

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA

Wednesday, March 28, 2018 – 7:00 p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, Angela Zubko, and One Vacancy (Big Grove Township)

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Approval of Minutes from February 28, 2018 Joint Meeting with Kendall County Comprehensive Land Plan and Ordinance Committee (Pages 3-6)

Approval of Minutes from February 28, 2018 Meeting (Pages 7-8)

PETITIONS

1. **18 – 05 – Keith and Kathleen Warpinski (Pages 9-38)**
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 – 07 – Kendall County Planning, Building and Zoning Committee (Pages 39-44)**
Request: Text Amendment to Section 13.08 by Adding Sub-Section R Pertaining to Special Use Permit Renewal Procedures
Purpose: Text Amendment Establishing Procedures for Renewing Special Use Permits.
3. **18 – 03 – Kendall County Planning, Building and Zoning Committee (Pages 45-63)**
Request: Text Amendments to Sections 4.17.H, 7.01.D.53.b.vi, 8.08.B.2.h, 10.01.C.27.b.vi, 11.02.C, 11.02.D, 11.04, 11.04.A, 13.01.C, 13.07.B, 13.07.C and 13.08.C of the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments

Purpose: Text Amendments Remove the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments. Individual Members May Still Submit Comments on These Types of Proposals

CITIZENS TO BE HEARD/PUBLIC COMMENT

NEW BUSINESS

None

OLD BUSINESS

1. 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
2. Update on Petition 17-28 Pertaining to Text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 17-33 Transferring Certain Powers and Duties of the Hearing Officer to the Zoning Board of Appeals

OTHER BUSINESS/ANNOUNCEMENTS

ADJOURNMENT Next regularly scheduled meeting on Wednesday, April 25, 2018

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
REGIONAL PLANNING COMMISSION
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

*Plattville Fire Barn
6410 Chicago Road, Yorkville, Illinois*

Unapproved Joint Meeting Minutes of February 28, 2018

Comprehensive Land Plan and Ordinance Committee Chairman Nelson called the meeting to order at 7:04 p.m.

ROLL CALL

Kendall County Regional Planning Commission Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, Claire Wilson, Budd Wormley, and Angela Zubko

Kendall County Comprehensive Land Plan and Ordinance Committee Members Present: Larry Nelson, Bill Ashton, and Randy Mohr

Members Absent: Scott Gryder, Megan Andrews, Bob Davidson, John Shaw, and Jeff Wehrli

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Kaitlyn Pope, James Morris, Paul Pope, Laurie Friestad, Dana Friestad, Donald Anderson, Scott Wallin, Bill Fielder, Scott Friestad, Kristin Friestad, Sharon Friestad, Bob Friestad, Marissa Friestad, Maddie Friestad, Kirk Friestad, and Patrick Pope

APPROVAL OF AGENDA

Without objection, the agenda was approved.

CITIZENS TO BE HEARD ON PETITION

Petition 18-04 Kendall County Regional Planning Commission

Chairman Nelson explained the purpose of the meeting. After reviewing the comments, an official public hearing will be called in the future. The purpose of this meeting was to obtain feedback on the proposal from the residents of Lisbon Township. The proposal is still in the drafting stage.

Mr. Asselmeier summarized the request. The proposal amends the future land use map for properties located near Route 47 in Lisbon Township. Proposed changes include:

1. Changing the Agricultural Area West of Route 47 from Slightly North of Townhall Road to the Kendall/Grundy County Line to Mining
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business

Chairman Nelson noted that, if the proposal was approved, the County would entertain proposals to rezone property from A-1 to another zoning classification. No properties would be rezoned without the owner

initiating a request. Chairman Nelson also noted that the widening of Route 47 to four (4) lanes was the catalyst causing the examination of future land uses in this area.

Mr. Mohr stated that the Committee is aware of road cuts along Route 47. Outer roads are proposed to avoid vehicle staging issues on Route 47. Mr. Nelson invited residents to contact the Planning, Building and Zoning Department to look over the road cut information.

Mr. Mohr noted that any developments near the intersection of Routes 47 and 52 could connect to the Village of Lisbon's sewer system.

William Fielder asked how Plattville handles sewage matters. The Committee's understanding was that Plattville is served by private septic systems and not public sewer. Discussion occurred regarding the extent of the overburden. Many retail businesses, like Casey's, do not require extensive sewer systems.

Discussion occurred regarding the importance of having an up-to-date plan and the role of the plan in reviewing rezoning requests.

William Fielder asked if the mining area will be expanded. The proposal expands the mining area to Route 47. Appropriate berming will be required along Route 47 per the existing Kendall County Zoning Ordinance. Discussion occurred regarding the Village of Lisbon's Comprehensive Plan and the mining area stated in the Village's plan.

Discussion occurred regarding the elimination of the rural settlement and transportation corridor designation. Mr. Asselmeier noted that the concern was to have businesses that would not conflict with mining while allowing Plattville and Lisbon opportunities for sales tax generating businesses along Route 47. The mining area was placed in the proposed location because that location has the natural resources that could be mined. The consensus of the Committee was not to allow residential uses along Route 47.

Kirk Friestad asked about plans to protect farmland. He expressed concerns that, if the proposal is approved, someone could ask to rezone property from agricultural to non-agricultural. The zoning of properties would not change unless the owner requested the change. Discussion occurred regarding potential annexation activities of the City of Joliet. Mr. Mohr expressed his opinion that the proposal will protect farmland west of Route 47 due to the cost of extending sanitary sewers. Discussion occurred regarding preserving farmland. Scott Friestad echoed Kirk Friestad's opinion about the potential of opening the door to rezoning in the future; he would like the area south of Route 52 to remain agricultural.

Discussion occurred regarding the potential placement of a residential subdivision outside of Lisbon and the impact of that proposal on local schools.

The suggestion was made to wait ten (10) years before updating the plan.

Discussion occurred regarding the creation of the mining zoning district and the impact of the Village of Lisbon's annexation of the quarries. The Village's standards were less strict than the County's standards.

Discussion occurred regarding the Village of Lisbon's sewer system. Chairman Nelson requested that the resident of Lisbon with knowledge of the Village of Lisbon's sewer situation to attend a future Comprehensive Land Plan and Ordinance Committee meeting. The Committee meets the fourth Wednesday of the month at 5:00 p.m. in Yorkville. Chairman Nelson will invite the County Board members to the meeting.

There are no current population projections for the County. Few new developments will come in until the available lot inventory decreases.

If the future land use map is changed, the County would have difficulty denying a rezoning request that complies with the County's plan.

Discussion occurred regarding legalities of grandfathering and court-order zoning.

Discussion occurred regarding the activities of Oswego on Orchard Road.

Both Committees will take the comments provided under consideration and examine the proposed map for amendments. After the Comprehensive Land Plan and Ordinance Committee determines that an official proposal exists, the Regional Planning Commission would schedule an official public hearing and start the adoption process.

The overwhelming majority of the public in attendance favored maintaining the entire corridor as agricultural. A small minority favored small businesses like Casey's at Routes 47 and 52. Nobody in the audience favored commercial and industrial uses along the corridor when specifically asked.

Discussion occurred regarding estate residential land use along Eldamain Road outside Yorkville.

The suggestion was made that the County examine their industrial zoning regulations to ensure that proper regulations exist before changes take place along Route 47.

No open petitions for rezoning presently exist along the corridor.

On curbed, four (4) lane roads, the maximum speed limit is forty-five (45) miles per hour.

This proposal will be discussed further at the March 28, 2018 Comprehensive Land Plan and Ordinance Committee. The earliest a hearing will be scheduled is April or May.

Chairman Nelson thanked everyone for their participation and comments.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

None

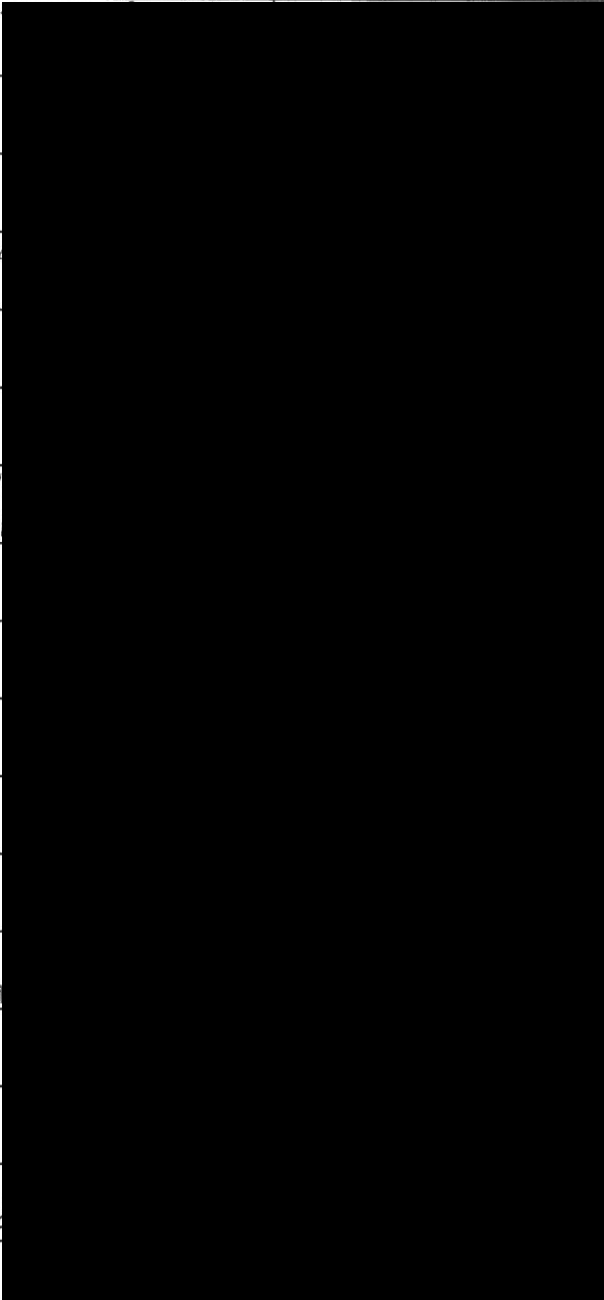
ADJOURNMENT

Mr. Mohr made a motion, seconded by Mr. Ashton, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The joint meeting of the Kendall County Comprehensive Land Plan and Ordinance Committee and Kendall County Regional Plan Commission meeting adjourned at 8:50 p.m.

