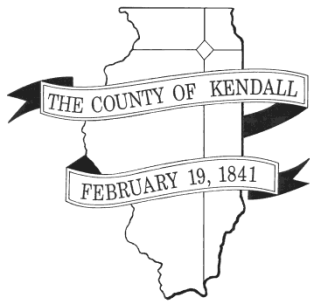
A redlined version of the proposal is attached to this memo.

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

Thanks,

MHA

ENC



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

ZONING APPLICATION FEES

MAP AMENDMENTS

Any amount of acreage \$500.00

SPECIAL USE PERMITS, PLANNED UNIT DEVELOPMENTS/ RESIDENTIAL PLANNED DEVELOPMENTS AND MAJOR AMENDMENTS TO SPECIAL USES

*The following fee amounts include a processing fee, a fee for recording the special use in the recorder's office for 10 pages and a cost for a **Hearing Officer Zoning Board of Appeals** at a rate of \$350.00 **for the first hour. If required, an additional \$100.00 for each additional hour of the Hearing Officer's time shall be invoiced to the petitioner and shall be paid to the PBZ Department prior to approval of the Special Use.***

All acreage zoned as A-1 \$1,155

All Other Zoning Districts

0.0-5.00 acres \$1,155

5.01-10.00 acres \$1,905

10.01-50.00 acres \$2,255 + \$50/acre or part thereof over 10 acres

50.01-100.00 acres \$4,755 + \$35/acre or part thereof over 50 acres

100.01-500.00 acres \$6,505 + \$20/acre or part thereof over 100 acres

500.01+ \$14,505 + \$15/acre or part thereof over 500 acres

MINOR AMENDMENT TO SPECIAL USE *(includes a processing fee and a fee for recording the minor amendment to the special use in the recorder's office)*

Any amount of acreage \$150.00

VARIANCE *(includes a processing fee and a fee for recording the variance in the recorder's office)*

As part of Special Use \$100

Not part of Special Use \$425 for first Variance Request of petition and \$50 for each additional request to be included in the same petition

ADMINISTRATIVE VARIANCE *(includes a processing fee and a fee for recording the minor amendment to the special use in the recorder's office)*

Any amount of acreage \$150.00

PRELIMINARY PLAT

Residential \$1,000.00 + \$50.00/acre or part of an acre

Other \$1,000.00 + \$100.00/acre or part of an acre

FINAL PLAT	
All Final Plats	\$50.00/acre or part of an acre (\$500.00 minimum)
OTHER PLAT (Vacation, Dedication, etc.)	
All Other Plat Actions	\$50.00/acre or part of an acre (\$500.00 minimum)
ADMINISTRATIVE APPEAL	\$1,000.00 ¹
TEXT AMENDMENT	\$500.00
SITE PLAN REVIEW	\$375.00
A-1 CONDITIONAL USE	\$100.00
TEMPORARY USES	\$100.00

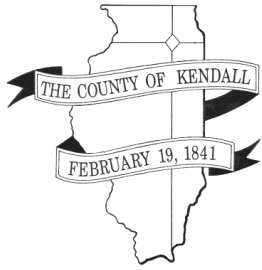
No waiver and no refund shall be made for any fee paid pursuant to this Ordinance without the approval of the Planning Building and Zoning Committee of the County Board

All fees for actions or activities by Kendall County or the Kendall County Forest Preserve District are hereby waived and all fees for non-profit organizations shall be charged half of the normal fees for zoning petitions; provided they show proof of non-profit status and that the permit be used only by the organizations itself*

¹In the event that ruling by the Zoning Board of Appeals favors the appealing party, the submitted fee for an administrative appeal shall be refunded to the applicant.

All payments shall be made payable to Kendall County Treasurer

ZONING FEES ESTABLISHED BY KENDALL COUNTY ORDINANCE EFFECTIVE
8/19/2014



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: April 2, 2018
Re: Procedure for Prosecuting Ordinance Violations

On the April 9th, Planning, Building and Zoning Committee agenda, there is an item "Approval of a Procedure for Prosecuting Ordinance Violations."

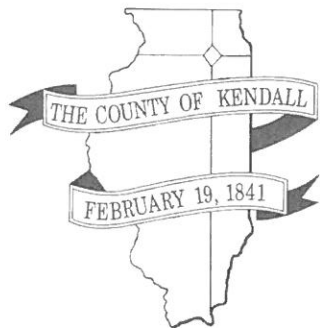
The State's Attorney's Office would like the Committee to approve a motion deciding whether alleged planning, building, zoning, and related violations will go to court or to the Hearing Officer before the State's Attorney's Office starts reviewing the ordinances for corrections.

The County Administrator and the State's Attorney's Office favor sending alleged violations to court. Animal Control recently approved a motion sending their alleged violations to court.

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

Thanks,

MHA



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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March 16, 2018

Dear Township Clerks:

The Kendall County Planning, Building and Zoning Department is considering holding a training session on the roles and responsibilities of township planning commissioners. The training would also include an overview of the steps petitions take from initial application to final approval/denial. The Department will also open this training to other township officials interested in planning and zoning related procedures.

Accordingly, the Kendall County Planning, Building and Zoning Department requests the names and addresses of your township planning commissioners and the names and addresses of any other parties you believe are interested in planning and zoning related topics. Also, if there is a specific planning or zoning topic that you would like to see discussed at the training session, please provide the Department that information as well.

Please send the contact information and your suggestions to Matt Asselmeier at the Kendall County Planning, Building and Zoning Department, 111 W. Fox Street, Yorkville, IL 60560 or masselmeier@co.kendall.il.us.

The specific details of the training session have not been determined. You will be updated when the specific information about the training is determined.

If you have any comments or concerns, please contact me at masselmeier@co.kendall.il.us or 630-553-4139.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner

Township Planning Commission

Month Day, 2018

Township Plan Commission Composition

- 60 ILCS 1/105-35
- 5 Members
- Appointed by the Supervisor with Consent of the Board
- Terms of Office Set by Board
- Supervisor Selects Chairman
- Plan Commission May Appoint Other Officers

Township Plan Commission Duties

- Prepare and Recommend a Comprehensive Plan and Changes to the Comprehensive Plan
- Recommend Specific Improvements as Recommended in the Comprehensive Plan
- Give Aid to Local Officials
- Protect Solar Energy Systems
- Give Recommendations on Subdivisions, Rezoning, Variances, and Special Uses

Planning

- Allocation of Uses Throughout an Area in an Effort to Reduce Conflicts
- Plan for Infrastructure Investment (Roads)
- Plan for Public Services (Fire Stations)
- Land Resource Management Plan
- Plan is an Advisory Document, not LAW.



Zoning

- 20 Zoning Districts
- Permitted Uses are Allowed "By Right"
- Special Uses are Allowed with Restrictions and After Approval by the County Board
- Conditional Uses are Allowed by the Discretion of the Zoning Administrator (County Considering Changing This Classification)
- Uses Excluded from the List of Uses are Not Allowed

Zoning Continued



- Regulates Height, Bulk, Setbacks, Fencing, Screening, Parking, and Lighting
- Can be Changed through Local Legislative Process (Text Amendment)
- It is LAW
- It is NOT USE (Grandfathering)

Zoning Terms

- Rezoning-Changing the Zoning Classification of a Property (also known as Map Amendment)
- Variance-Reducing the Requirements of the Strict Interpretation of the Zoning Ordinance
- Note: Cannot Issue a Variance for Use
- May Impose Reasonable Requirement for Special Uses and Variances

Rezoning (Map Amendment) Criteria

- Existing Use of the Property Within the General Area
- The Zoning Classification of the Property Within the General Area
- The Suitability for the Property for the Uses Allowed in the Proposed Zoning District
- Development Trends in Area

Rezoning (Map Amendment) Criteria Continued

- Protecting the Public Interest
- Consistency with Land Resource Management Plan
- Note: Must Consider All Uses within District

Rezoning (Map Amendment) Process

- ZPAC Review
- Plan Commission Review
- ZBA Public Hearing
- Township Review (Can File Formal Objection within 30 Days After Hearing)
- PBZ Review
- County Board



Variance Criteria

- Hardship in Layout of Property
- Not Applicable to Other Properties with the same Zoning Classification
- Owner did not Create the Hardship
- Protect Public Welfare
- Not Damage Property Values of Adjacent Properties

Variance Process

Code Review

- ZBA Public Hearing
- Township Review (Can File Formal Objection within 15 Days After the Hearing)