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

Enc.

**KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE
REGIONAL PLANNING COMMISSION
SIGN-IN SHEET
FEBRUARY 28, 2018**

NAME & Organization if Applicable	ADDRESS (Physical and E-Mail)
Kathlyn Pope Village of Lisbon	
JAMES MORRIS VILLAGE OF LISBON	
Paul Pope Lisbon Village board	
LAURIE FRIESTAD	
Dana Friestad	
Donald Anderson	
Scott Wallin	
Bill Fielder	
Scott Friestad	
Kristin Friestad	
Shawn Mustat	
Bob Mustat	
Marissa Friestad	
Maddie Friestad	
Kirst Friestad	
Patricia Pope	

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Plattville Fire Barn
6410 Chicago Road, Yorkville, Illinois*

Unapproved Special Meeting Minutes of February 28, 2018

Chairman Ashton called the meeting to order at 8:56 p.m.

ROLL CALL

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

Members Absent: John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: None

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Ms. Zubko made a motion, seconded by Mr. Wormley, to approve the January 24, 2018 minutes and February 3, 2018 annual meeting minutes as presented. With a voice vote of all ayes, the motion carried.

PETITION

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

Mr. Nelson made a motion to table the petition, seconded by Ms. Zubko.

With a voice vote of all ayes, the motion carried.

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

Ms. Zubko made a motion to table this petition to the March meeting, seconded by Mr. Nelson.

With a voice vote of all ayes, the motion carried.

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 continues to review the proposal and will meet on the subject again on March 12th at 6:30 p.m.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

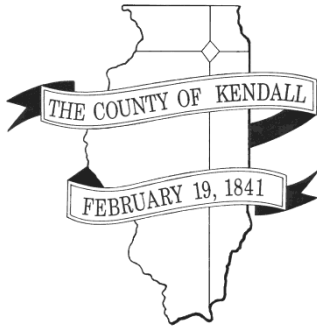
OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

Ms. Zubko made a motion, seconded by Mr. Nelson, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 9:00 p.m.

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



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
RPC Memo – Prepared by Matt Asselmeier – March 21, 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.

ZPAC

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

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 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.

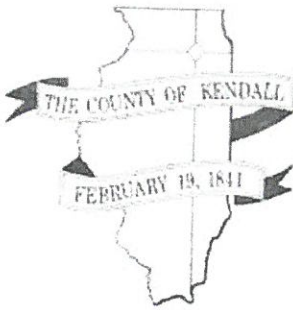
Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Land Resource Management Plan.

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



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 6.57 acres	SITE ADDRESS OR LOCATION N side of Walker Rd., Yorkville, IL	ASSESSOR'S ID NUMBER (PIN) 05-21-400-011
EXISTING LAND USE Agricultural	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP
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 Daniel J. Kramer	PRIMARY CONTACT MAILING ADDRESS 1107A S. Bridge Street	PRIMARY CONTACT EMAIL dkramer@dankramerlaw.com
PRIMARY CONTACT PHONE # 630-553-9500	PRIMARY CONTACT FAX # 630-553-5764	PRIMARY CONTACT OTHER # (Cell, etc.)
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 <u>5-19-17</u>

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
Date Stamp Here If
Check is Complete

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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DEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED 8/1/2016 2:44 PM
MTGE. 49.00 RHSPS FEE. 18.00
PAGES: 4

Space Above is for Recording Information

ILLINOIS OPEN-END MORTGAGE

JGM407 (06/13)

Drafted By Greg J Davis Esq
2000 Jacobssen 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 Jacobssen 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 Mortgagee with the consent of Mortgagor, 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

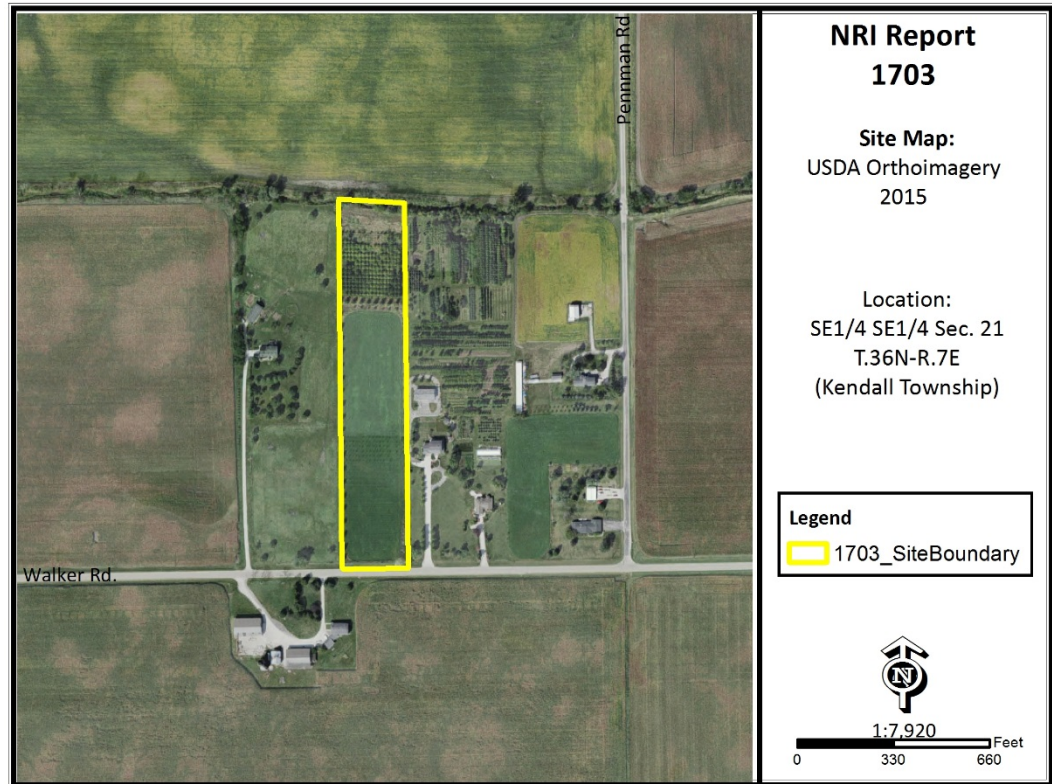
By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms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

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

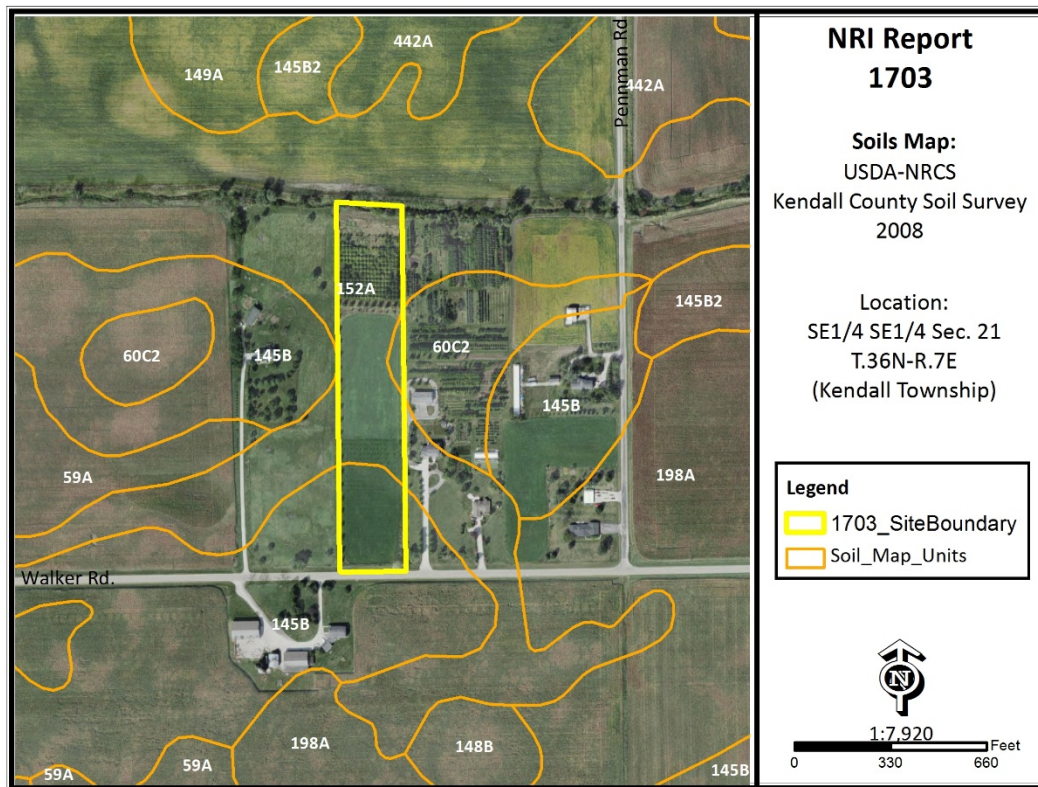
1703

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.

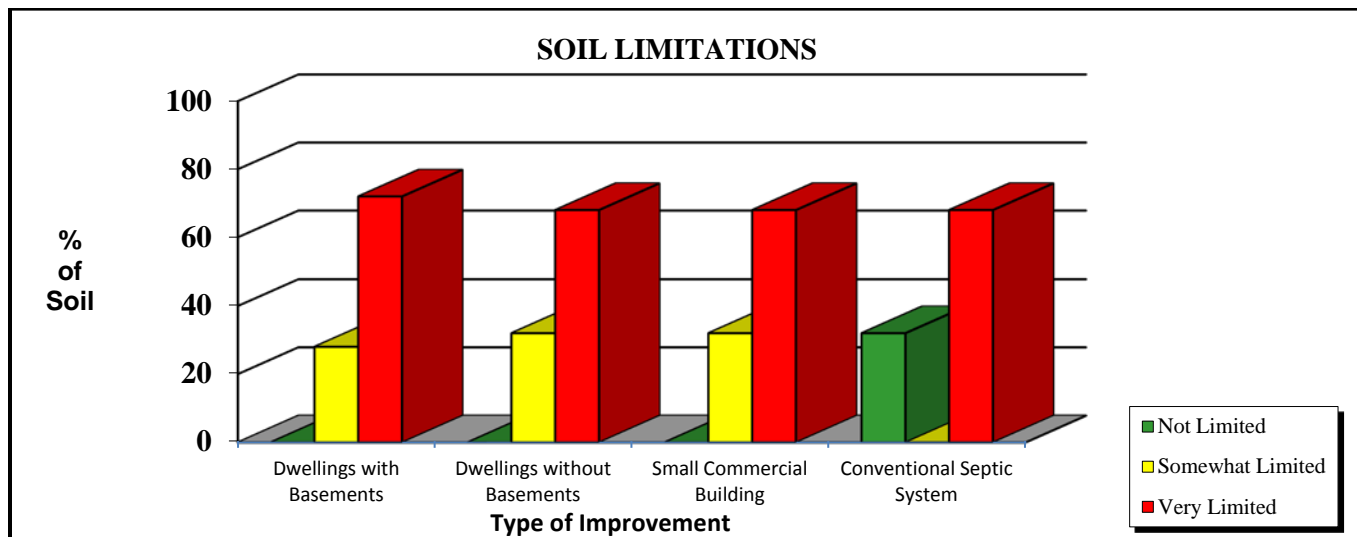
Conventional Septic System Rating Criteria:

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

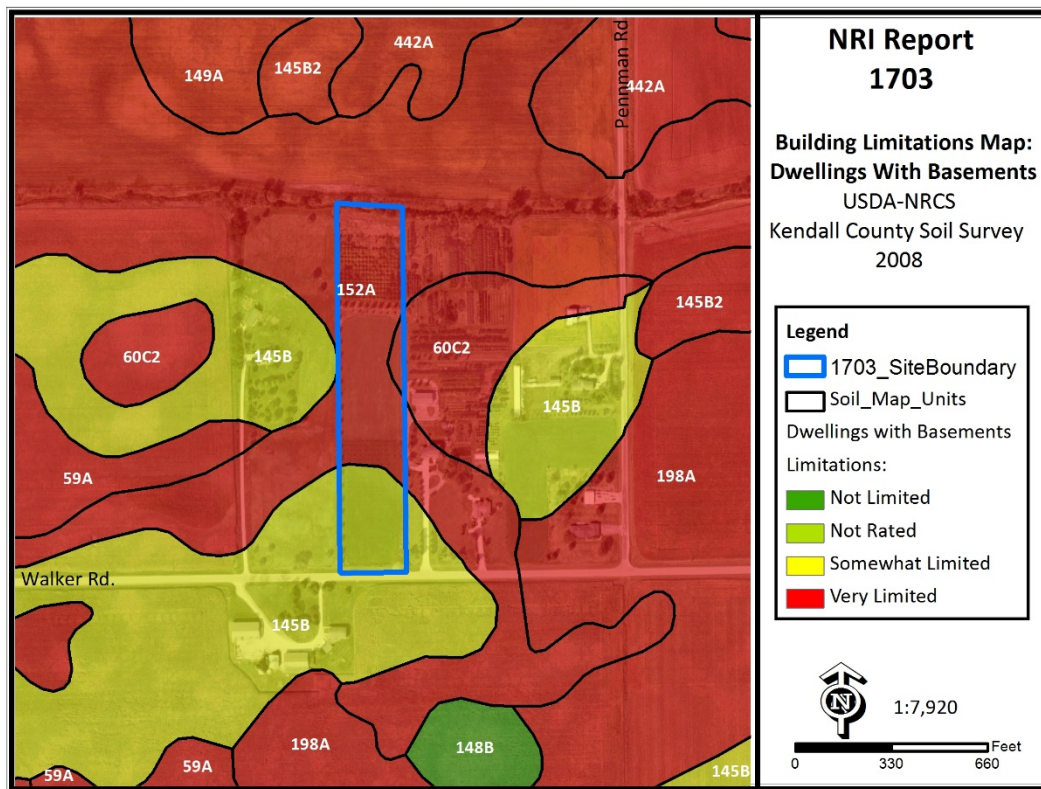
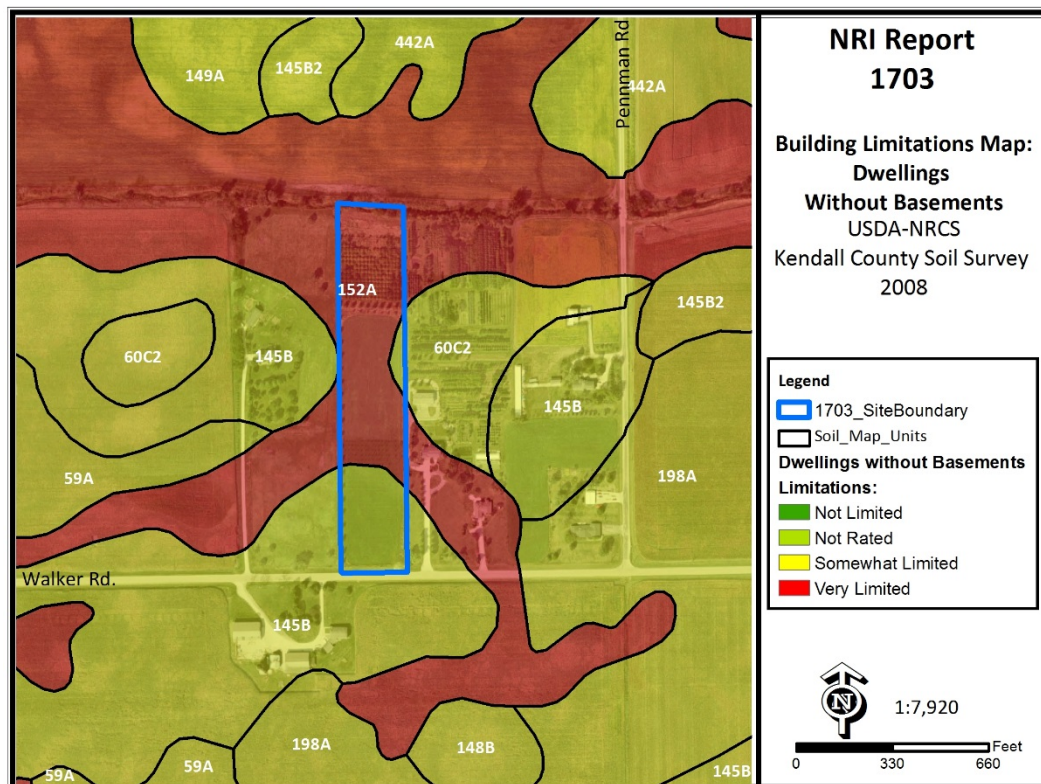


Figure 2b: Dwellings without Basements



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

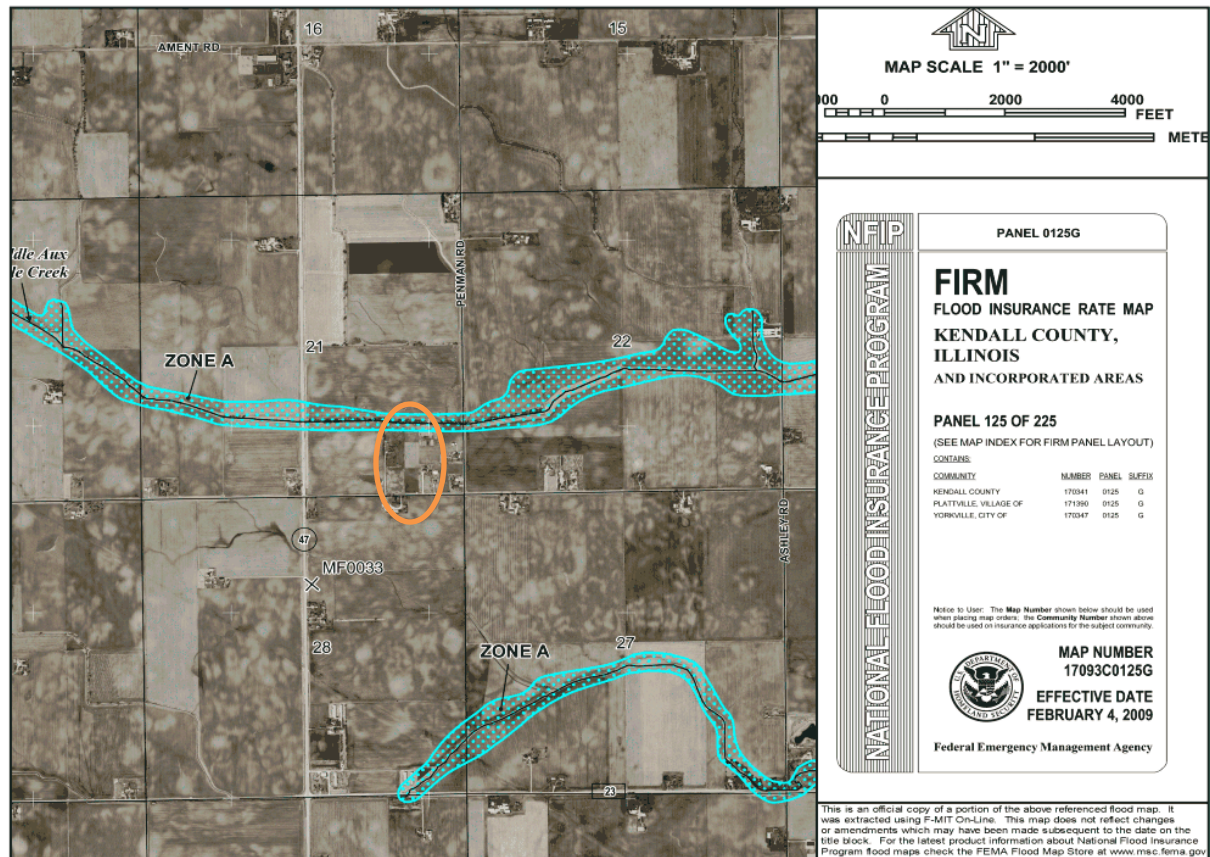
Land Evaluation Value: 98 + Site Assessment Value: 102 = LESA Score: 200

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).

Alicia 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

www.wbkengineering.com | Mediating the Built & Natural Environments | **Part of the Mno-Bmadsen Family**

The information contained in this e-mail is intended only for the individual or entity to whom it is addressed and should not be opened, read or utilized by any other party. This message shall not be construed as official project information or as direction except as expressly provided in the contract document. Its contents (including any attachments) may contain confidential and/or privileged information. If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents. If you received this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message.