Special Use Criteria

- Does not Damage Public Health or Safety
- Not Damage the Use of Neighboring Properties or County as a Whole
- Adequate Utilities and Roads are in Area
- Conform to other Regulations
- Consistent with Land Resource Management Plan

Special Use Process

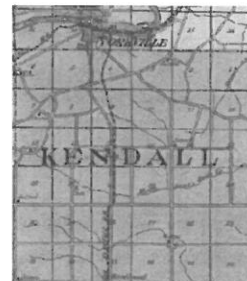
- ZPAC Review
- Township Review (Request Response within 30 Days of Application)
- County Plan Commission Review
- Zoning Board of Appeals Hearing
- PBZ Review
- County Board Vote

Implications of Your Review

- For Map Amendments, Text Amendments and Variances, a Negative Recommendation by the Township Board Requires a $\frac{3}{4}$ Vote of the County Board to Overturn (8 out of 10 Members)
- The Above Only Applies to Townships with Planning Commissions
- No Supermajority is Required to Overturn a Positive Recommendation
- No Supermajority is Required for Review of Special Uses

Subdivisions

- Township can Review all Preliminary and Final Plats
- Must Follow the Plat Act and Local Zoning Ordinance as Relates to Buildable Lots
- Must Inform the Applicant of Defects in Plat



Other Issues

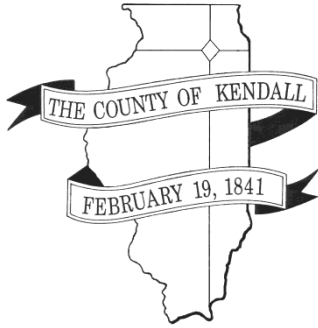
- Township Can Initiate Text Amendment Under Certain Circumstances
- Township Can Initiate Amendments to Land Resource Management Plan

Questions



Contact Information

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560
630-553-4139
masselmeier@co.kendall.il.us



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building & Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: March 5, 2018
Re: Request to Release Funds from a Bank Account Owned by Whitetail Ridge Golf Club, LLC at First National Bank in the Amount of \$3,000

When the Kendall County Board approved the special use permit for a banquet facility at 9111 Ashley Road in 2016, they included a condition that required Whitetail Ridge Golf Club, LLC to create a bond in the amount of Three Thousand Dollars (\$3,000) to cover the costs of an appraisal of 9092 Ashley Road. The ordinance establishing the special use permit at 9111 Ashley Road (Ordinance 2016-11) required the owner of 9092 Ashley Road to pursue and complete an appraisal of 9092 Ashley Road within one (1) year of the establishment of the special use permit or the money would be returned to Whitetail Ridge Golf Club, LLC. The special use permit was established on July 19, 2016; Whitetail Ridge Golf Club, LLC established the bank account on February 28, 2017.

On January 25, 2018, the Planning, Building and Zoning Department sent a letter to the owner of 9092 Ashley Road requesting an update on the status of the appraisal. The owner of 9092 Ashley Road was also informed that the bank account could be liquidated after February 28th. As of the close of business on February 28th, the Kendall County Planning, Building and Zoning Department has not received an update from the owner of 9092 Ashley Road regarding the status of the appraisal.

Accordingly, the Planning, Building and Zoning Department believes that Whitetail Ridge Golf Club, LLC has completed the requirements of condition 18 of Ordinance 2016-11 and the restriction on their bank account at First National Bank could be lifted. A resolution and letter to that effect is attached.

If you have any questions, please let me know.

MHA

ENC: Resolution
Letter Withdrawing Claims

KENDALL COUNTY
Resolution No. _____

***Resolution to Release All Claims on a Bank Account Owned by
Whitetail Ridge Golf Club, LLC at First National Bank in the Amount of \$3000.00***

WHEREAS, in April 2016, Whitetail Ridge Golf Club, LLC petitioned the Kendall County Board for a special use permit to operate a banquet hall at 9111 Ashley Road in Kendall Township; and

WHEREAS, during the adoption process for the special use permit, the property owner of 9092 Ashley Road expressed concerns that the issuance of the requested special use permit would cause the devaluation of their property at 9092 Ashley Road; and

WHEREAS, on July 19, 2016, the Kendall County Board approved the issuance of a special use permit for the operation of a banquet hall at 9111 Ashley Road by Ordinance 2016-11; and

WHEREAS, Ordinance 2016-11 placed 19 conditions on the special use permit allowing the operation of a banquet hall at 9111 Ashley Road; and

WHEREAS, condition 18 of Ordinance 2016-11 required the petitioner to establish a bond in the amount of \$3,000.00 to ensure the completion of an appraisal of the property located at 9092 Ashley Road; and

WHEREAS, condition 18 of Ordinance 2016-11 stipulated that the property owner at 9092 Ashley Road must request and complete the appraisal of the property at 9092 Ashley Road within 1 year of the approval of the special use ordinance or the bond would be released to the petitioner; and

WHEREAS, on February 28, 2017, the petitioner, Whitetail Ridge Golf Club, LLC, established a bank account at First National Bank in the amount of \$3,000.00 to cover the costs of the appraisal required by condition 18 of Ordinance 2016-11; and

WHEREAS, a requirement was placed on the bank account owned by Whitetail Ridge Golf Club, LLC at First National Bank requiring the approval of Kendall County for the liquidation of the bank account; and

WHEREAS, on January 25, 2018, the Kendall County Planning, Building and Zoning Department contacted the owner of 9092 Ashley Road requesting an update on the appraisal process and notifying the property owner of 9092 Ashley Road of the potential liquidation of the subject bank account per the requirement of condition 18 of Ordinance 2016-11; and

WHEREAS, as of the close of business on February 28, 2018, the owner of 9092 Ashley Road has not provided the Kendall County Planning, Building and Zoning Department with an update of the status of an appraisal at 9092 Ashley Road; and

WHEREAS, as of March 1, 2018, 1 year has passed since Whitetail Ridge Golf Club, LLC established a bank account at First National Bank in the amount of \$3,000.00 to cover the costs of the appraisal required by condition 18 of Ordinance 2016-11; and

WHEREAS, the Planning, Building and Zoning Department has determined that Whitetail Ridge Golf Club, LLC has met the requirements of condition 18 of Ordinance 2016-11 and a release of all Kendall County's claims on the subject bank account is permissible; and

WHEREAS, the Kendall County Board concurs that Whitetail Ridge Golf Club, LLC has fulfilled the requirements of condition 18 of Ordinance 2016-11 and the Kendall County Board is agreeable to withdrawing all claims on the subject bank account; and

THEREFORE, BE IT RESOLVED, that Kendall County Board hereby authorizes and directs the Kendall County Board Chairman to sign and mail the attached letter releasing all claims on a bank account owned by Whitetail Ridge Golf Club, LLC at First National Bank in the amount of \$3000.00 pursuant to condition 18 of Ordinance 2016-11.

ADOPTED and APPROVED this 17th Day of April, 2018.

Scott R. Gryder, County Board Chairman

STATE OF ILLINOIS)

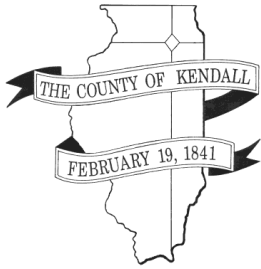
) SS

COUNTY OF KENDALL)

I, Debbie Gillette, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a Resolution adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the _____ day of _____, A.D. 2018.

Debbie Gillette, County Clerk and Recorder

(Seal)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

April 18, 2018

Brent Ekwinski
First National Bank
109 W. Veterans Parkway
Yorkville, IL 60560

RE: Whitetail Ridge Golf Club, LLC Bank Account

Dear Brent Ekwinski:

According to the records of Kendall County, Whitetail Ridge Golf Club, LLC established a bank account at First National Bank on February 28, 2017. The balance of the account was Three Thousand Dollars (\$3,000) and the funds were to be used to finance an appraisal of 9092 Ashley Road per the requirements of Kendall County Ordinance 2016-11. A restriction was placed on this account requiring the approval of the Kendall County Planning, Building and Zoning Department and Whitetail Ridge Golf Club, LLC before the release of funds.

Please let this letter serve as Kendall County's written permission to allow Whitetail Ridge Golf Club, LLC to withdraw any and all funds from this account. Kendall County hereby releases any and all claims that Kendall County may have/had on the subject bank account effective April 17, 2018.

If you have any questions, please contact Matt Asselmeier, Kendall County Senior Planner at 630-553-4139 or masselmeier@co.kendall.il.us.