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 <r davidson@co.kendall.il.us>; Scott Koeppel <skoeppel@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

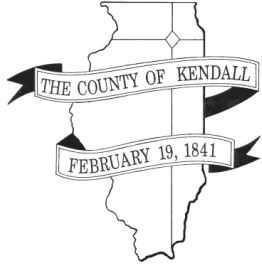
PUBLIC COMMENT

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: March 7, 2018

Re: 18-07 Proposed Text Amendment to Section 13.08 by Adding Sub-Section R Pertaining to
Special Use Permit Renewal Procedures

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 others were satisfied with the proposal after the proposal was explained.

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

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

Thanks,

MHA

ENCS: Proposed Procedure

3.6.18 ZPAC Minutes

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, 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

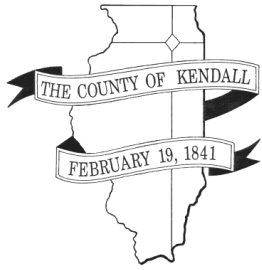
PUBLIC COMMENT

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: February 8, 2018

Re: 18-03 Proposed Text Amendments to Sections 4.17.H, 7.01.D.53.b.vi, 8.08.B.2.h, 10.01.C.27.b.vi, 11.02.C, 11.02.D, 11.04, 11.04.A, 13.01.C, 13.07.B, 13.07.C and 13.08.C of the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments.

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

RPC Memo
February 8, 2018

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

A redlined narrative of the proposed text amendments and flow charts of applications is attached for your review.

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.

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

Thanks,

MHA

ENC Existing and Amended Flow Charts
Proposed Redlined Changes to Zoning Ordinance
2.6.18 ZPAC Minutes

Zoning, Platting & Advisory Committee and Kendall
County Regional Planning Commission Amendments

Ref: Ordinance 66-4 (February 1966) RPC Powers

4.17.H Small Wind Energy Systems

Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction/Use Permit will be issued. When an applicant intends to submit a Construction/Use Permit Application to the Planning, Building and Zoning Department, he/she must also submit a copy of the completed conditional use application form to each adjacent neighbor at least 15 days prior to the issuance of a conditional use permit. If there are negative comments from neighbors, staff will attempt to resolve these negative neighbor comments with the applicant. If staff is unsuccessful in resolving concerns of the neighbors with the applicant, staff will schedule and provide notice of a public hearing before the Kendall County **Planning Commission Zoning Board of Appeals** to review and make a determination on the pending application and unresolved issues. At this public hearing the Kendall County **Planning Commission Zoning Board of Appeals** will take testimony from staff, the neighbors and the applicant, and then will make a determination, based on the evidence presented, to approve, conditionally approve or deny the application. Any decision by staff or the **Planning Commission Zoning Board of Appeals** may be appealed to the County Board.

7.01.D.53.b.vi Special Use in A-1-Wind Farm, Commercial-Performance Standards

Lighting - Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County **Regional Plan Commission Zoning Board of Appeals**. If lighting of turbines, or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color.

8.08.B.2.h Special Use in R-3-Retail Shops or Office Use

Expansion of a residential building, structure, or of any accessory building in which an office or retail use is proposed to be situated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the **plan commission Zoning Board of Appeals** for its review and recommendation, and upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.

10.01.C.27.b.vi Special Use in M-1 and M-2-Wind Farm, Commercial-Performance Standards

Lighting - Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County **Regional Plan Commission Zoning Board of Appeals**. If lighting of turbines, or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each

turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color.

11.02.C Shared Parking Facilities

Shared parking may be permitted upon written documentation submitted to the ~~Plan~~ **Commission Zoning Board of Appeals** and County Board demonstrating evidence that parking spaces will be shared at specific times of the day (where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.) The Shared Parking report published by the Urban Land Institute may be used as a guideline in the estimation of parking demand for mixed-use buildings and sites.

11.02.D Mixed Uses (Parking)

When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sums of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the ~~Regional Plan-Commission~~ **Zoning Board of Appeals** and approved by the County Board.

11.04 Schedule of Parking Requirements

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. However, if the property owner can provide clear evidence indicating that less parking is required, ~~the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee. Applicants may also property owners may~~ file for a variation from ~~theses~~ requirements following the procedures outlined in Section 13.04 of this Zoning Ordinance. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time.

11.04 Schedule of Parking Requirements

Airports or aircraft landing field

Heliports

Convents and monasteries

Crematories and mausoleums

Fraternal institutions

Outdoor amusement establishments -

fairgrounds, permanent carnivals, kiddy

parks and other similar amusement centers

Municipal or privately owned recreation

buildings, community centers, club houses,

or other recreational uses such as ball fields

or golf courses

Penal and correctional institutions

Rectories and parish houses

Swimming pools

Parking spaces shall be provided in adequate number as determined by the **Regional Plan Commission Zoning Board of Appeals** and approved by the County Board to serve persons employed or residing on the premises as well as the visiting public.

11.04.A Schedule of Parking Requirements-Other Uses

For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator. Such determination may be appealed to the **Regional Plan Commission Zoning Board of Appeals**.

13.01.C Kendall County Regional Planning Commission

The Planning Commission shall have the following duties under this ordinance:

~~1. To receive from the Zoning Administrator copies of all applications for amendments and special use permits along with the committee report from the Zoning and Platting Advisory Committee (ZPAC) and report thereon with its recommendations.~~

2 1. To hold conferences in regard to proposed plan developments under this Ordinance **and the Kendall County Subdivision Control Ordinance** and submit a written report with its recommendations.

~~3 2.~~ To initiate, direct and review a study of the provisions of ~~this Ordinance and the zoning map attached hereto~~ **the Kendall County Land Resource Management Plan** and to make reports on its recommendation to the County Board not less frequently than annually.

3. To review and issue recommendations on text amendments to this Ordinance related to the powers and duties of the Kendall County Regional Planning Commission. The Kendall County Regional Planning Commission may also initiate text amendments to this Ordinance on matters impacting the duties and powers of the Kendall County Regional Planning Commission.

4. Those powers and duties assigned to the Kendall County Regional Planning Commission in Special Use Ordinances approved by the Kendall County Board prior to the approval of this text amendment.

5. Members of the Kendall County Regional Planning Commission shall receive application information for map amendments, text amendments not impacting the duties and powers of the Kendall County Regional Planning Commission, special use permits and major amendments to special use permits. However, the Kendall County Regional Planning Commission shall not meet on these applications. Individual members of the Kendall County Regional Planning Commission may submit comments on these applications to the Zoning Administrator.

13.07.B Amendments-Initiation of Amendments

Amendments may be proposed by the County Board, a Committee designated by the County Board, the Zoning Board of Appeals, ~~the Regional Plan Commission~~ or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is described in the application for an amendment. **The Regional Planning Commission may initiate text amendments to this Ordinance on matters impacting the duties and powers of the Kendall County Regional Planning Commission.**

13.07.C Application for Amendment

1. An application for an amendment shall be filed with the Zoning Administrator.
2. A copy of such application shall thereafter be forwarded ~~to the Zoning, Platting & Advisory Committee (ZPAC), the Regional Plan Commission and~~ to the County Zoning Board of Appeals with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.
3. For all proposed map amendments, the Applicant will promptly forward via certified mail return receipt requested a copy of the complete application and notice of public hearing to the Township containing the subject parcel, and to any municipality within one and one-half (1½) miles of the subject parcel.
- 4. Applications for map amendments shall be forwarded to the Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission for review and comment. The Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission shall not meet to consider map amendments. Individual members of the Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission may forward comments on proposed map amendments to the Zoning Administrator prior to the date of the public hearing before the Kendall County Zoning Board of Appeals.**
- 5. Applications for text amendments not involving matters impacting the duties and powers of the Zoning, Platting & Advisory Committee or the Kendall County Regional Planning Commission shall follow the same procedure listed in 13.07.C.4 above.**
- 6. The Zoning, Platting & Advisory Committee shall meet and issue a recommendation on proposed text amendments impacting the duties and powers of the Zoning, Platting & Advisory Committee. Said recommendation shall be issued within sixty (60) days of date of application submittal. If no recommendation is issued, the Kendall County Board shall consider the recommendation to be a positive recommendation and the proposal shall be forwarded to the Kendall County Zoning Board of Appeals for a hearing.**
- 7. The Kendall County Regional Planning Commission shall meet and issue a recommendation on proposed text amendments impacting the duties and powers of the Kendall County Regional Planning Commission. Said recommendation shall be issued within sixty (60) days of date of application submittal. If no recommendation is issued, the Kendall County Board shall consider the recommendation to be a positive recommendation and the proposal shall be forwarded to the Kendall County Zoning Board of Appeals for a hearing.**

13.08.C Special Uses Processing

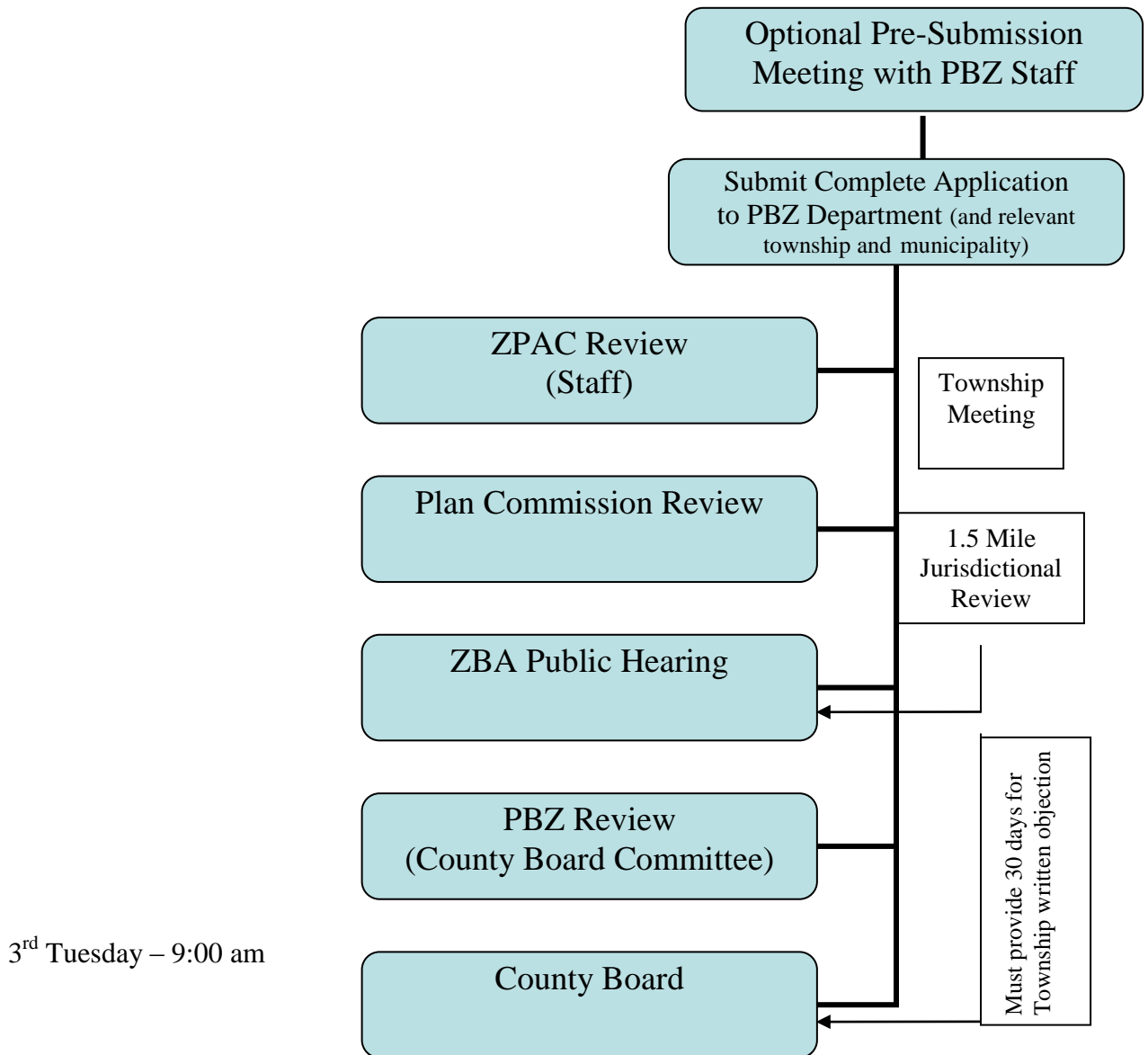
1. An application for a special use shall be filed with the Zoning Administrator.
2. A copy of such application shall be forwarded to ~~the members of~~ the Zoning, ~~and~~ Platting Advisory Committee (ZPAC) for review, ~~and~~ comment, ~~and recommendation~~. **The Zoning, Platting and Advisory Committee (ZPAC) shall not meet to consider the application. However, individual members may forward their comments to the Zoning Administrator prior to the public hearing on the application.**
- ~~3. A copy of such application and the committee report from the Zoning and Platting Advisory Committee (ZPAC) shall thereafter be forwarded to the Planning Commission for review, comment, and recommendation.~~
- 3. A copy of such application shall be forwarded to the members of the Kendall County Regional Planning Commission for review and comment. The Kendall County Regional**

Planning Commission shall not meet to consider the application. However, individual members may forward their comments to the Zoning Administrator prior to the public hearing on the application.

4. A copy of such application ~~and the reports from the Zoning and Platting Advisory Committee (ZPAC) and Planning Commission~~ and any comments submitted by individual members of the Zoning, Platting Advisory Committee (ZPAC) or the Kendall County Regional Planning Commission shall thereafter be forwarded to the Hearing Officer with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.

5. The recommendation and findings of the Hearing Officer shall be forwarded to the Planning, Building and Zoning (PBZ) Committee of the County Board for review and recommendation prior to final action by the County Board.

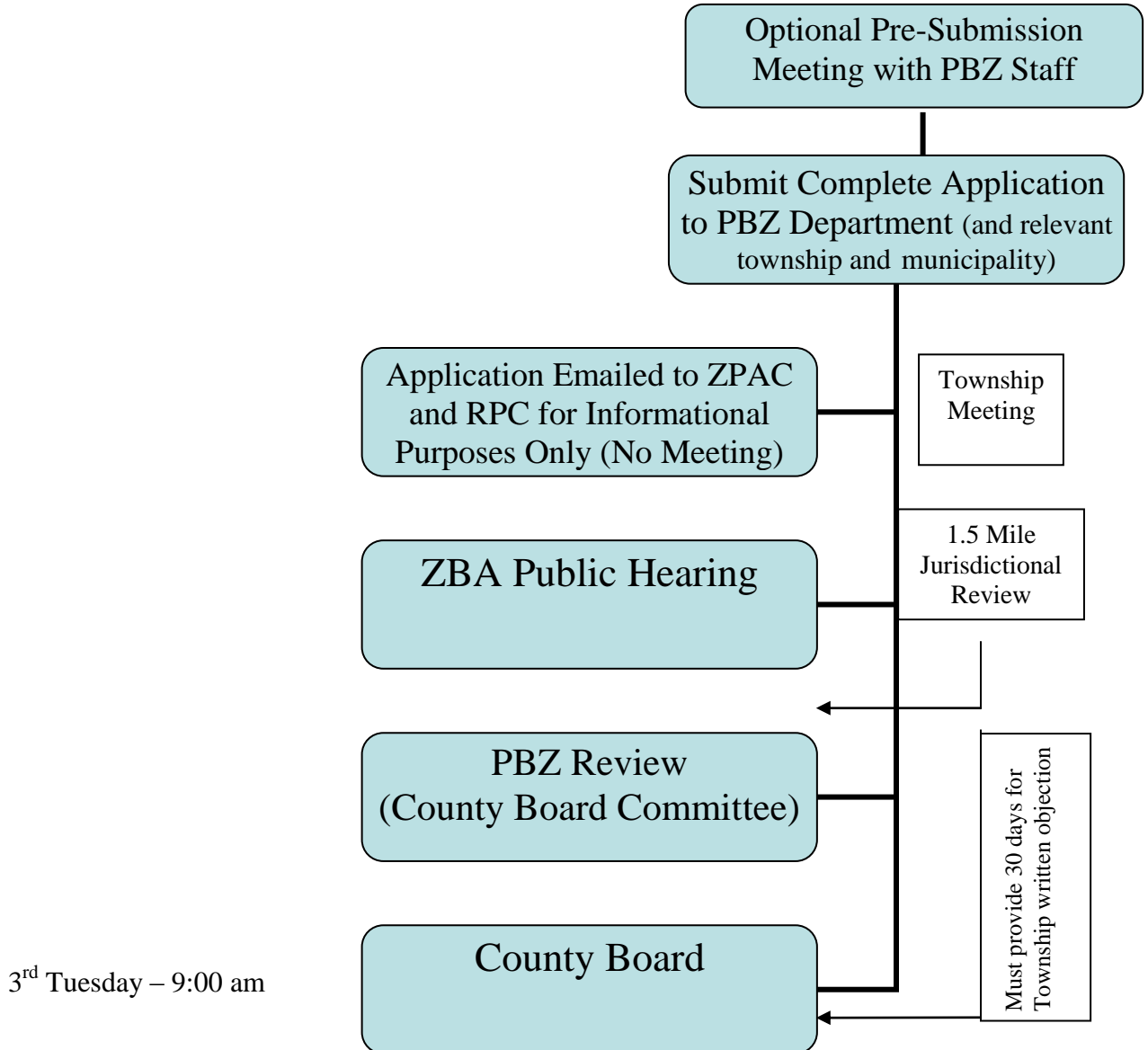
Existing Kendall County Rezoning Process (Map Amendment)



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the RPC agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the RPC or ZBA Hearing.

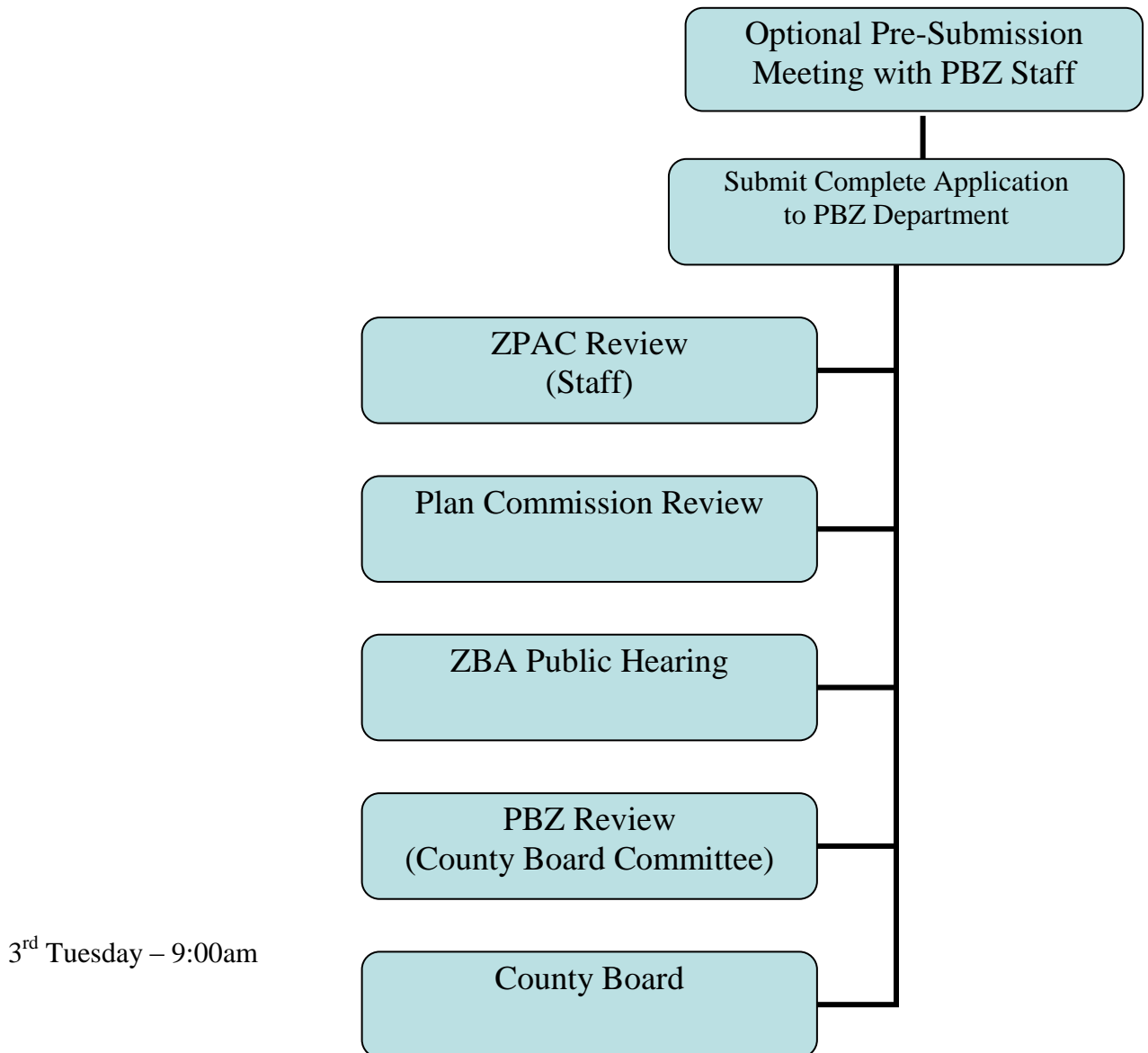
Proposed Amended Kendall County Rezoning Process (Map Amendment)



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The **Plan Commission**, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the **ZBA RPC** agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the **RPC** or ZBA Hearing.