Sincerely,

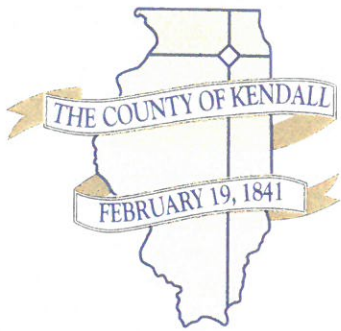
Scott R. Gryder, Chairman
Kendall County Board

Memo

To: PBZ Committee
From: Brian Holdiman (Code Official)
Re: Antos Property
Date: April 4, 2018

At the request of Matt Asselmeier, Senior Planner, I have prepared this memo and attached the most recent correspondence and photos of the Antos property for the purpose of updating the committee.

Please let me know if you have any questions.



PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET – ROOM 316 YORKVILLE, ILLINOIS 60560-1498

630/553-4141 • FAX 630/553-4179

May 2, 2017

Mark J. Antos
13360 McKanna Rd
Minooka, IL. 60447

Mark,

Our office has received many complaints in regards to your temporary low water crossing and how several of the culvert pipes are blocked and causing the creek to dam up. We are waiting for your engineer to provide us response to our comments. When received, we hope to be able to approve the bridge. In the meantime, would you please remove debris from the culverts so the water can flow as intended and not cause issues for adjoining property owners.

Thank you in advance.
Kendall County Planning, Building and Zoning Department



12/01/2017 13:21



12/01/2017 13:22

12/01/2017 13:22

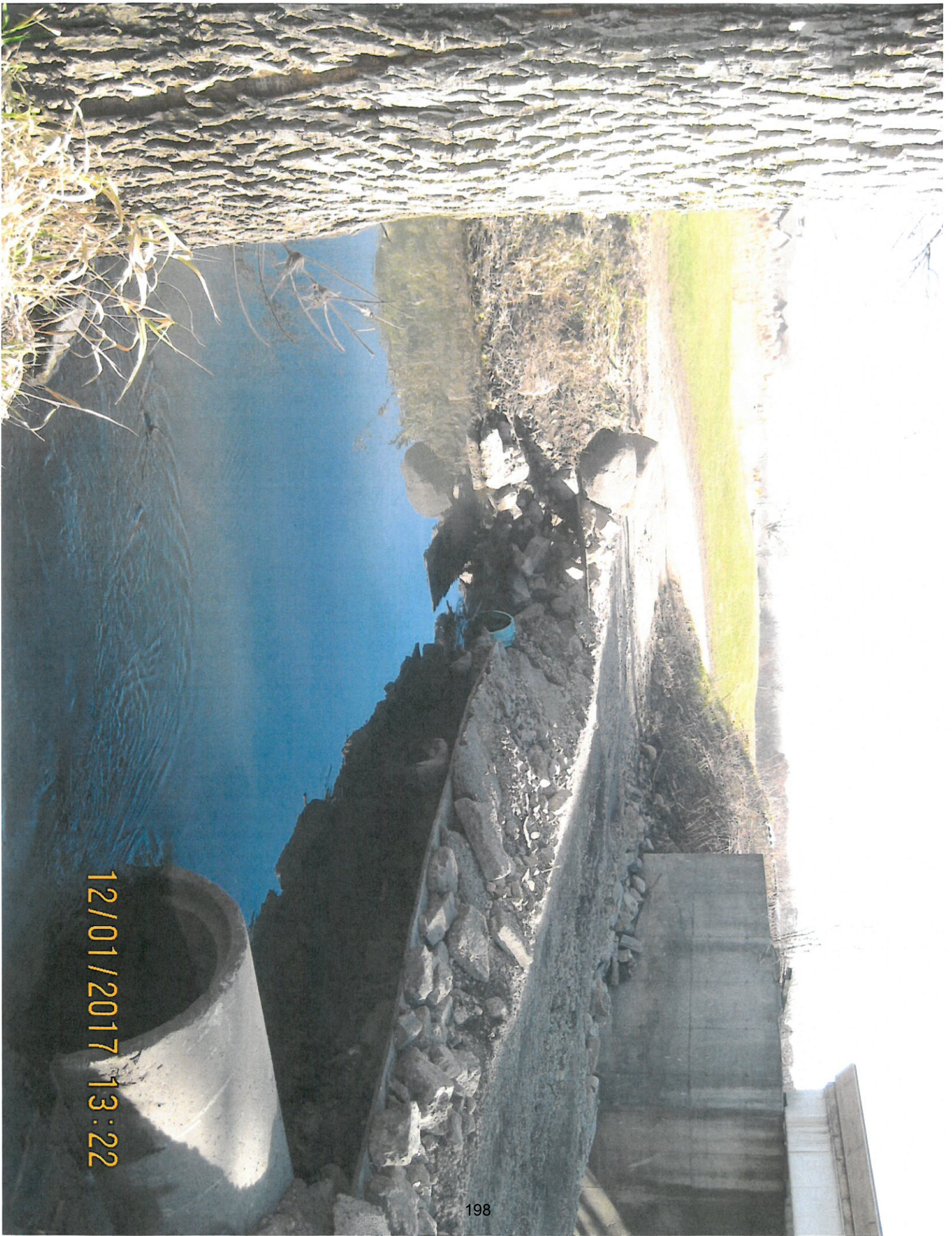


12/01/2017 13:22



12/01/2017 13:22

12/01/2017 13:22



12/01/2017 13:23

Memo

To: PBZ Committee
From: Brian Holdiman (Code Official) *BH*
Re: Antos Property

The Kendall County State's Attorney's Office at the request of the County Planning, Building & Zoning Committee sent a Notice of Violation to Mark Antos for an existing culvert crossing on December 21, 2017. Mr. Antos contacted me as the letter directed him to do, should he have any questions. I met with him on December 29, 2017 and took the attached photos. It does not appear the culverts are holding back the flow of water. The bridge deck has been prepped to place concrete as soon as the weather is appropriate. Mr. Antos advised me as soon as the deck is poured, he will move forward with completing his access and then remove the existing culvert crossing. If he removes the culvert crossing at this time, he will not have access to his property or home.

Depending on the weather this spring, he indicated May 1, 2018 as a goal for completion. He also indicated he explained this to the committee at the October 10, 2017 committee meeting and he thought this was acceptable. He advised that if you want him to attend another committee meeting, please contact him.

Please let me know if you have any questions.

- Existing Culvert Crossing
looking East, only
access to home

12/29/2017 09:04

- South side of culvert
crossing

12/29/2017 09:03

-North side of Culvert crossing

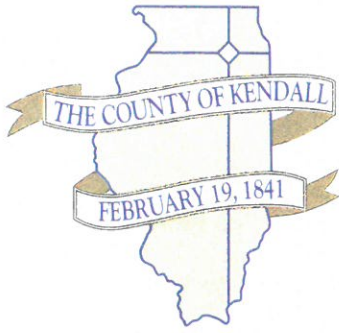
12/29/2017 09:03

- East Side of Creek
Bridge pier and deck

12/29/2017 09:03

- West Side of Creek
- Bridge Piers and Deck

12/29/2017 09:03



PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET – ROOM 316 YORKVILLE, ILLINOIS 60560-1498

630/553-4141 • FAX 630/553-4179

March 20, 2018

Mark J. Antos
13360 McKanna Rd
Minooka, IL. 60447

Mark,

The Kendall County Planning, Building and Zoning Committee met on March 12, 2018. They decided to hold on any enforcement of compliance of your bridge if it is completed by May 1, 2018.

Please respond to this letter via email or return letter that weather permitting, your bridge will be complete and the low water crossing removed by May 1, 2018.

Thank you in advance.

Kendall County Planning, Building & Zoning Department

RECEIVED

APR 02 2018

KENDALL COUNTY
PLANNING, BUILDING
& ZONING

March 29, 2018

To: Kendall County Planning, Building & Zoning Department

RE: Bridge project at 13360 McKanna Road

I met with your zoning committee on November 13, 2017, regarding my neighbors concerns on my crossing at 13360 McKanna Rd., and the time line of the bridge build. No neighbors were present at this meeting to state any concerns. I explained to the committee at the time, because winter was starting it was imposible for me to pour a bridge deck with freezing and snowing weather conditions. I explained to the committee that it would have to be late spring or early summer after the temperatures stopped dropping below freezing and I could move dirt & clay, not mud, to shape and plant grass seed on the slopes and areas disturbed by the bridge project.

The attached letter came to me by Kendall County Officer and certified mail, stating you met on March 12th and want me to remove the crossing and have the bride completed by May 1st. We just received reports of snow warning of 4 to 6 inches, and overnight temperatures in the low 20's. I've been working day and night to pay for this project. I unfortunately cannot attend all your meetings to give you updates because of my work schedule.