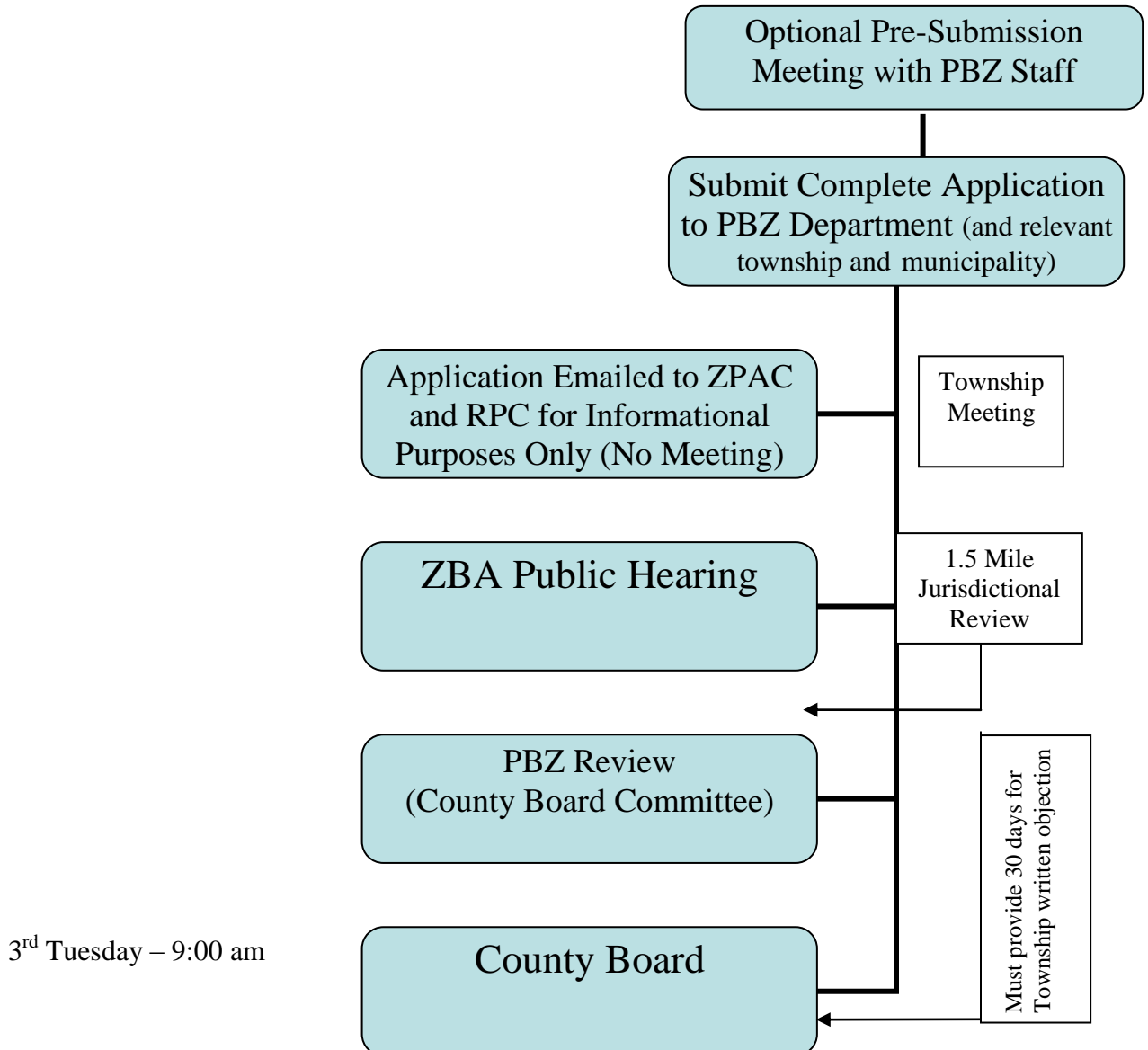
Existing Kendall County Text Amendment Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

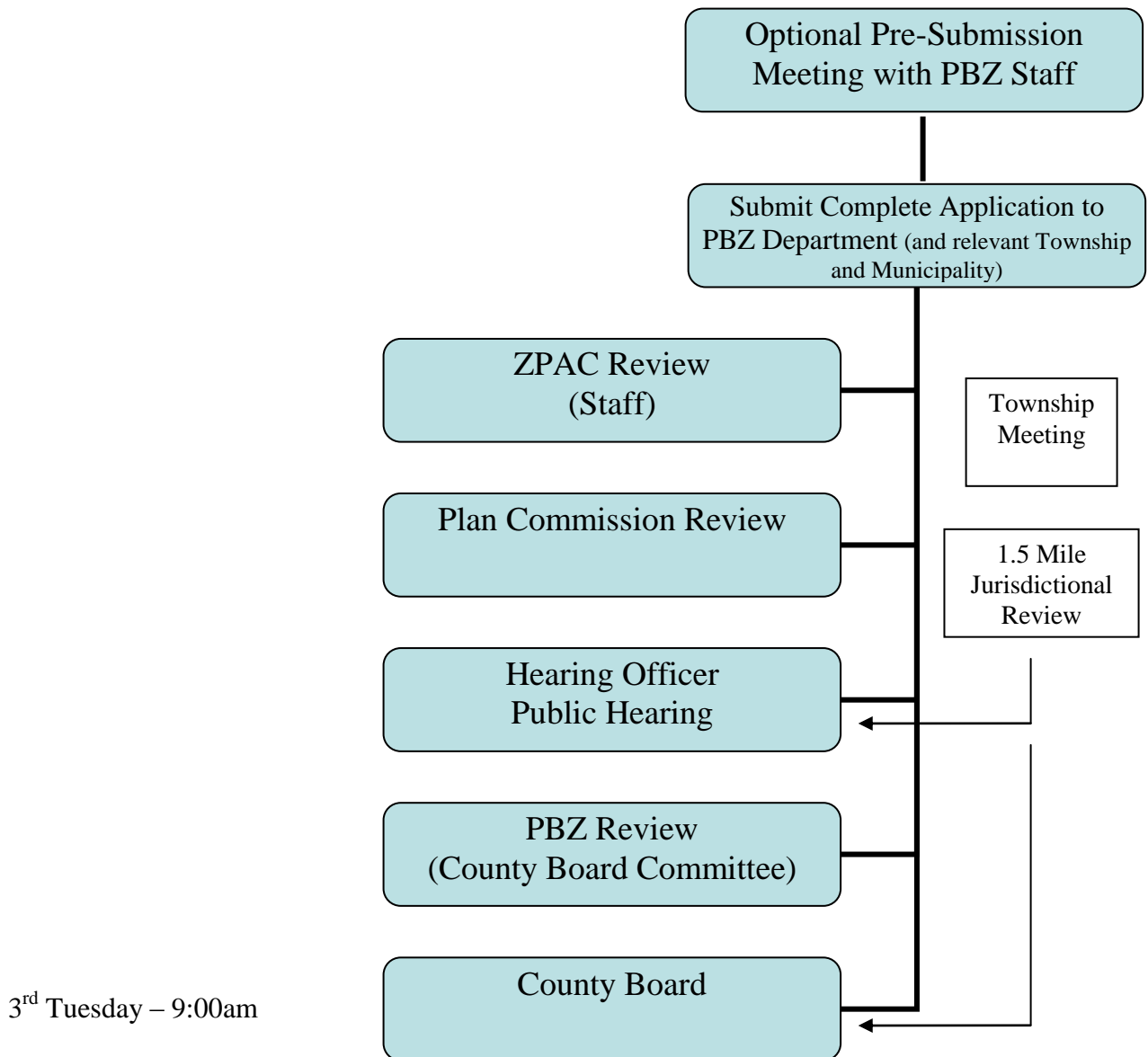
Proposed Amended Kendall County Text Amendment Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The **Plan Commission**, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the **ZBA RPC** agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the **RPC** or ZBA Hearing.
4. **The Plan Commission and ZPAC shall review all text amendments involving their powers and duties.**

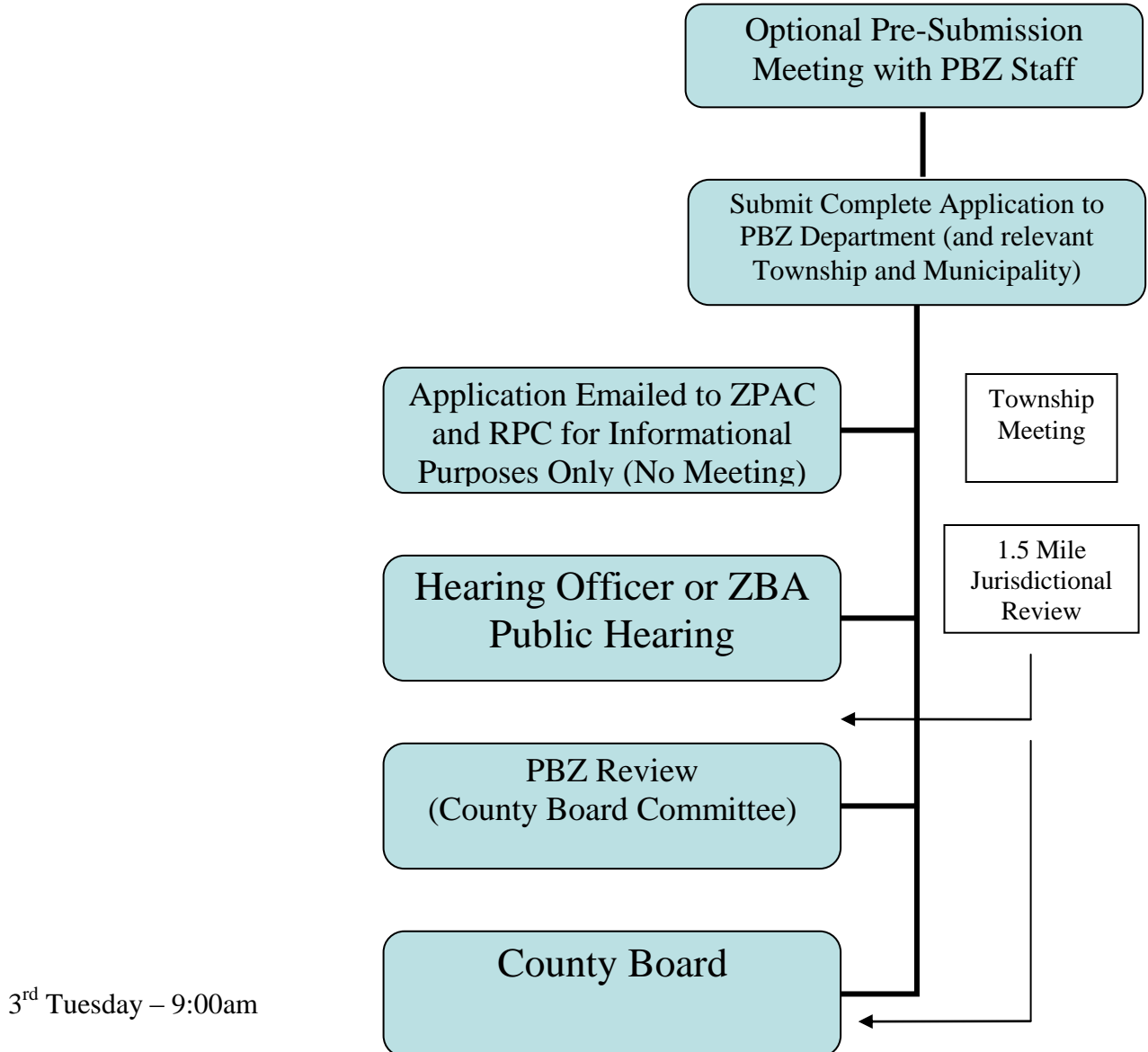
Existing Kendall County Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, Hearing Officer, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

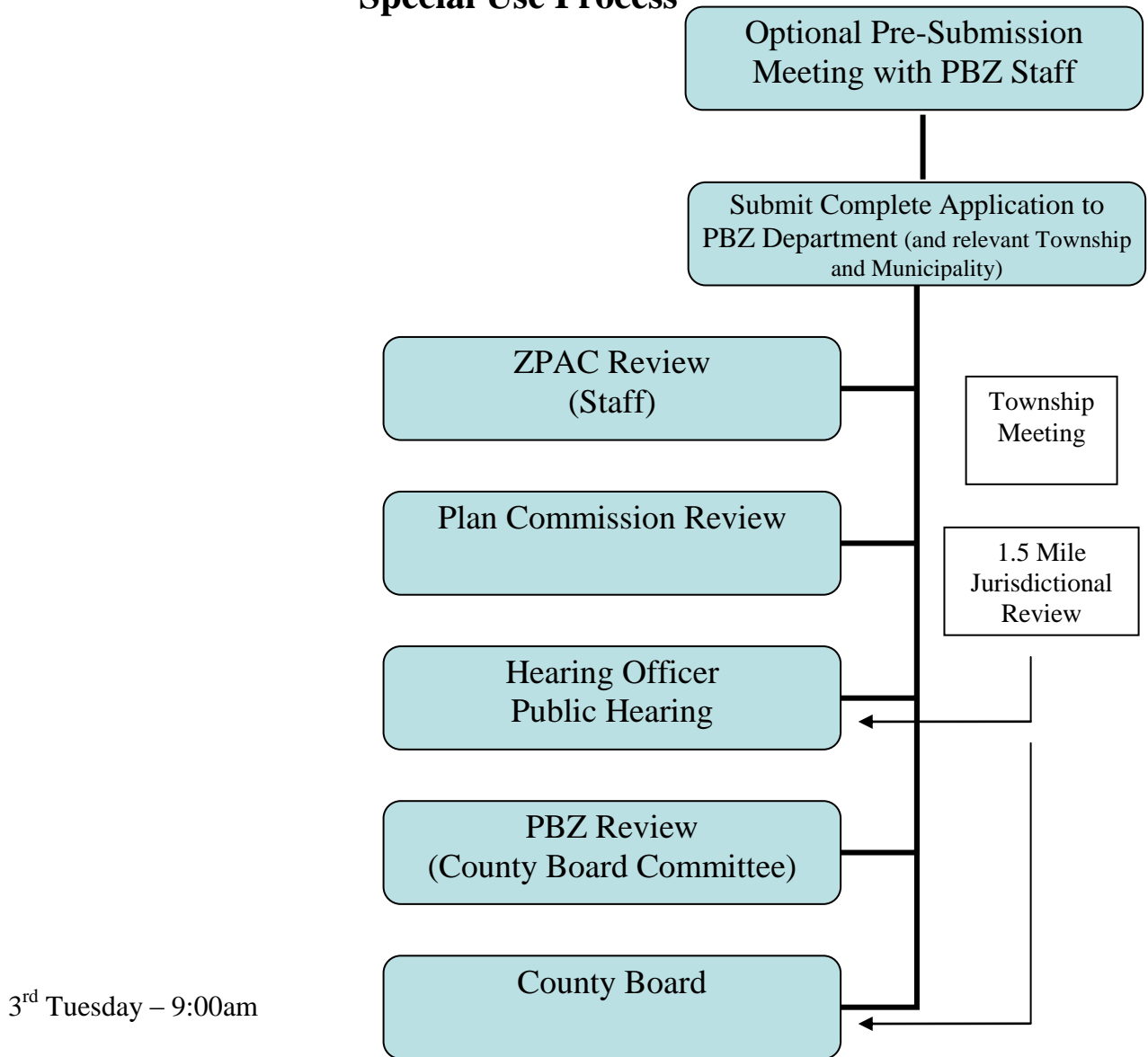
Proposed Amended Kendall County Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The ~~Plan Commission~~, Hearing Officer (**or Zoning Board of Appeals**), and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

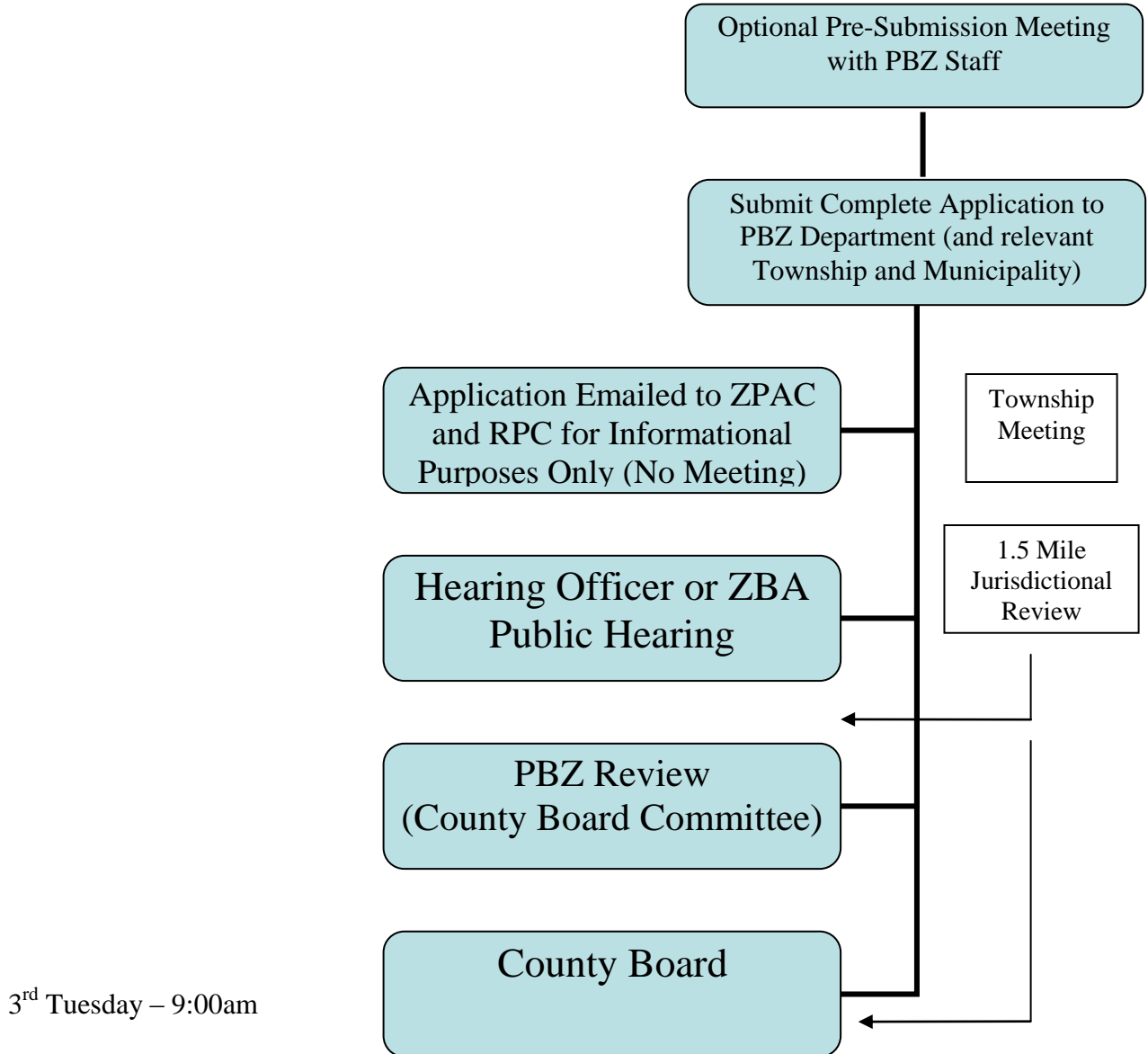
Existing Kendall County Major Amendment Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, Hearing Officer, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