I have already spent \$35,000.00 in paper work alone that involves, engineering drawings, plan reviews and permit fees. I also have spent thousands in Expoy coated rebar (corrosion resistant rebar), decay resistant lumber, and concrete etc. so this bridge is not only built to code, but will be safe and stand for future generations of my family. I would also like to complete this project so my disabled father will have access to my house, as well as put my neighbors concerns to rest.

The present crossing has been there for 19 years. This bridge project has been a long time in the making and we finally have all the approvals to improve the creek crossing and to make it safe and better for the creek and the flooding conditions. I ask you to please give me until the end of spring or beginning of summer to complete the project. A couple more months will make for a better job to move and shape dry dirt, pour concrete and have it properly cure.

Most bridges in Kendall County are paid for by the state or taxpayers, I am the only tax-paying citizen paying for this improvement project, in order to be a good neighbor and improve the current conditions for all. So please don't make me play beat the clock, like I explained at the November 13th meeting which all the committee members listened and accepted, that I would have this completed by late spring, early summer or sooner.

I thank you for your consideration. Please contact me at (815)482-7758 with any further question or if you need me to address the committee at a future meeting.

Thank you again,

 (KA)

Mark Antos

Kendall County Job Description

TITLE: Senior Planner/~~Zoning Administrator~~
DEPARTMENT: Planning Building and Zoning
SUPERVISED BY: ~~Interim Director of Planning, Building and Zoning~~County Administrator
FLSA STATUS: Exempt
APPROVED: 09/15/2015

I. Position Summary:

Under general direction of the ~~Interim Director of Planning, Building and Zoning~~County Administrator, performs work of considerable difficulty related to the management and general operations of the Kendall County Planning, Building and Zoning Department; and develops, administers and coordinates processes related to land use development and planning to ensure orderly development, redevelopment and growth in the unincorporated areas of Kendall County.

II. Essential Duties and Responsibilities:

- A. The primary duty is the performance of office or non-manual work directly related to the management or general operations of the Kendall County Planning, Building and Zoning Department, which includes the exercise of discretion and independent judgment with respect to matters of significance.
- B. Serves as project manager for all petitions for variances, rezoning, special uses, subdivision plat approval, and Planned Unit Developments in the unincorporated areas of Kendall County by performing various duties including, but not limited to:
 1. In-depth application and plan review to confirm that all petitions, plans drawings and supporting documents are complete and compliant with all applicable codes, statutes and ordinances;
 2. Coordinates with applicants to obtain additional information and project changes;
 3. Schedules and conducts pre-application meetings for zoning, subdivision and development applications;
 4. Prepare legal notices and post the same on relevant property sites;
 5. Conduct all necessary background research;
 6. Prepare staff reports;
 7. Prepares correspondence and coordinates review of site development permits and engineering plans and petitions with other staff and outside review agencies;
 8. Prepares reports and recommendations to various boards and committees involved in the development review process and oversees preparation of informational handouts and packets for distribution to the various boards and committees;
 9. Provides recommendations to the applicable committees, commissions and County Board related to the applications and plans;
 10. Manages and schedules petitions for required hearings and review by the various committees, commissions and boards involved in the review process; and
 11. Prepares draft ordinances and resolutions for review by the applicable committees, commissions and boards.
- C. Serves as Kendall County's liaison and works with outside agencies and consultants in the development of long range plans and development reviews, updating and administering codes related to land regulation and development, and the County's Land Resource Management and Transportation Plans.
- D. Assists Kendall County's consultants in the preparation of specialized planning studies and reports.

Kendall County Job Description

- E. Provides staff support to a variety of committees, commissions and Boards; attends and makes presentations to various commissions and boards such as the Kendall County ZPAC, Plan Commission, and Zoning Board of Appeals.
- F. Serves as Kendall County Zoning Administrator (responsibilities outlined in Kendall County Zoning Ordinance).
- G. Serves as the Plat Officer for Kendall County (responsibilities outlined in the Kendall County Subdivision Control Ordinance).
- H. Supervise part-time Planning, Building, and Zoning staff.
 - 1. Conducts regular performance evaluations for part-time positions.
 - 2. Conducts interviews for part-time Planning, Building, and Zoning Department positions.
 - 3. Approve time off requests and time sheets.
 - 4. Makes recommendations to the County Administrator with regard to discipline, hiring and firing for all part-time employees assigned to the Planning, Building, and Zoning Department, which recommendations are given particular weight by the County Administrator.
- F-I. Interprets and applies Federal and State statutes, regulations and rules to ensure that the public and private projects are in compliance with the same.
- G-J. Interprets, applies, and enforces provisions of applicable Kendall County ordinances related to development, zoning, subdivision, soil erosion, storm water management, floodplain and nuisance.
- H-K. Interacts and communicates with a variety of individuals and groups who contact the Kendall County Planning, Building and Zoning Department for the purpose of obtaining or providing information, coordinating activities, processing projects, negotiating plan changes, and formulating recommendations.
- I-L. Oversees the maintenance of petition records, allocation registration reviews, and data base development etc.
- J-M. Performs zoning compliance review of building permits as requested by Planning, Building and Zoning Department staff and provides recommendations regarding the same.
- K-N. Operates Kendall County vehicle and safety equipment.
- L-O. Makes recommendations for improving processes and procedures of the department.
- M-P. Assist staff, consultants and others with Kendall County ordinance enforcement and compliance by performing duties including, but not limited to, investigating alleged ordinance violations and complaints received by the Kendall County Planning, Building and Zoning Department; determining whether ordinance violations exist; and providing testimony and administrative support necessary for the prosecution of ordinance violations.
- N-Q. Authorize reduction and release of bonds, letters of credit and other security for public improvements and land cash contributions.
- Q-R. Calculates school and park/forest preserve land cash contributions, and recommends fee adjustments.
- P-S. Maintains escrow accounts for site development permits.
- Q-T. Serve as alternate Program Compliance Oversight Monitor (PCOM) for the County's Kendall Area Transit program.
- R-U. As needed, assist Kendall County Liquor Control Commissioner with processing and maintaining new liquor licenses for unincorporated portions of the County as well as renewal license applications.
- S-V. Adheres to all work and safety policies and procedures.
- T-W. Attends conferences, seminars, training and various Kendall County meetings.
- U-X. Maintains regular attendance and punctuality.

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Kendall County Job Description

V.Y. Other duties as assigned.

III. Qualifications:

To perform this job successfully, an individual must be able to perform all essential duties satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required for the position.

A. LANGUAGE SKILLS:

- Ability to research, read and interpret documents, plans, statutes, regulations and ordinances.
- Ability to prepare documents, presentations, reports and correspondence.
- Ability to communicate effectively both orally and in writing with the public, employees, consultants, developers, attorneys, and elected officials.
- Requires good knowledge of the English language, spelling and grammar.

B. MATHEMATICAL SKILLS:

- Ability to add, subtract, multiply and divide in all units of measure, using whole numbers, common fractions, and decimals.
- Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

C. REASONING ABILITY:

- Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form.
- Ability to deal with problems involving several concrete variables in standardized situations.
- Ability to read and interpret Blueprints, plats of survey, and similar documents and drawings.

D. CERTIFICATES, LICENSES, REGISTRATIONS:

- A current and valid driver's license.
- AICP designation preferred.
- Any and all certificates and registrations as required for the specific duties performed.

E. OTHER SKILLS, KNOWLEDGE AND ABILITIES:

- Strong organizational skills.
- Computer knowledge of MS Word, Excel, Outlook, Access, Power Point.
- Basic knowledge of engineering and construction practices and GIS systems.
- Ability to multi-task and simultaneously manage several projects.
- Ability to participate in and facilitate group meetings.
- Ability to listen, understand information and ideas and work effectively with County personnel, local elected officials, and local economic development officials.
- Understanding of all applicable statutes, regulations and ordinances as well as zoning and subdivision administration.

F. EDUCATION AND EXPERIENCE:

- Bachelor's Degree required with preference for degree from an accredited college or university in Land Use Planning, Urban Planning, Landscape Architecture or Public Policy. AICP designation may substitute for Bachelor's Degree requirement.
- Master's Degree in planning, public policy or public administration preferred.

Kendall County Job Description

- Minimum of three years experience in Planning and Zoning field.

IV. Physical Demands:

While performing the duties of this job, the employee must be able to:

- Frequently sit for hours in meetings or office;
- Occasionally lift and/or move up to 50 pounds;
- Stand and walk on uneven ground at development sites;
- Use hands to finger, handle, or feel;
- Reach, push and pull with hands and arms;
- Bend over at the waist and reach with hands and arms;
- Climb and balance at development sites;
- Stoop, kneel, crouch, and/or crawl;
- Talk and hear in person and via use of telephone;
- Operate County vehicles and safety equipment;
- Specific vision abilities include close and distance vision, depth perception and distance vision; and
- Travel independently to development sites, public hearings and other meetings and other locations both within and outside Kendall County, Illinois.

V. Work Environment:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. While performing the duties of this job, the employee is subject to the following working conditions:

- Inside and outside environmental conditions.
- Will be exposed to occasional driving and onsite construction conditions.
- The noise level in the work environment varies from quiet to noisy outside.
- The employee must be able to perform all assigned job duties during normal business hours and outside of normal business hours.
- Employee may be exposed to stressful situations while working with elected officials, consultants, attorneys, applicants, and the general public.
- Employee may be required to provide own transportation to travel to and from meetings, training, conferences, etc.

By signing my name below, I hereby affirm that I received a copy of this job description.

Employee Receipt Acknowledgement & Signature

Date

Signature of Supervisor
cc: personnel file, employee

Date

Matt Asselmeier

From: Matt Asselmeier
Sent: Wednesday, February 21, 2018 4:33 PM
To: [REDACTED]
Cc: Brian Holdiman; Scott Koeppel
Subject: RE: Permit #04-2008-211

Ed Westerdahl:

The Kendall County Planning, Building and Zoning Committee instructed the Staff of the Kendall County Planning, Building and Zoning Department to send the owner of this property a letter asking him to put siding on his house and giving the property owner additional time to complete the project. There was no timeline given to the property owner to complete the work.

If you would like to let the Committee know your opinion of this matter in person, their next meeting is March 12th at 6:30 p.m. in the County Board Room at 111 W. Fox Street in Yorkville.

Thanks,

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

----- Forwarded message -----

From: "Edward Westerdahl" [REDACTED]
Date: Wed, Feb 21, 2018 at 3:16 PM -0600
Subject: Fw: Permit #04-2008-211
To: "Brian Holdiman" <BHoldiman@co.kendall.il.us>, "Judy Gilmour" <jgilmour@co.kendall.il.us>, "Lynn Cullick" <lcullick@co.kendall.il.us>, "mkello@co.kendall.il.us" <mkello@co.kendall.il.us>, "Robert Davidson" <rdavidson@co.kendall.il.us>, "Scott R. Gryder" <sgryder@co.kendall.il.us>, "Jeff Wilkins" <JWilkins@co.kendall.il.us>, "Pam Herber" <pherber@co.kendall.il.us>

Please advise the disposition of #04-2008-211 , notwithstanding , 2 violations Ord# 8815 .
Thank You .

On Tuesday, January 9, 2018 7:41 AM, Edward Westerdahl [REDACTED] wrote:


We now approach 10 years from issuance ... and ? . Please advise if my concern for our property values is misplaced .
Regards , Ed Westerdahl .

On Tuesday, September 5, 2017 5:24 PM, Scott R. Gryder <sgryder@co.kendall.il.us> wrote:

Hi Ed, thank you for your email. We will be discussing at our PBZ committee meeting next Monday evening.

Scott

From: Edward Westerdahl [mailto:
Sent: Wednesday, August 23, 2017 9:26 AM
To: Brian Holdiman <BHoldiman@co.kendall.il.us>; Robert Davidson <rdavidson@co.kendall.il.us>; Lynn Cullick <lcullick@co.kendall.il.us>; Judy Gilmour <jgilmour@co.kendall.il.us>; Scott R. Gryder <sgryder@co.kendall.il.us>; mkello@co.kendall.il.us
Subject: Permit #04-2008-211

This permit is over 9 years old . We look at this everyday .
The view is quite unworthy of the taxes we pay . Please
tell me why this is acceptable ? Respectfully submitted ,
Ed Westerdahl 

Brian Holdiman

From: Greg Stromberg [REDACTED]
Sent: Thursday, December 28, 2017 10:04 AM
To: Brian Holdiman
Subject: 45 cheyenne court. Oswego.

To: Brian holdiman- inspector

Kendall county building and zoning
board.

All others concerned

My name is greg stromberg. I live at 45 cheyenne court in oswego. Over the past many years our home has been under an extreme construction project. We have experienced several extreme setbacks in this time. The 2 worst being the economy recession and a crooked business partner whom almost cost us our home completely. In starting our business anew in 2012. It has been a slow up and down road back. With that being said. We have continually tried to keep up with neatness and push forward with what we have had to work with. As of late things with work are great. Brian holdiman has been nothing short of exceptional in his help and understanding with all of this. I know i have needed to try to establish a timeline of where we are at to try to ease some tension over this. Believe me tension at home has been very hard. My wife and i have been thru hell but do not quit. I feel i can now give you a better outlook for this. Our major construction has been basically done for a while. Our exterior is tyvek paper as of now. I am working internally on staircases and sorting out electric and such. When weather breaks we are set to install our soffits,fascia, and gutters. Siding and new tyvek also will be done. Also pouring our new front porch. Completing exterior is our priority as our neighbors have mostly been great. During winter i am working inside and will keep in touch with brian in regards to electrical work. I hope this will shed light on this for you. Had we have known what was in store for us. Our plan would have changed obviously. We will get thru and done. I thank you all for your patience and understanding. Please contact me if you need any further information from me.

Thank you much

Sincerely,

Greg stromberg

2017 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Follow up	PBZ	Closed	SAO
V17-002	Randy Fowler	01-28-252-001	1203 W. South Street	Caguelin's Sub	Abandoned Structures	12/7/2016			1/18/2018	
V17-003	March & Lisa Schulz	03-04-278-041	146 Heathgate Rd	Boulder Hill	Inoperable Vehicle	1/25/2017			2/7/2017	
V17-004	Meyers/Presnell	03-04-255-010	119 Heathgate Rd	Boulder Hill	Inoperable Vehicle	12/7/2016			11/18/2017	
V17-005	Stevenson	02-13-429-004	15 Clark Avenue	Owner's	Occupied Rec. Vehicle	12/19/2016			1/4/2017	
V17-006	Ramiro Guzman	09-04-300-002	McKanna Rd		Fill in Floodplain Violation	1/10/2017			8/17/2017	
V17-007	Maria Ramirez	03-07-276-002	15 Shell Court	Marina Terrace	Inop Vehicles & Parking on Grass	1/17/2017			8/17/2017	
V17-008	Steven Odermatt	03-04-255-012	123 Heathgate Rd	Boulder Hill	Inoperable Vehicle	1/25/2017			2/6/2017	
V17-009	George Olmstead	06-02-201-002	127 Oswego Plains Dr	Oswego Plains Sub	Remodeling w/o Permit	1/31/2017			4/18/2017	
V17-010	Fed Home Ln Mortg	01-03-353-010	35 Earl Street	Stanfield	Junk & Debris/ Inop Vehicle	2/7/2017			3/21/2017	
V17-012	Gomez Salvador	09-27-200-004	2511 Willy Rd		Bus w/o Prop Zoning/Stormwater Permit/Sign Ord Violation/ Poss. Zoning Ordinance Violation	3/1/2017			8/17/2017	
V17-013	Leroy Richmond	02-10-227-004	61 W. Larkspur	Willowbrook	Unsecured structure	3/1/2017			3/21/2017	
V17-014	Two Star Enterp., LLC	02-06-400-006			Stormwater Violation	3/13/2017			8/17/2017	
V17-016	Aguirre, Marciana	03-12-203-001	12 Council Ave		Remodeling w/o Permit	3/10/2017			8/17/2017	
V17-017	Daugherty, Richard	03-27-401-001	4520 Douglas Rd	Ring Neck	Inoperable Vehicle/Illegal sign	3/13/2017			5/7/2017	
V17-018	Wargo, Craig & Susan	03-04-477-038	80 Springdale Ln	Boulder Hill	Junk & Debris	3/14/2017			3/30/2017	
V17-019	Fitzgerald, Richard	03-08-326-008	75 Century Dr	Wormley Estates	Inoperable Vehicle - Motor Home	3/20/2017			4/12/2017	
V17-020	Ballines, Noe	03-08-227-008	54 Codorus Rd	Boulder Hill	Junk & Debris	3/24/2017			4/12/2017	
V17-021	Coyne	09-24-100-001	15200 Ridge Road	Clark's	Operating Bus. w/o Proper Zoning	3/20/2017			4/10/2017	
V17-022	Montano	03-15-251-002	2450 Wolf Road		Operating Bus. w/o Proper Zoning	3/31/2017			8/29/2017	
V17-023	LaSalle Natl Bank	02-19-400-006	11443 Route 34		Junk & Debris/Unsecured Structures	3/20/2017		4/9/18		
V17-024	Jimenez	03-08-280-006	12 Ceboid Drive	Boulder Hill	Non-Permitted Animals	4/10/2017			5/12/2017	
V17-025	Murray	03-31-427-001	38 Eagle View Lane	Reservation Heights	Remodeling w/o Permit	4/27/2017			5/2/2017	
V17-027	Kelley, Craig & Renee	09-22-400-003	2100 Bell Road		Junk & Debris/Inoperable Vehicles	4/11/2017			8/17/2017	
V17-028	Pugsley, Mary	03-04-380-001	106 Circle Drive East	Boulder Hill	Trailer parked in front area	5/11/2017			5/23/2017	
V17-029	Matile, Dennis	03-09-152-006	230 Boulder Hill Pass	Boulder Hill	Trailer parked in front area	5/11/2017			6/6/2017	
V17-030	Daum, Andrew	05-02-201-005	6111 Audrey Ave	Rose Hill	Inoperable Vehicle/Junk & Debris	5/15/2017			6/6/2017	
V17-031	Garcia, Luis	03-04-478-005	51 Springdale Rd	Boulder Hill	Repair Bus./ Vehicles not permitted	5/31/2017			6/20/2017	
V17-032	SL Enterprises	03-04-430-008	164 Tealwood Rd	Boulder Hill	RV Parked in Front yard	6/1/2017			6/21/2017	
V17-034	Berger, Richard	04-08-200-015	7428 Oakbrook Rd		2 homes on R-1 zoned lot	6/1/2017			8/29/2017	
V17-035	Peppie	02-04-431-004	57 Sonora Dr	Boulder Hill	Bus Operating in R6 Residential District	6/9/2017			8/17/2017	
V17-037	Temms	02-35-382-008	5812 Danielle Lane	Fields Of Farm Colony	RV Parked in Front yard	6/8/2017			8/17/2017	
V17-038	Memming	03-32-328-005	8 Crestview Drive	Crestview Woods	RV Parked in Front yard	6/9/2017			8/17/2017	
V17-039	Ramon Ramirez	03-08-277-031	33 Fieldpoint Rd	Boulder Hill	Garage/Shed built w/o Permit	6/20/2017			8/4/2017	
V17-040	McDonald	08-14-200-003	14207 Church Rd		Poss. Op. Indoor Shooting Range	6/23/2017			7/17/2017	
V17-041	Hernandez	03-05-476-012	10 Clay Street	Boulder Hill	Prohibited Parking on non-apprvd surface	7/12/2017			8/4/2017	
V17-042	Hrvatin, Arthur	01-19-476-006		Hrvatin	Violation of Stormwater Management	7/12/2017			8/10/2017	
V17-043	First American Bank	05-18-226-002	8115 E. Highpoint Rd	Truck-Oak Grove	Op. Trucking Bus in a Res Zoned parcel	7/27/2017			4/12/18	
V17-044	Davis, Carlos & Tracy	09-23-400-006	15875 Ridge Road		Dumping Dirt/Stormwater Violation	8/7/2017			11/13/2017	
V17-045	Greenslade	03-09-152-021	18 Ridgfield Rd	Boulder Hill	Prohibited Parking of Trailer in Front area	8/9/2017			1/18/2018	
V17-046	Scull, Enoch	01-16-427-011		Meierbrook	Ill. Parking - Limit 2 Rec Veh/or Trailers	8/14/2017			8/29/2017	
V17-047	Friel, Steven	03-08-253-012	20 Ashlawn	Boulder Hill	Accessory Building w/o Permit	8/14/2017			9/29/2017	
V17-048	Evans, Eun	03-05-428-015	10 Hampton Rd	Boulder Hill	Junk&Debris & Illegal Parking of Commercial Vehicles	8/9/2017			8/29/2017	
V17-049	Shockerland Co.	02-28-252-027	9316 Route 34		Illegal Banners, Inoperable Vehicles, Junk & Debris	8/14/2017			12/7/2017	
V17-050	Beery	01-35-284-001	13040 River Road	Minnetonka Springs	Accessory Building w/o Permit	8/17/2017			9/26/2017	
V17-051	Villesenor, Emmanuel	03-08-230-003	34 Old Post Road	Boulder Hill	Inoperable Vehicle	9/8/2017			10/18/2017	
V17-052	Schanz	03-04-454-017	67 Saugatuck Rd	Boulder Hill	Prohibited Parking of Commercial Vehicle	9/11/2017			11/14/2017	
V17-053	Paxton	03-04-455-001	156 Saugatuck Rd	Boulder Hill	Trailer parked in front area	9/18/2017			10/10/2017	
V17-054	Szchinski	03-04-355-004	8 Saugatuck Rd	Boulder Hill	VOID					
V17-055	Nataly Perez	03-35-376-005	1481 Plainfield Rd		Running Landscaping Business in R2-zoning & Farm Animals n	9/27/2017				
V17-056	Moran	03-04-476-019	93 Longbeach Rd	Boulder Hill	Inoperable Vehicle	10/11/2017		X ext 9/10/18		
V17-057	Larsen	03-08-276-002	6 Old Post Rd	Boulder Hill	Prohibited Parking	10/18/2017			11/14/2017	

2018 4/12/18

W17-053 on 8-4-18
A Hrvatin

2017 VIOLATIONS

V17-058	Hernandez	05-16-300-005	9850 Ament Rd		Structure Built without Permit	10/24/2017			4/21/18	
V17-059	Christensen	04-16-204-007	8255 Fox River Rd	Millbrook	Remodeling without a Permit	10/30/2017			11/14/2017	
V17-060	Walper	04-16-126-001	8025 Whitfield Rd	Millbrook	Possible occupied Mobile Home	10/30/2017			11/13/2017	
V17-061	Hernandez	03-12-203-011	29 Gastville Rd	Gastville Acreage	Running a Landscaping business in R-3 Zoning District	10/30/2017			11/13/2017	
V17-062	Bemister	05-09-152-001	33 Bonnie Lane	Williams	Fence placed in township right of way	11/13/2017			11/27/2017	
V17-063	Amstadt	02-35-380-001	7796 Madeline Dr	Fields Of Farm Colony	Prohibited Parking Rec Vehicle	11/17/2017			12/15/2017	
V17-064	Alvarez	02-35-431-010	5748 Audrey Ave	Fields Of Farm Colony	Inoperable Vehicle	11/17/2017			12/7/2017	
V17-065	Blesterfeld	05-06-127-001	42 W. Fox Glen Drive	Fox Glen	Shed being built without Permit	11/21/2017			11/30/2017	
V17-066	Merchants Nt Bank	03-18-403-015	5375 Route 34		Occupying B-2 commercial building as living space	11/27/2017			12/11/2017	
V17-067	Karen Coonley	03-04-428-001	162 Heathgate Rd	Boulder Hill	Shed being built without Permit "Stop Work order"	11/29/2017			12/14/2017	
V17-068	Johnson	05-02-101-002	324 Austin	Fields of Farm Colony	Illegal Trailer Parking in Front Yard	11/28/2017			12/7/2017	
V17-069	Commonwealth Edison	03-07-251-001	Commerce Drive		Illegal Dumping / Junk & Debris	11/30/2017			1/16/2018	
V17-070	Melrose Holdings 1 LLC	03-07-177-004	Commerce Drive		Illegal Dumping / Junk & Debris	11/30/2017			1/18/2018	
V17-071	Stephens	04-16-251-009	7 Sherman St.	Village of Millbrook	Shipping container used as storage R-3 Zoned Prop. Violation	11/30/2017			1/23/2018	
V17-072	Alcala	03-04-355-001	190 Boulder Hill Pass	Boulder Hill	Inoperable Vehicles	11/20/2017		X	3/14/2018	

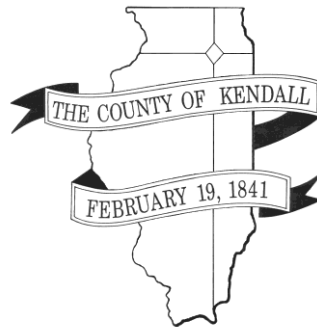
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NON VIOLATION COMPLAINTS

Date	Name	Address	Subdivision	PIN #	Description	Date Inspected	Violation Y/N
12/7/2017	Machado	31 Whitney Way	Boulder Hill	03-04-329-012	Inoperable Vehicles and parked illegally	12/12/2017	N
12/28/2017	Beyer	140 Circle Drive East	Boulder Hill	03-09-108-007	Junk & Debris/Boat in front yard	1/31/2018	N
1/22/2018	Five HLLC	6361 Minkler Rd		05-02-100-002	On Hilltop- Stormwater drainage	2/3 2/21/18	N
1/26/2018	Firstar Bank	1250 Route 34		03-02-400-003	Remodeling without a Permit	1/31/2018	N
1/30/2018	Meyer	64 Fallcreek Circle	Boulder Hill	03-04-284-012	ComEd/Electrical box exposed wires	1/31/2018	N
2/9/2018	Boulder Hill	21 Boulder Hill Pass	Boulder Hill	03-05-401-003	New Tenants-No Permit application	3/14/2018	N
2/20/2018	Sekulski	19 Anna Maria Ln	Lynwood	02-14-226-005	Conv garage to living space/Addition	2/20/2018	
3/14/2018	Douglas	54 S. Bereman	Boulder Hill	03-05-430-025	Junk & Debris/Tall Grass & Weeds	3/15/2018	N
3/22/2018	Santiago	9 Circle Ct	Boulder Hill	03-09-155-013	Illegal Parking on Grass/Street	3/26/2018	N

A PROCLAMATION
Declaring Historic Preservation Month in Kendall County, Illinois

_____ - _____



WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, “*This Place Matters*” is the theme for National Preservation Month 2018, cosponsored by Kendall County and the National Trust for Historic Preservation.

THEREFORE, the Board of Kendall County do proclaim May as National Preservation Month, and call upon the people of Kendall County to join their fellow citizens across the United States in recognizing and participating in this special observance.

ADOPTED BY THE COUNTY BOARD THIS 1ST DAY OF May, 2018.

Attest:

Scott R. Gryder
County Board Chairman

Debbie Gillette
County Clerk

Permit Summary by Category

Kendall County

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	1	\$450,000	\$4,265	\$1,365
Garage	3	\$74,500	\$372	\$0
Accessory Buildings	2	\$17,100	\$592	\$0
Additions	1	\$35,000	\$0	\$0
Remodeling	1	\$600	\$160	\$0
Barns/Farm Buildings	4	\$304,000	\$0	\$0
Swimming Pools	4	\$135,691	\$800	\$0
Demolitions	2	\$0	\$0	\$0
Towers (Comm.)	1	\$145,000	\$1,100	\$0
Fire Restoration	1	\$200,000	\$0	\$0
Generator	1	\$2,500	\$110	\$0
	21	\$1,364,391	\$7,399	\$1,365

2 Houses in March 2017

5 Houses Dec 2016 - March 2017

Permit Summary by Category by Month

Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	4	1	2	1	0	0	0	0	0	0	0	0	0
Garage	4	0	1	3	0	0	0	0	0	0	0	0	0
Accessory Buildings	2	0	0	2	0	0	0	0	0	0	0	0	0
Additions	4	1	2	1	0	0	0	0	0	0	0	0	0
Remodeling	4	1	2	1	0	0	0	0	0	0	0	0	0
Commercial - M Zone	2	2	0	0	0	0	0	0	0	0	0	0	0
Barns/Farm Buildings	7	3	0	4	0	0	0	0	0	0	0	0	0
Swimming Pools	4	0	0	4	0	0	0	0	0	0	0	0	0
Decks	1	0	1	0	0	0	0	0	0	0	0	0	0
Demolitions	3	1	0	2	0	0	0	0	0	0	0	0	0
Towers (Comm.)	3	2	0	1	0	0	0	0	0	0	0	0	0
Driveway	1	0	1	0	0	0	0	0	0	0	0	0	0
Fire Restoration	3	1	1	1	0	0	0	0	0	0	0	0	0
Generator	2	0	1	1	0	0	0	0	0	0	0	0	0
	44	12	11	21	0	0	0	0	0	0	0	0	0

Permit Approval Date Report Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category	Permit ID					
3/13/2018	01 House	012018037	0512220008	C L DESIGN-BUILD INC	7341 CLUBHOUSE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	SAME
3/14/2018	01 House	012018044	0512220004	FERRI JOHN & LUZ	6349 VALLEYVIEW CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	CL Design-Build, Inc.
3/8/2018	01 House	012018036	0133101002	CIAGLIA RONALD S & DEBRA	15919 BURR OAK ROAD PLANO, IL. 60545	DEER RIDGE PUD	SAME
3/21/2018	02 Garage	022018049	0529400001	GENGLER STEVE & LINDA	10510 IMMANUEL RD YORKVILLE, IL 60560-		
3/21/2018	02 Garage	022018048	0226101006	LAMANNA, ANDREW & SIWAK, PAULINA	58 KINGMOOR LN YORKVILLE, IL 60560-		Artisan Enterprises Inc
3/29/2018	03 Accessory Buildings	032018059	0507403002	FRENCH LARRY & SHARON S	11480 B LEGION RD YORKVILLE, IL 60560-		STEVE LEE
3/7/2018	03 Accessory Buildings	032018042	0312203002	GODDARD J. WAGNER	18 COUNCIL AVE AURORA, IL 60503-	GASTVILLE RESUB LOT 1	SAME
3/29/2018	04 Additions	042018055	0508151002	GAWRYCH KRISTOPHER P & LARA	7531 E HIGHPOINT RD YORKVILLE, IL 60560-		APEX BUILDERS, INC./RICH VAN HAM
3/6/2018	05 Remodeling	052018041	0305404025	MCSORLEY RYAN	150 BOULDER HILL PASS MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	SAME
3/28/2018	08 Barns/Farm Buildings	082018061	0614200010	CHRIS LAVOIE	1050 ROUTE 126 PLAINFIELD, IL 60586-		
3/29/2018	08 Barns/Farm Buildings	082016052	0313400014	CAMPBELL VICKY	65 RANCE RD OSWEGO, IL 60543-		

Permit Approval Date Report Kendall County

Issue Date	Permit ID		Permit Category	Parcel Number		Property Address	Subdivision	Contractor Name
				Owner Name	Owner Name			
3/13/2018	082018046	08	Barns/Farm Buildings	SLEEZER SETH VI	0505300004	10735 ROUTE 71 YORKVILLE, IL. 60560		
3/29/2018	122018060	12	Swimming Pools	GOODBRED BRADLEY A & DAWN	0120301006	16863 FRAZIER RD PLANO, IL 60545-	HUNTSMEN TRAILS SUB	SWIM SHACK, INC.
3/26/2018	122018053	12	Swimming Pools	WILLMAN ROBERT S	0401326002	12560 FOX RD YORKVILLE, IL 60560-	FOX STATION (ORIG TOWN)	Owner
3/26/2018	122018051	12	Swimming Pools	DUDA EDWARD S JR & SUSAN K	0607130007	7123 GOLFVIEW CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	SUNCO POOLS & SPA
3/14/2018	122018047	12	Swimming Pools	PETSCHKE NICHOLAS A & KERI M	0324100021	3401 STEWART RD OSWEGO, IL 60543-		
3/26/2018	142017204	14	Demolitions	LASALLE NATIONAL BANK % DREW DANIEL C	0219400009	11443 ROUTE 34 YORKVILLE, IL 60560-		Advanced Probuild Solutions (#82-1571485)
3/13/2018	162018045	16	Towers (Comm.)	BRUMMEL, RICHARD A DEC LIV TR & DOMINICK MADONIA I	0124200028	12260 FAXON RD PLANO, IL. 60545		
3/6/2018	232018043	23	Generator	MCLAUGHLIN ROGER T & MCLAUGHLIN MATTHEW M	0506226004	13 W BIRCH CT YORKVILLE, IL 60560-	FOXLAWN UNIT 1	Lee Legler Construction & Electric Inc

Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
		Category	ID					
1/16/2018	012018017	01 House		0236106006	BAUGHMAN ROBERT & VICKI	233 FOXTAIL LANE YORKVILLE, IL. 60560	FARM COLONY UNIT 2 PHAE 3	BMF Remodeling LLC
3/8/2018	012018036	01 House		0133101002	CIAGLIA RONALD S & DEBRA	15919 BURR OAK ROAD PLANO, IL. 60545	DEER RIDGE PUD	SAME
3/13/2018	012018037	01 House		0512220008	C L DESIGN-BUILD INC	7341 CLUBHOUSE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	SAME
3/14/2018	012018044	01 House		0512220004	FERRI JOHN & LUZ	6349 VALLEYVIEW CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	CL Design-Build, Inc.
2/26/2018	012018013	01 House		0605401008	T J BAUMGARTNER	4215 CHERRY RD OSWEGO, IL 60543-	HENNEBERRY WOODS UNIT 1	SAME
3/21/2018	022018049	02 Garage		0529400001	CUSTOM HOMES CORPORATION	10510 IMMANUEL RD YORKVILLE, IL 60560-		
2/1/2018	022018031	02 Garage		0430200003	GENGLER STEVE & LINDA	10135 FOX RIVER DR NEWARK, IL 60541-		
3/21/2018	022018048	02 Garage		0226101006	DIPPOLD JEREMY & SAMANTHA	58 KINGMOOR LN YORKVILLE, IL 60560-		Artisan Enterprises Inc
3/7/2018	032018042	03 Accessory Buildings		0312203002	LAMANNA, ANDREW & SIWAK, PAULINA	18 COUNCIL AVE AURORA, IL 60503-	GASTVILLE RESUB LOT 1	SAME
3/29/2018	032018059	03 Accessory Buildings		0507403002	GODDARD J. WAGNER	11480 B LEGION RD YORKVILLE, IL 60560-		STEVE LEE
3/29/2018	042018055	04 Additions		0508151002	FRENCH LARRY & SHARON S	7531 E HIGHPOINT RD YORKVILLE, IL 60560-		APEX BUILDERS, INC./RICH VAN HAM

Permit Approval Date Report

Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category	Permit Category					
2/22/2018	042018032	04 Additions	0802300008	ROD ROSS R & CARMEN R	7775 PLATTVILLE RD NEWARK, IL 60541-		Weather Seal Nu Sash Inc
1/30/2018	042018029	04 Additions	0908300002	GRAHAM PAUL W & JANET K	13870 GROVE RD MINOOKA, IL 60447-		
2/28/2018	052018040	05 Remodeling	0508102001	MESSERSMITH JEREMY & CHRISTINA	7250 E HIGHPOINT RD YORKVILLE, IL 60560-		SAME
2/21/2018	052018033	05 Remodeling	0518300006	PETERS DANIEL	8751 B E HIGHPOINT RD YORKVILLE, IL 60560-	HIGHPOINT HILLS	SAME
1/24/2018	052018024	05 Remodeling	0305454031	RY PROPERTY MANAGEMENT CORPORATION	9 CREVE CT MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	SAME
3/6/2018	052018041	05 Remodeling	0305404025	MCSORLEY RYAN	150 BOULDER HILL PASS MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	SAME
2/1/2018	062018027	06 Commercial - M Zone	0405300001	ANR PIPELINE CO	6650 SANDY BLUFF RD SANDWICH, IL 60548-		
2/1/2018	062018025	06 Commercial - M Zone	0405300001	ANR PIPELINE CO	6650 SANDY BLUFF RD SANDWICH, IL 60548-		
1/16/2018	082018019	08 Barns/Farm Buildings	0517300010	STUCK GEORGE M & JILL S	8945 IMMANUEL RD. YORKVILLE, IL. 60560		
3/28/2018	082018061	08 Barns/Farm Buildings	0614200010	CHRIS LAVOIE	1050 ROUTE 126 PLAINFIELD, IL 60586-		
1/16/2018	082018018	08 Barns/Farm Buildings	0734100009	CARLSON JASON D & ERICA	14908 WHITEWILLOW RD NEWARK, IL 60541-		

Permit Approval Date Report

Kendall County

Issue Date	Permit ID		Permit Category	Parcel Number		Property Address	Subdivision	Contractor Name
				Owner Name				
3/29/2018	082016052	08 Barns/Farm Buildings	CAMPBELL VICKY	0313400014		65 RANCE RD OSWEGO, IL 60543-		
3/13/2018	082018046	08 Barns/Farm Buildings	SLEEZER SETH VI	0505300004		10735 ROUTE 71 YORKVILLE, IL. 60560		
1/24/2018	082018023	08 Barns/Farm Buildings	JIMENEZ, LINDA	0921100008		3579 BELL RD MINOOKA, IL 60447-		
3/29/2018	122018060	12 Swimming Pools	GOODBRED BRADLEY A & DAWN	0120301006		16863 FRAZIER RD PLANO, IL 60545-	HUNTSMEN TRAILS SUB	SWIM SHACK, INC.
3/26/2018	122018053	12 Swimming Pools	WILLMAN ROBERT S	0401326002		12560 FOX RD YORKVILLE, IL 60560-	FOX STATION (ORIG TOWN)	Owner
3/26/2018	122018051	12 Swimming Pools	DUDA EDWARD S JR & SUSAN K	0607130007		7123 GOLFVIEW CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	SUNCO POOLS & SPA
3/14/2018	122018047	12 Swimming Pools	PETSCHKE NICHOLAS A & KERI M	0324100021		3401 STEWART RD OSWEGO, IL 60543-		
2/1/2018	132018030	13 Decks	MCGREGOR SCOTT & JILL	0223303008		10 TIMBER RIDGE DR YORKVILLE, IL 60560-	TIMBER RIDGE SUB UNIT 1	Warner's Decking
1/22/2018	142018021	14 Demolitions	COOPER LARRY R LTD PARTNERSHIP	0515100002		8641 AMENT RD YORKVILLE, IL 60560-		
3/26/2018	142017204	14 Demolitions	LASALLE NATIONAL BANL % DREW DANIEL C	0219400009		11443 ROUTE 34 YORKVILLE, IL 60560-		
3/13/2018	162018045	16 Towers (Comm.)	BRUMMEL, RICHARD A DEC LIV TR & DOMINICI MADOLIA I	0124200028		12260 FAXON RD PLANO, IL. 60545		Advanced Probuild Solutions (#82-1571485)

Permit Approval Date Report Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category	Permit ID					
1/30/2018	16 Towers (Comm.)	162018028	0311100001	COMMONWEALTH EDISON	1726 ROUTE 34 OSWEGO, IL 60543-		
1/22/2018	16 Towers (Comm.)	162018020	0201200005	BOLAND, EILEEN (AGENT FOR VERIZON)	6136 GALENA RD BRISTOL, IL 60512-		WINDY CITY TOWER TECHS, LLC.
2/28/2018	18 Driveway	182018038	0416251009	STEPHENS BRYAN	7 SHERMAN ST MILLBROOK, IL 60536-		SAME
2/16/2018	19 Fire Restoration	192018035	0127400001	CEDARDELL GOLF CLUB	14264 HALE RD PLANO, IL 60545-		S&P Builders, Inc.
1/22/2018	19 Fire Restoration	192018022	0307279001	LIGHT ROAD LLC	1800 LIGHT RD OSWEGO, IL 60543-		Synergy Construction Group
3/6/2018	23 Generator	232018043	0506226004	MCLAUGHLIN ROGER T & MCLAUGHLIN JATLIEDINE M	13 W BIRCH CT YORKVILLE, IL 60560-	FOXLAWN UNIT 1	Lee Legler Construction & Electric Inc
2/16/2018	23 Generator	232018034	0504177013	KATZ DAVID W & CATHERINE M	99 WOODEN BRIDGE DR YORKVILLE, IL 60560-	CROOKED CREEK WOODS	LEE LEGLER CONSTRUCTION & ELECTRIC INC

PLANNING BUILDING & ZONING RECEIPTS 2018

DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 18	TOTAL FY18	MONTHLY FY 17	TOTAL FY17
December	\$2,288.40				\$2,288.40	\$2,288.40	\$3,044.28	\$3,044.28
January	\$5,753.00	\$50.00	\$6,717.13		\$12,520.13	\$14,808.53	\$3,791.34	\$6,835.62
February	\$5,304.40	\$545.00	\$2,188.27		\$8,037.67	\$22,846.20	\$10,989.52	\$17,825.14
March	\$10,993.18	\$897.50	\$7,424.10	\$2,000.00	\$21,314.78	\$44,160.98	\$8,130.89	\$25,956.03
April							\$7,598.93	\$33,554.96
May							\$16,086.31	\$49,641.27
June							\$14,174.98	\$63,816.25
July							\$21,087.73	\$84,903.98
August							\$25,401.68	\$110,305.66
September							\$36,883.57	\$147,189.23
October							\$18,678.40	\$165,867.63
November							\$14,088.97	\$179,956.60
TOTAL	\$24,338.98	\$1,492.50	\$16,329.50	\$2,000.00	\$44,160.98		\$179,956.60	