Proposed Amended Kendall County Major Amendment to an Existing Special Use Process

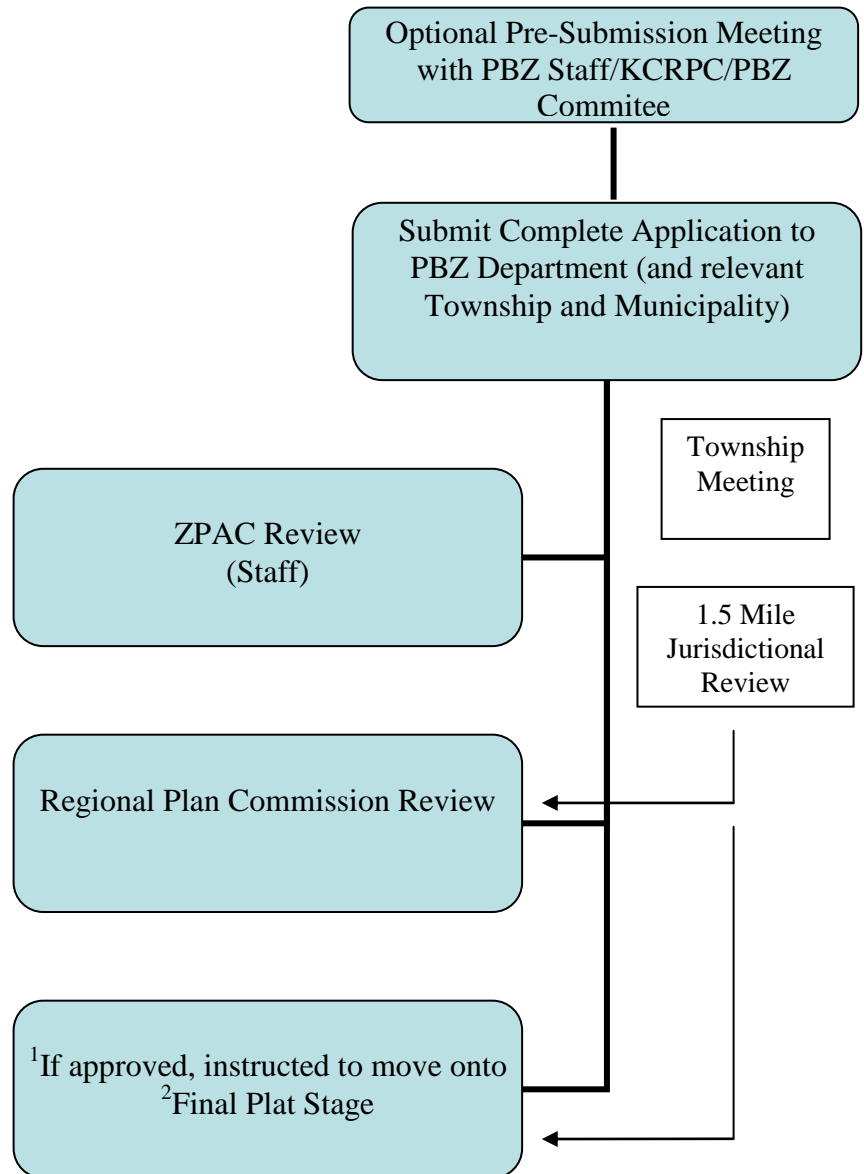


Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The ~~Plan Commission~~, Hearing Officer (**or Zoning Board of Appeals**), and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

Existing-No Changes Proposed

Kendall County Preliminary Plat Process

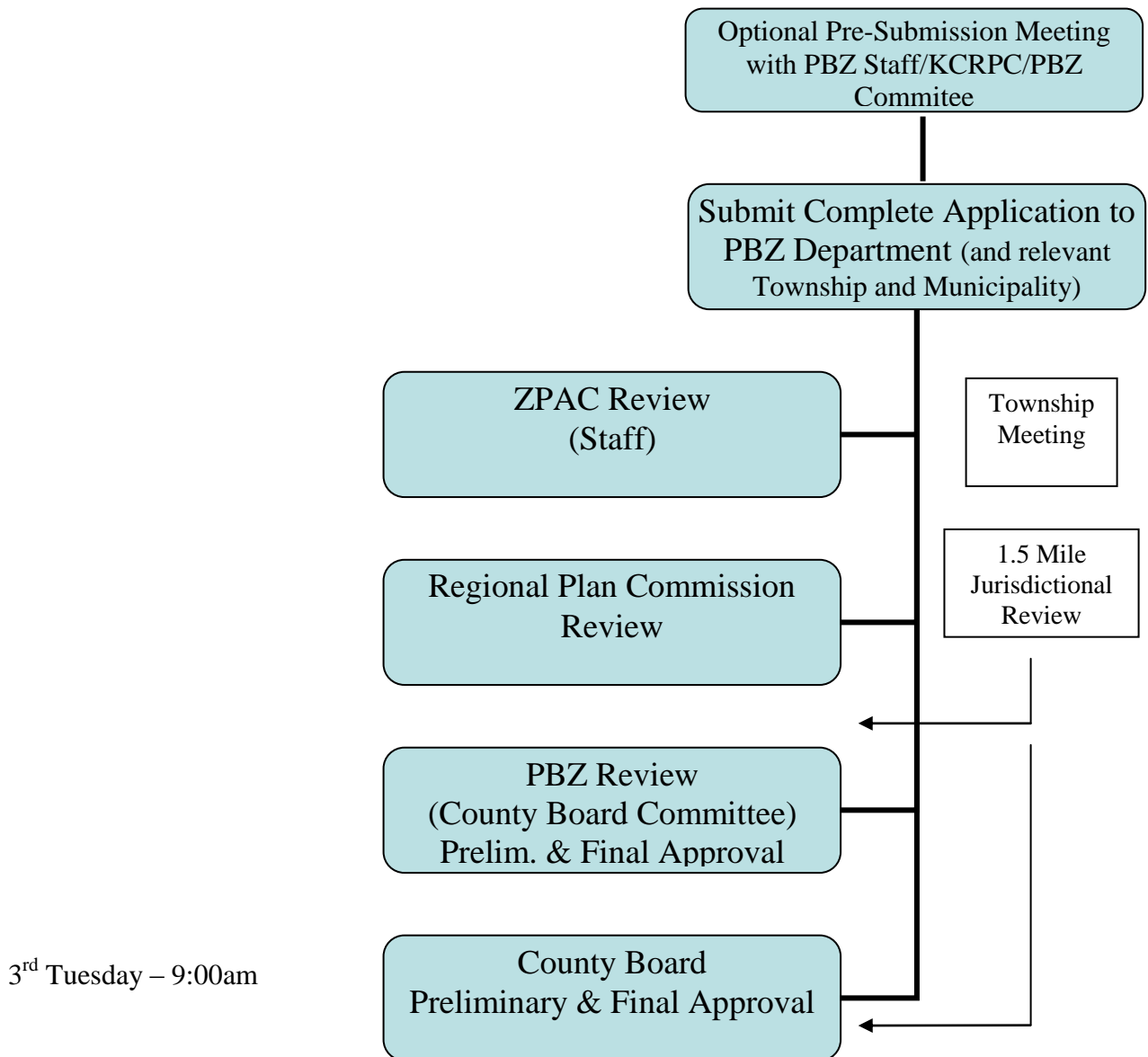


Notes:

1. Approval of the preliminary plat by KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the Preliminary Plat shall be granted by the County Board at the time of Final Plat approval.
2. Approval of Preliminary Plat shall be effective for a maximum of one (1) year
3. The Plan Commission may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

Existing-No Changes Proposed

Kendall County Final Plat Process



Notes:

1. Approval of the preliminary plat by KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the Preliminary Plat shall be granted by the County Board at the time of Final Plat approval.
2. Approval of Preliminary Plat shall be effective for a maximum of one (1) year
3. The Plan Commission may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

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

Code Official Brian Holdiman called the meeting to order at 9:03 a.m.

Present:

Aaron Rybski – Health Department
Megan Andrews – Soil and Water Conservation District
Deputy Commander Jason Langston – Sheriff's Department
Don Clayton – GIS
Fran Klaas – Highway Department
Brian Holdiman – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Robert Davidson – PBZ Committee Chair
Matt Asselmeier – PBZ Department

Audience:

None

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, 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. Langston, to approve the December 5, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

Petition 18-03 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 4.17.H, 7.01.D.53.b.vi, 8.08.B.2.h, 10.01.C.27.b.vi, 11.02.C, 11.02.D, 11.04, 11.04.A, 13.01.C, 13.07.B, 13.07.C and 13.08.C of the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments

Mr. Holdiman provided a summary of this proposed text amendment. The PBZ Committee had concerns that review period for certain applications was too time consuming and involved too many meetings. ZPAC would continue to meet for site plan reviews, text amendments to the Zoning Ordinance involving their powers and duties, amendments to the Subdivision Control Ordinance, preliminary plat approvals, final plat approvals, and RPD related plat approvals. ZPAC would not meet for map amendments, text amendments to the Zoning Ordinance not involving their powers and duties, special use permits, and major amendments to special use permits.

Mr. Rybski asked if ZPAC would meet for special use permit applications. Mr. Holdiman stated that ZPAC would not formally meet for special use permit applications, but ZPAC members could submit comments prior to the hearing regarding the special use permit applications. The distribution email would continue to be sent.

Mr. Klaas asked if the Planning, Building and Zoning Department Staff was in favor of this proposal. Mr. Holdiman responded that Staff had no objections. Mr. Klaas noted that the Soil and Water Conservation District and Health Department may still want to provide input on certain special use permit proposals. Mr. Holdiman noted that the proposed process would still allow ZPAC members to comment on proposals and pre-application meetings could occur as well.

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

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

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

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Holdiman stated that Mr. Asselmeier will need to provide an update on Petition 17-30 at a future meeting.

OLD BUSINESS/NEW BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT

Ms. Andrews made a motion, seconded by Mr. Clayton, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:11 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner