

MINUTES
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
May 1, 2017 – 7:00 p.m.

CALL TO ORDER

At 7:02 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL

Members Present: Randy Mohr, Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield.

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Anton Shulski, Don Lupei, Joe Gonzalez, Andrew Lamanna, Mary Williams, Tom Conlin, John Golkosky, Michael Roth (representing Daniel Goodwin), Steve Andrews and Dave Broviak (representing the Illinois Department of Transportation), Todd Brown, Robert Davidson, Roseann Burnett, Stacy Turner, Daniel Kramer (representing the John and Sharon Pagel Living Trust), Brian Johnson (of Pinnacle Engineering Group), Merlin Hummel, Glenn Faus, Rich Carter, Robert Parnass and Tom Todd

MINUTES

Mr. Cherry, seconded by Mr. Whitfield, moved to approve the April 3, 2017 meeting minutes. With a voice vote of all ayes, the motion was approved.

PETITION

17-07 Farm A, LLC (Managed by Daniel Goodwin)

Request: Variance to Section 4.09.A of the Zoning Ordinance and Section 10.00.H.10 of the Subdivision Control Ordinance Pertaining to the Length of Private Streets

Location: 8172 Route 34, Yorkville (0.6 Mile Southwest of Bristol Ridge Road), Bristol Township

PIN(s): 02-27-201-012

Purpose: Request to Reconstruct a Private Road (Kingmoor Lane) in Excess of 500 Feet; Relocated Road is Approximately 1060 Feet in Length

Mr. Asselmeier summarized the petition and reviewed the Staff Report. The Illinois Department of Transportation desired to construct a stormwater infiltration basin on the petitioner's property as part of the widening of U.S. 34. The location chosen for the infiltration basin requires the relocation of a portion of Kingmoor Lane. Kingmoor Lane is a private drive that serves 8-9 homes. The road has been in existence for many years; it appears on the 1939 aerials. The petitioner worked with the Illinois Department of Transportation to select the location of the relocated road; the Illinois Department of Transportation wanted some separation between the infiltration pond and the septic fields and wells of the homes located in the Timber Ridge Subdivision. The Kendall County Zoning Ordinance requires that private driveways be constructed to the requirements listed in the Subdivision Control Ordinance, even though this proposal is not part of a subdivision. According to the Subdivision Control Ordinance, a private driveway cannot be greater than 500 feet in length; this proposal is approximately 1060 feet in length. The proposed relocated road would be located to the northeast of the infiltration pond, between the pond and homes in the Timber Ridge Subdivision. The relocated road would have right-in,

right-out access to U.S. 34 after the widening is completed. The Kendall County Stormwater Control Ordinance does not apply to this project because the project is State funded. No landscaping has been proposed on the northeast side of the relocated Kingmoor Lane. No utilities would be impacted by this project and Bristol Township has not submitted any written comments on this proposal.

Chairman Mohr expressed concerns regarding safety because of the right-in, right-out access. Motorists would have to drive on U.S. 34 to make U-turns if they wanted to go west. The proposed ingress/egress point on U.S. 34 is approximately 50 feet from a lighted intersection, Autumn Creek Blvd. If the ingress/egress point changes, the Illinois Department of Transportation would have to renegotiate with the property owner and the timeline for completing the widening of U.S. 34 would be delayed and costs for the project would rise. Also, when Timber Ridge Subdivision was platted, a spur was placed at the southwest corner of the subdivision specifically for connection purposes.

Chairman Mohr opened the public hearing and swore in all members of the public that wished to speak about the variance and Pagel map amendment.

Anton Shulski owns the property at 54 Kingmoor Lane. He would like the road placed at the stoplight for safety reasons. He had concerns about access through the subdivision. The subdivision's streets are public and the residents along the Fox River could drive on the public streets of the subdivision free of charge.

Don Lupei of 62 Kingmoor Lane discussed the history of the widening project and lack of access of Kingmoor Lane on earlier versions of U.S. 34 roadway plans. Residents fought the pond for several years. He would like to be able to make a left turn onto U.S. 34. He favors lining Kingmoor Lane up with Autumn Creek or connecting Kingmoor Lane to the Timber Ridge Subdivision.

Chairman Mohr asked the location of the relocated Kingmoor Lane in relation to the nearest house. The answer is approximately 30-40 feet.

Joe Gonzalez of 31 Timberview owns the home at the northwest corner of the subdivision. He would like to see a fence for safety. He favors connecting Kingmoor Lane at Autumn Creek Blvd.

Andrew Lamanna of 58 Kingmoor Lane expressed concerns about public safety and EMS access to Kingmoor Lane. He would like the Autumn Creek alignment.

Mary Williams of 50 Kingmoor Lane expressed concerns about public safety and keeping the name of the private street as Kingmoor Lane.

Chairman Mohr asked if the berm would be removed. Mr. Asselmeier referred the question to the Illinois Department of Transportation.

Tom Conlin of 50 Timber Ridge was not in favor of the connection of Kingmoor Lane to Timber Ridge Subdivision. He expressed concerns about safety, loss of property value, and potential drowning of kids in the pond. He favors the connection with Autumn Creek. He asked how Kingmoor Lane residents would handle garbage and mail delivery. He would like more time for the Homeowners Association to evaluate the proposal.

John Golkosky of 43 Timberview expressed his concerns about loss of privacy and safety risks to his property. His property abuts the proposed road. The proposed road curves to the west of his property and he is concerned about lights shining into his house and vehicles running off of the road. Mr. Golkosky submitted 5 photos including 2 photos from his backyard which were included in the record. The homeowners in the area of the relocated road met with the Illinois Department of Transportation during the previous week regarding the adjustment of the curves and the placement of trees. The trees and other plants would not provide complete screening of the road from his property. Mr. Golkosky argued that options exist for the relocation of Kingmoor Lane other than the method proposed by the petitioner. He also believed the location and configuration of the infiltration pond could be altered. He noted that the property for the infiltration pond was donated by the petitioner and not taken through eminent domain. He believed that the conditions were created by the petitioner and that the variance should not be granted for that reason. He requested that options allowing the relocation without a variance should be considered. He provided 4 alternatives of the proposed relocation including the connection with Autumn Creek Blvd, a connection with Autumn Creek Blvd with an adjusted infiltration pond, a relocation of the infiltration pond, and a connection to Timber Ridge Subdivision. He also provided a copy of a portion of the plat of the Timber Ridge Subdivision showing the stub and future planned connection with the Timber Ridge Subdivision.

Michael Roth, attorney for petitioner Daniel Goodwin, stated that the petitioner does not agree to convert the private drive into a public street. Mr. Goodwin believed that the Illinois Department of Transportation was going to take the property if an agreement could not be reached. Mr. Goodwin did not want a signalized intersection. Mr. Roth indicated that meetings were held with homeowners. Mr. Roth does not believe a variance is required in this case because the property is not part of a subdivision and that Kingmoor Lane is a private street, not a private driveway. Mr. Goodwin would make the land donation to connect Kingmoor Lane with Timberview Drive. He believes that the proposal meets the standards of the variance criteria. He does not believe that property values will decline for the properties in Timber Ridge Subdivision if the variance is granted. Kingmoor Lane would be a right-in, right-out whether the relocation occurs; the better connection is with Timberview Drive. His client did not create the easement; he acquired the easement when he purchased the property.

Don Lupei stated Mr. Goodwin had a meeting with the residents of Kingmoor Lane and representatives from the State. The residents expressed concerns about flooding, but the designs were changed after 2 years.

Steve Andrews from the Illinois Department of Transportation apologized for not catching the variance requirements earlier in the process. Kingmoor Lane will be an asphalt paved road; no dust issue anticipated. Kingmoor Lane will be maintained by the property owner. He believes that right-in, right out turns are safe and U-turns at protected turn lanes are safe. He believes the Bristol Township Highway Commissioner does not support the connection of Kingmoor Lane to the Timber Ridge Subdivision. The Illinois Department of Transportation drafted a landscaping plan and is willing to work with residents on a landscaping plan. No signed agreement with the property owner exists.

Todd Brown of 39 Timberview Lane expressed concern about traffic safety at the entrance at Timber Ridge Subdivision with a U-turn.

Dave Broviak from the Illinois Department of Transportation believed that U.S. 34 will be safe. He stated that a government body needed to take over the leg that is not owned by the State or Yorkville. Bristol Ridge is the lighted U-turn option.

Robert Davidson, Chairman of the Kendall County Planning, Building and Zoning Committee, stated that the Board should not pick an egress/ingress point. If Kingmoor Lane had not been touched, a variance would not be required. The variance application was submitted in the last two months.

Roseann Burnett of 35 Timberview stated that she has no objections to connecting Kingmoor Lane to Timber Ridge Subdivision. She does not want a road in her backyard. She also has concerns about traffic accidents at Kingmoor Lane and U.S. 34. She does not have any concerns about increased traffic from Kingmoor Lane in the Timber Ridge Subdivision.

Tom Conlin stated that Mr. Goodwin knew about the easement when he required his property. Timber Ridge Subdivision does not have that requirement to the residents of Kingmoor Lane.

Stacy Turner of 57 Timberview Lane asked about the turnaround. Chairman Mohr said the Board is not examining this portion of the issue. Ms. Turner asked about garbage collection and snowplowing. She expressed concerns about safety of children in the area with increased traffic.

John Golkosky stated that only 1 person expressed opposition to the connection across from Autumn Creek Blvd.

At 8:35 p.m., Chairman Mohr closed the public hearing on the variance request related to Kingmoor Lane.

Ms. McKay requested clarification between a private drive and private roadway. Mr. Asselmeier responded that, according to the Ordinance, no difference existed.

A question was raised about access to the homes on the Fox River if the variance is not granted. Mr. Asselmeier responded that the Illinois Department of Transportation and the property owner would have to design a road that meets the requirements of the Ordinance.

Chairman Mohr asked why Bristol Township has not provided an opinion on this matter. Mr. Davidson responded that the Commissioner did not want approve the road if the residents of Timber Ridge Subdivision did not want the connection.

Mr. Davidson requested to see the written easement allowing the residents of the Fox River area to use Kingmoor Lane. Will the easement transfer to the new route? Mr. Goodwin is obligated to provide access.

Chairman Mohr questioned the location of landscaping. Landscaping will be limited, if not impossible.

Chairman Mohr presented the Findings of Fact as proposed by Staff and outlined in Section 13.04.A.3 of the Zoning Ordinance and requested a vote on each finding.

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The construction of the infiltration basin at the proposed location creates the necessity of relocating Kingmoor Lane. If a variance is not granted, access to and from

the Fox River single family lots would no longer be available, and the petitioner will be deprived of the ability to perform its easement obligations in favor of those properties.

Ayes (4): Mohr, Cherry, Thompson and Whitfield
Nays (3): Clementi, LeCuyer and McKay
Comments: Mr. LeCuyer and Ms. McKay stated other options were available.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. True, the combination of the location of the infiltration basin, the taking of land by the Illinois Department of Transportation, the length of the private driveway in question, and the nine (9) homes impacted creates unique conditions that would not be applicable, generally, to other properties with the same zoning classification.

Ayes (7): Mohr, Cherry, Clementi, LeCuyer, McKay, Thompson and Whitfield
Nays (0): None

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. True, the difficulty was created because topographical and drainage conditions allowed this site to be chosen as a location for the infiltration basin. If these conditions had not existed, the Illinois Department of Transportation may have selected a different location for the infiltration pond and the requested variance at the subject property would have been unnecessary.

Ayes (0): None
Nays (7): Mohr, Cherry, Clementi, LeCuyer, McKay, Thompson and Whitfield
Comments: Chairman Mohr said that the Illinois Department of Transportation had an interest in the property and the people caused difficulty by the Illinois Department of Transportation's actions are the people in Timber Ridge Subdivision and the people on the Fox River.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The granting of the variation allows the Illinois Department of Transportation to construct this necessary stormwater infrastructure for the Route 34 widening project. The granting of the variation assists the Illinois Department of Transportation in constructing the highway while not creating threats to the public health and safety for the property owners that use Kingmoor Lane to access their properties.

Ayes (0): None
Nays (7): Mohr, Cherry, Clementi, LeCuyer, McKay, Thompson and Whitfield
Comments: Chairman Mohr stated that the people that live on the west side of the Timber Ridge Subdivision will have negative public health and safety issues and declining property values.

Ms. Clementi stated that she would not want a road in her front and back yards.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The granting of the proposed variation will not impair an adequate supply of light and air in reaching adjacent property, increase the danger of fire, negatively impact public safety, or reduce property values. On the contrary, failure to grant the proposed variance will result in a delay of the widen project of Route 34 which could increase congestion on Route 34 (a public street) and negatively impact the health, safety, and welfare of the community because public safety personnel could require additional time to reach their destination(s).

Ayes (2): Cherry and Whitfield
Nays (5): Mohr, Clementi, LeCuyer, McKay and Thompson

Mr. LeCuyer, seconded by Ms. McKay, made a motion to approve the variance. The votes were as follows:

Ayes (0): None
Nays (7): Mohr, Cherry, Clementi, LeCuyer, McKay, Thompson and Whitfield
Absent (0): None

The motion failed.

Mr. LeCuyer and Ms. Clementi stated that they voted no because they believe better solutions exist.

Ms. Clementi added that the street in Timber Ridge Subdivision should be extended.

Ms. McKay questions the difference between a private drive and a private road.

Chairman Mohr noted that Kendall County had no knowledge about tree removal.

Chairman Mohr recessed the meeting from 8:53 p.m. until 9:00 p.m.

PETITION

16-26 John and Sharon Pagel Living Trust

Request: Rezoning from R-1 (One Family Residential District) to R-3 (One Family Residential District)

Location: 2380 Douglas Road (Northeast East Corner of Douglas Road and Burkhart Drive), Oswego

PIN(s): 03-15-251-009

Purpose: Request to Rezone to Allow Petitioner to Subdivide the Property to Construct a Home

Chairman Mohr opened the public hearing at 9:00 p.m. All of the members of the public that wished to speak had been sworn in previously.

Mr. Asselmeier summarized the petition and reviewed the Staff Report. The petitioner desires the map amendment in order to be able to subdivide the property to construct a small house. The adjoining properties are zoned R-1 and R-3. ZPAC had no objections to the proposal. Oswego Township and the

Village of Oswego expressed no concerns regarding the proposal. The Kendall County Regional Planning Commission met in January and unanimously recommended denial of the proposal because of stormwater concerns and concerns related to having a R-3 zoned parcel on the east side of Douglas Road in this area. The petitioner is not requesting any variances.

Daniel Kramer, attorney for the petitioner, said the trend of development is for small, municipal size zoning lots. The zoning request is consistent with the Kendall County Land Resource Management. The subject property is 3.2 acres; the corner portion of the lot is 1.7 acres and the proposed new lot is 1.5 acres. The minimum lot size in R-3 is 45,000 square foot. The area is relatively flat and the neighbors have concerns about stormwater drainage. The new home site is the highest point in the area. There would be less stormwater run-off after the house is constructed. Mr. Kramer supplied pictures of the property and stated that no water was on the property after 2 inch rainfalls in March and April. There is no water today where the house would go on the property despite the recent rains. The cause of water problems in the area do not originate at this property; they are caused by municipal development and the loss of grass water ways. Debris also blocks drainage. The water issues are not a zoning issue, but are building and site development issues.

Brian Johnson, Pinnacle Engineering Group, examined the site for drainage concerns. They measured 1.28 cfs after a recent rain, which is marginal run-off. After a house is constructed and grass is planted, the calculation dropped to 1.19 cfs. Construction of a house and planting grass eliminates erosion and improves vegetation. The stormwater infrastructure in the area needs to be maintained and the culverts cleaned out; this will improve drainage in the area. The public health department has to approve the plans prior to the start of construction.

Merlin Hummel of 18 Ingleshire Road, Montgomery, provided a history of the area from 1893 to the present. He explained the stormwater drainage issues in the area and that the subject property drained slowly. Water remained in basements until May or June. The field at the subject property was often the last one he planted because of water.

Chairman Mohr asked when the subdivision was created. Mr. Asselmeier responded in September 1973.

Glenn Faus of 2951 Douglas Road would like to see accountability for the maintenance of the stormwater infrastructure and the damage caused by the water. He discussed the water flows from Wolf Road. Douglas Road was submerged 2 nights this past week.

Rich Carter of 2507 Douglas Road stated that the pond across Burkhart Drive from the Pagel property is overflowing. The ditch on Douglas Road is full. The water is coming from the subdivision. The water issues are getting worse over time. Areas that absorb water are needed.

Chairman Mohr stated that the water issue will not be solved by building or not building the house in question.

Robert Parnass of 2350 Douglas Road stated that the pictures submitted by the petitioner do not reflect reality. The Pagels submitted a similar petition 30 years ago and they withdrew the petition because of water issues. There is almost always water in the area. He also believed that the request is spot zoning because the other parcels are 3 acres in size and the petitioner wants a smaller lot. He also noted that the soil evaluation stated the soils were unsuited for structures and onsite sewage disposal systems.

Chairman Mohr asked if the other lots could be subdivided. Mr. Asselmeier said a subdivision would be evaluated on a lot by lot basis because the subdivision was platted in September 1973.

Tom Todd of 60 Burkhart Drive said that his sump pump never stops running. Water issues continue to get worse. He asked why the Village of Oswego was allowed to comment on this proposal. Chairman Mohr explained that the subject property was within the 1.5 mile planning jurisdiction of the Village of Oswego.

Chairman Mohr closed the public hearing at 9:59 p.m.

Daniel Kramer distributed a roster of owners near the property that supported the proposal. This includes the owner to the west, the east, and the neighbors at 53 and 59. The petitioner has not had water come through her standpipe during the recent heavy rains. Discussion occurred regarding the Morgan Creek Drainage District and their legal responsibilities.

Ms. McKay asked if the proposed house would have a basement. The house will have a crawl space.

Ms. McKay asked if the land was not farmable because of the flooding. Mr. Kramer responded that a portion of the property has been farmed. She will build the house in the highest area. The land may be good farmland, but it is only 1.5 acres.

A question was raised regarding engineering. Mr. Kramer responded that the site development still needed to be approved.

Chairman Mohr reviewed the Findings of Fact as pertaining to the proposed map amendment:

Existing uses of property within the general area of the property in question. There are rural residential county subdivisions and Village of Oswego municipal subdivisions within the general area.

Ayes (7): Mohr, Cherry, Clementi, LeCuyer, McKay, Thompson and Whitfield
Nays (0): None

The Zoning classification of property within the general area of the property in question. A mix of County R-1, R-2, and R-3 as well as Village of Oswego R-1 and R-2 Zoning classifications are in the area.

Ayes (4): LeCuyer, McKay, Thompson and Whitfield
Nays (3): Mohr, Cherry, and Clementi
Comments: Chairman Mohr stated that this an R-1 subdivision and, outside 1 or 2 lots, it will not be something different.

The suitability of the property in question for the uses permitted under the existing zoning classification. The petitioner desires to rezone the property in order to divide the parcel to construct a smaller home. At least one member of Kendall County Regional Planning Commission believed that the proposed rezoning would not improve (at best) or negatively impact (at worst) the stormwater management practices of the area because the property drains slowly.

Ayes (7): Mohr, Cherry, Clementi, LeCuyer, McKay, Thompson and Whitfield
Nays (0):
Comments: Ms. Clementi stated that she agrees with the stormwater modeling.

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 towards suburban residential growth. However, at least one member of the Kendall County Regional Planning Commission did not believe that the smaller lot size allowed by the proposed rezoning was consistent with the development trends in the area.

Ayes (0): None

Nays (7): Mohr, Cherry, Clementi, LeCuyer, McKay, Thompson and Whitfield

Comments: Chairman Mohr said that the only person the map amendment helps is the petitioner.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed rezoning and construction of a residence would be consistent with the Land Resource Management Plan. However, at least one member of the Kendall County Regional Planning Commission expressed concerns about the precedent this rezoning would set for the area east of Douglas Road.

Ayes (3): LeCuyer, Thompson and Whitfield

Nays (4): Mohr, Cherry, Clementi and McKay

Comments: Chairman Mohr said that the current zoning is consistent with the Land Resource Management Plan.

Mr. Whitfield, seconded by Mr. Cherry, made a motion to approve the map amendment as proposed. The votes were as follows:

Ayes (6): Cherry, Clementi, LeCuyer, McKay, Thompson, and Whitfield

Nays (1): Mohr

Absent (0): None

The motion passed. This proposal will be forwarded to the Planning, Building, and Zoning Committee with a positive recommendation; their next meeting is May 8, 2017 at 6:30 p.m.

NEW BUSINESS/OLD BUSINESS

Mr. Asselmeier provided a memo regarding Section 13.01.B.9 of the Zoning Ordinance pertaining to the Call of Meetings. Mr. Asselmeier also provided a memo regarding Sections 13.01.B.11 and 13.06.D of the Zoning Ordinance pertaining to the votes by Board of Appeals. The consensus of the Board was to have Staff prepare the application for the text amendment and not to have these items be the only items on the agenda.

PUBLIC COMMENT

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Without objection, Chairman Mohr adjourned the Zoning Board of Appeals meeting at 10:16 p.m.

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

KENDALL COUNTY

ZONING BOARD OF APPEALS &/or HEARING OFFICER

May 1, 2017

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








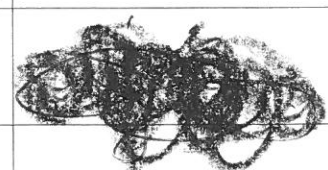
NAME	ADDRESS	SIGNATURE
Antarctica	304 S. SE	
Dox Typei	42 KINGMOOR LN YORKVILLE	
Joe Gmahl	31 Timberview	
Andrew Lamm	58 Kingmoor	
MARY WILLIAMS	50 KINGMOOR LN	
Tom Conk	50 Timber Ridge	
John Gorkosky	43 Timberview Ln	
Michael Roth	2300 Cabot Dr. Lisle	
Brian Johnson	1051 E. MAIN ST., EAST SUITE 217 DUNDEE, IL	

KENDALL COUNTY

ZONING BOARD OF APPEALS &/or HEARING OFFICER







May 1, 2017

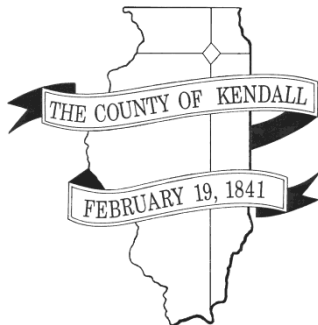
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NAME	ADDRESS	SIGNATURE
Don Kramer	1107 A S. 5th ^{Becky} St Yorkville, IL 60556	
Sharon Pugh	2380 Douglas Rd Omega, IL 60543	
STEVE ANDREWS	IDOT 700 E NARRIS DR OTTAWA, IL	
Todd Bown	39 Timber View Ln Yorkville, IL	
Dave Broviak	IDOT 700 E NARRIS DR	
	244 Jeter	Plano
	35 Timberview	
Stacy Turner	51 Timberview Ln.	

KENDALL COUNTY
ZONING BOARD OF APPEALS &/or HEARING OFFICER
May 1, 2017

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NAME	ADDRESS	SIGNATURE
	18 Ingleshire R.O Morgantown, IL	
RICH CARTER	2501 DOUGLAS RD	
GLENN FRAUS	2951 DOUGLAS R	
Robert Parnass	2350 Douglas Rd	
Tom Todd	Leo Burkhardt Dr.	



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

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17-07**FARM A, LLC****Variance****Private Drive Length****Kingmoor Lane****INTRODUCTION**

As part of the Illinois Department of Transportation's widening project of Route 34, IDOT needed to install stormwater detention facilities at various locations along the road. IDOT chose a portion of the subject property for a stormwater infiltration basin. In order to construct this facility, Kingmoor Lane, a private drive, needed to be rerouted. The rerouted Kingmoor Lane will be placed northeast of the existing road, between the new infiltration basin and the Timber Ridge Subdivision.

Pursuant to § 4.09.A of the Zoning Ordinance and § 10.00.H.10 of the Subdivision Control Ordinance, a private driveway must be a maximum five hundred feet (500') in length. The proposed relocation of Kingmoor Lane is approximately one thousand sixty feet (1,060') in length.

SITE INFORMATION

PETITIONER Farm A, LLC (Managed by Daniel Goodwin)

ADDRESS 8172 Route 34, Yorkville

LOCATION Approximately 0.6 Miles Southwest of Bristol Ridge Road

TOWNSHIP Bristol

PARCEL # 02-27-201-012

LOT SIZE 45.7 acres

EXITING LAND USE Agricultural

ZONING A-1 Agricultural District

LRMP	Current Land Use	Agricultural
	Future Land Use	Planned Rural Residential (Max. Density 0.60 DU/Ac) Suburban Residential (Max. Density 1 DU/Ac) Open Space
	Roads	Route 34 is an Arterial Road
	Trails	A Multi-Use Trail is planned along Route 34
	Floodplain/ Wetlands	No

REQUESTED ACTION Request for a variance to allow for the construction of a private driveway one thousand sixty feet (1,060') in length; five hundred sixty feet (560') longer than currently permitted by Ordinance.

APPLICABLE REGULATIONS §4.09.A of the Zoning Ordinance – General Provisions – Access to Public Streets
 §10.00.H.10 of the Subdivision Control Ordinance – Required Land Improvements – Design Standards
 §13.04 of the Zoning Ordinance – Variation Procedures and Requirements

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Business and Residential (Yorkville and Unincorporated)	B-3 and R-2 (Yorkville Zoning)	Suburban Residential and Parks and Open Space (Yorkville) Planned Rural Residential (Max. 0.60 Du/Ac) and Regional Commercial (Unincorporated)	B-3. R-2 (Yorkville Zoning)
South	Residential (Homes Along the Fox River)	A-1	Open Space	A-1
East	Residential	R-3	Planned Rural Residential (Max. 0.60 Du/Ac)	R-3
West	Agricultural	A-1	Suburban Residential (Max. 1.00 DU/Ac)	A-1

GENERAL

The subject private driveway has been in existence for many years; it appears on the 1939 Kendall County aerials. The driveway services the subject parcel and eight (8) homes along the Fox River. A single home site is also on the subject property.

Kingmoor Lane presently bisects the subject property approximately one hundred ninety feet (190') west of the eastern property line and extends approximately two thousand feet (2,000') south from Route 34.

The current road slightly offsets with the intersection of Route 34 and Autumn Creek Road to the northwest. This intersection possesses a stoplight. After construction of Route 34 is complete, users of Kingmoor Lane will have right-in, right-out access to the private drive, if it is constructed at the location currently proposed. For commuters desiring to go southwest, Bristol Ridge Road is the closest road to the northeast where a U-turn could occur at a lighted intersection.

The proposed relocation would curve the road to the northeast of the stormwater infrastructure as noted in

Attachment 2. This location of the infiltration basin and relocated road were negotiated between the Illinois Department of Transportation and the property owner. The location of the infiltration basin was chosen based off of the topography of the area and the location of wells and septic systems within the Timber Ridge Subdivision.

PRIVATE ROAD REQUIREMENTS

The requirements for a private road can found in §4.09.A of the Zoning Ordinance which states that all private driveways must conform to the requirements of the Subdivision Control Ordinance, regardless of whether or not the private driveway is part of a subdivision. §10.00.H.10 of the Subdivision Control Ordinance lists the following requirements for private driveways as follows:

All private driveways shall conform to the following:

- a. The pavement shall be at twelve inches (12") of crushed limestone, the top six inches (6") of which shall be grade CA6 with a suitable subgrade or the equivalent.
- b. The pavement shall be ten feet (10') wide per lane. Individual driveways which provide access to one lot only may be one lane. Shared driveways shall be two lanes.
- c. All trees and bushes shall be kept at least six feet (6') away from edge of pavement and the lowest limb should be ten feet (10') above the pavement.
- d. The maximum grade shall be 10%.
- e. Shared private driveways that provide access to three or more lots shall conform to the following: Shall not be approved by the County unless there is some desirable condition on the site that could not otherwise be preserved if a public road was provided such as significant trees, topography, water features, historic sites, rural character, etc. Connections to two public streets which would allow through traffic shall not be allowed.
- f. Length from the public street – 500 feet maximum.
- g. Pavement horizontal alignment radius on centerline – 100 feet minimum.
- h. Pavement vertical curve – 10 times the difference in grade, minimum.
- i. Pavement gradient – 10% maximum.
- j. Pavement return radius – 25 feet minimum.
- k. Where turnarounds are required, they shall have an inside radius of 20 feet and outside radius of 45 feet.
- l. The ownership, maintenance responsibility, covenants, and signage requirements are specified in the Appendix of the Subdivision Ordinance.
- m. The private shared driveway shall not be named. The County shall assign addresses on the nearest public street with the suffix A, B, C, etc. corresponding to each lot.

STORMWATER ORDINANCE

The Kendall County Stormwater Management Ordinance, in Section 500.1.e.5, exempts publicly funded highway projects from the permitting requirements. While this project is occurring on private property, the reconstruction of the road is part of a larger publicly funded highway project.

LANDSCAPING

The proposed location of the driveway was wooded. Almost all of the trees have been removed in preparation for the construction of the stormwater infrastructure and relocated Kingmoor Lane.

No landscaping is planned as part of the project.

The Timber Ridge Homeowners Associations has a restriction against fences in the rear yards of properties.

UTILITIES

Per Attachment 3, no utilities will be impacted by the proposed relocation.

BRISTOL TOWNSHIP

To date, Bristol Township has not submitted any comments regarding this proposal.

FINDINGS OF FACT

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

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The construction of the infiltration basin at the proposed location creates the necessity of relocating Kingmoor Lane. If a variance is not granted, access to and from the Fox River single family lots would no longer be available, and the petitioner will be deprived of the ability to perform its easement obligations in favor of those properties.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. True, the combination of the location of the infiltration basin, the taking of land by the Illinois Department of Transportation, the length of the private driveway in question, and the nine (9) homes impacted creates unique conditions that would not be applicable, generally, to other properties with the same zoning classification.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. True, the difficulty was created because topographical and drainage conditions allowed this site to be chosen as a location for the infiltration basin. If these conditions had not existed, the Illinois Department of Transportation may have selected a different location for the infiltration pond and the requested variance at the subject property would have been unnecessary.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The granting of the variation allows the Illinois Department of Transportation to construct this necessary stormwater infrastructure for the Route 34 widening project. The granting of the variation assists the Illinois Department of Transportation in constructing the highway while not creating threats to the public health and safety for the property owners that use Kingmoor Lane to access their properties.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The granting of the proposed variation will not impair an adequate supply of light and air in reaching adjacent property, increase the danger of fire, negatively impact public safety, or reduce property values. On the contrary, failure to grant the proposed variance will result in a delay of the widen project of Route 34 which could increase congestion on Route 34 (a public street) and negatively impact the health, safety, and welfare of the community because public safety personnel could require additional time to reach their destination(s).

RECOMMENDATION

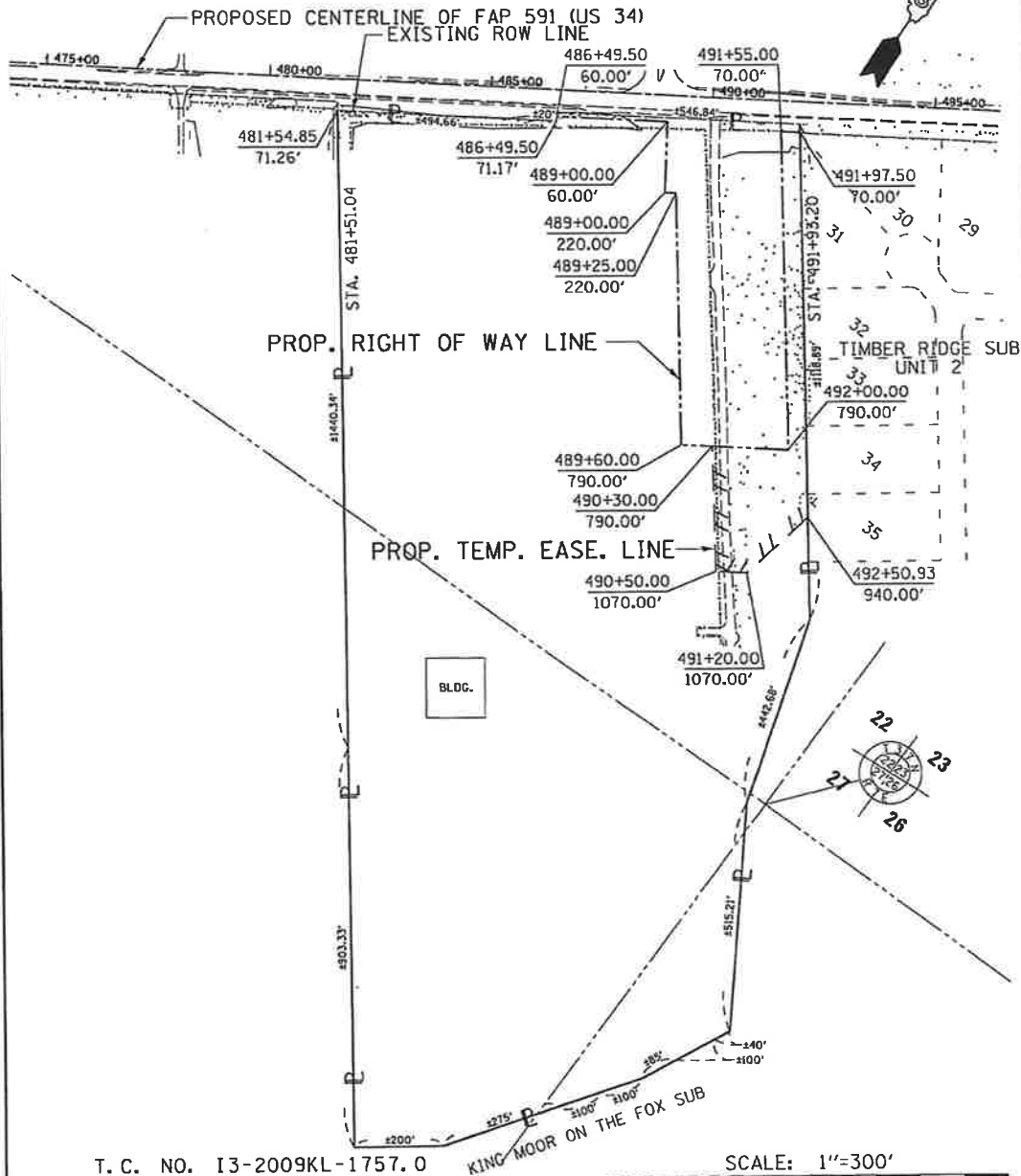
Staff recommends approval of a variance request for the construction of a private driveway which would be approximately one thousand sixty feet (1,060') in length or approximately five hundred sixty feet (560') longer than currently allowed by Ordinance.

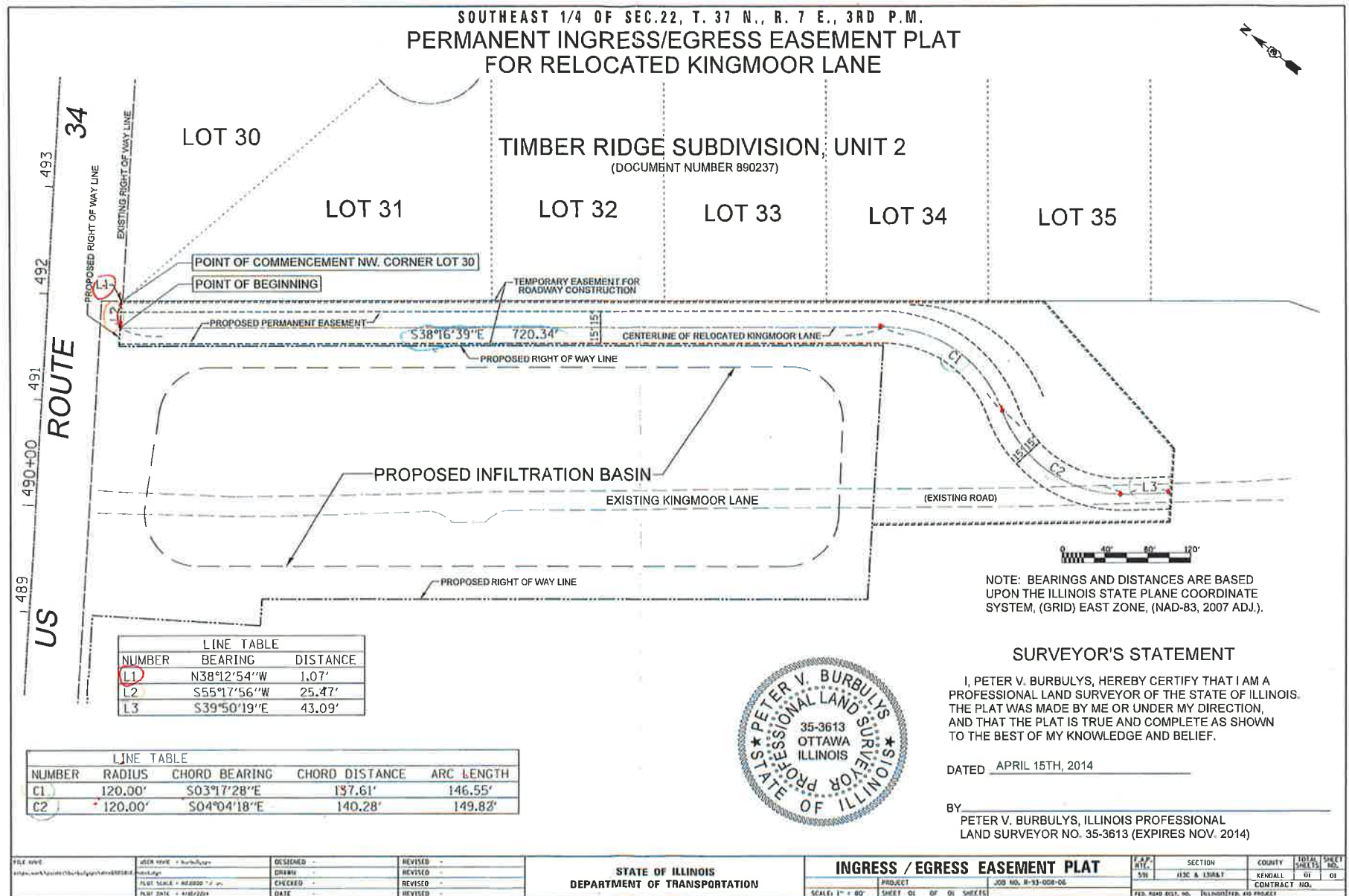
ATTACHMENTS

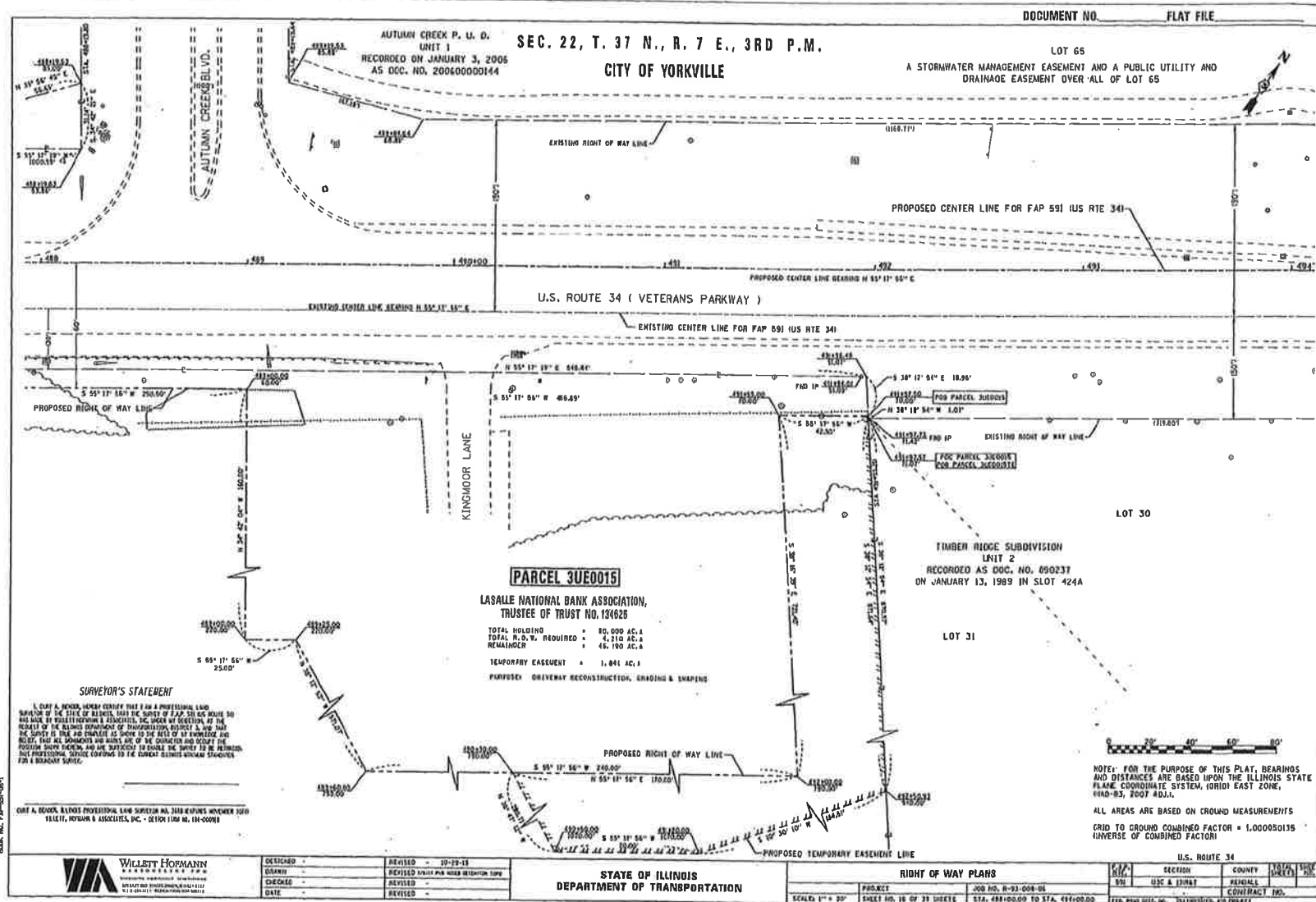
1. Aerial
2. Design Plans
3. Utility Letter

4. Findings of Fact (Applicant's Version)

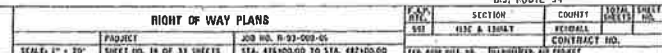










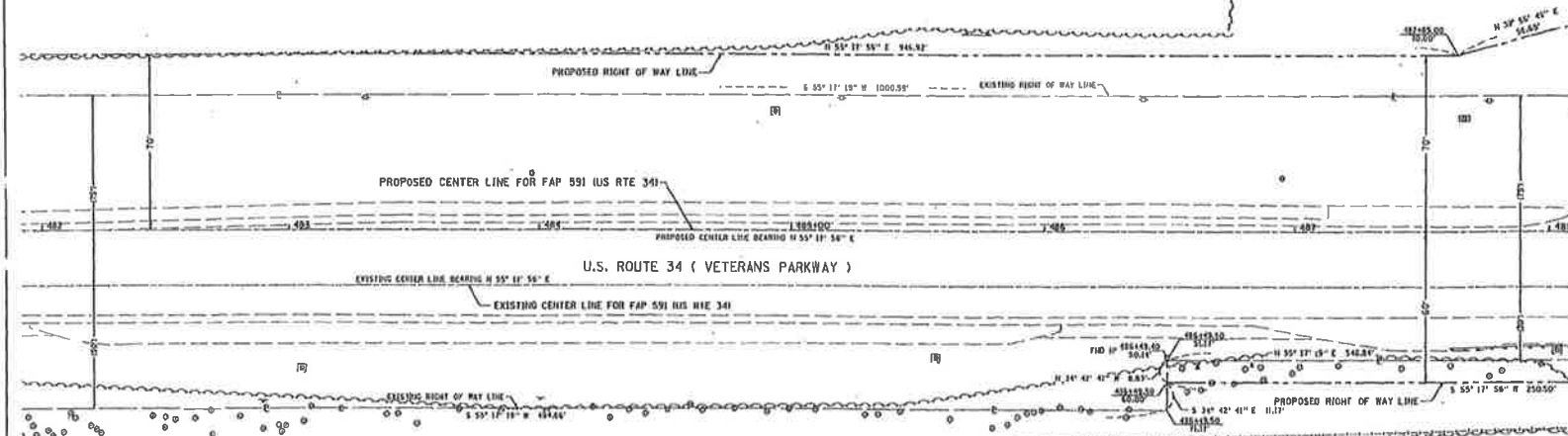


CITY OF YORKVILLE

PARCEL 3UE0040

RICHARD J. THEIDEL

TOTAL HOLDING	=	20,190 AC. ±
TOTAL A.O. R. REQUIRED	=	0,382 AC. ±
REMAINDER	=	20,368 AC. ±



PARCEL 3UE0015

LASALLE NATIONAL BANK ASSOCIATION,
TRUSTEE OF TRUST NO. 134026

SEE SHEET 16 FOR AREAS

SURVEYOR'S STATEMENT

1. GINA A. BROCK, HERBERT CARLOS TAYLOR JR and RUTHLESSMAN, lead
 SWITZERLAND OF THE STATE OF ALABAMA, THAT THE SURVEY OF F.A.P. 151 AS PLACED ON
 WAS MADE BY BELLINI, BOWMAN & ASSOCIATES, INC. UNDER THE SUPERVISION OF THE
 RECORDS OF THE ALABAMA DEPARTMENT OF TRANSPORTATION, DISTRICT 1, AND THAT
 THE SURVEY IS TRUE AND COMPLETE AS SHOWN BY THE FILE OF ALL MEASUREMENTS AND
 BELIEVE THAT ALL MEASUREMENTS AND WORKS ARE OF THE CHARACTER AND QUALITY OF
 THE POSITION SHOWN THEREON, AND ARE SUFFICIENT TO DUBLE THE SURVEY TO BE RECORDED.
 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT RULES REGARDING STANDARDS
 FOR A BOUNDARY SURVEY.

CURT A. BECKER, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3648 EXPIRES NOVEMBER 2014
OFFICE, NORMAN H. ASSOCIATES, INC. • DESIGN FIRM NO. 101400010



DESIGNED	REVIEWED	10-28-13
DRAWN	REVIEWED	
CHECKED	REVIEWED	
DATE	REVIEWED	

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLANS

PROJECT		400 HO. II-93-004-01	SRI	PLC & CDRAT	REDBALL
SCALE: 1" = 20'	SHEET NO. 13 OF 33 SHEETS	STA. 482+00.00 TO 11A, 488+00.00	PER. AND DES. NO.		CONTRACT NO.

U.S. ROUTE 34

NOTE: FOR THE PURPOSE OF THIS PLAY, BEARINGS AND DISTANCES ARE BASED UPON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, GRID EAST ZONE, INAD-83, 2007 ADJ.

ALL AREAS ARE BASED ON GROUND MEASUREMENTS

DRID TO GROUND COMBINED FACTOR = 1.000050135
(INVERSE OF COMBINED FACTOR)



2300 Cabot Drive Suite 455 Lisle, IL 60532-4613

WRITER'S DIRECT NUMBER: (630) 955-6594
DIRECT FAX: (630) 955-4273
INTERNET: Michael.Roth@icemiller.com

March 29, 2015

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

**RE: Farm A, LLC, 8172 Route 34, Yorkville, IL
Variance Application Petition #17-07**

Dear Mr. Asselmeier:

As you know, this variation arises from the relocation of a stormwater filtration basin and the north part of Kingmoor Lane, in conjunction with the state's widening of IL Rt. 34. Kingmoor Lane has always been the sole means of ingress and egress for the residential properties along the Fox River known as "Kingmoor on the Fox." Kingmoor Lane has also always extended more than 500' south from IL Rt. 34, perhaps as a legal, non-conforming private street. We are informed that the relocation of Kingmoor Lane to run along the eastern boundary of the north ½ of the Farm A parcel (to retain that access) requires a variance. Specifically, the variation is needed because after the partial relocation, it will still run more than 500' from IL Rt. 34.

We do not have an ALTA survey for the subject 50 acre parcel that would show the existence or non-existence of any utilities on the parcel. However, neither the owner nor its property manager have knowledge of any utilities in the area of the relocated Kingmoor Lane. They have also searched their files and records, including a 2009 general property survey, and find no indication that there are or were any utilities in the vicinity of relocated Kingmoor Lane. Nor does the County have record of any such utilities in its files.

Mr. Daniel Goodwin is the manager of Farm A LLC, and advises that the utility line supplying power to the Goodwin home depicted on our survey in the variance application packet, is the same utility line supplying power to the Kingmoor on the Fox residences. This line was brought underground by Mr. Goodwin when he built his house in 2008, and runs along the **west** boundary of the Farm A parcel. It is not located in the vicinity of the new, northerly leg of Kingmoor Lane. Nor are there plans to install new utilities on the Farm A parcel.

Steve Andrews, P.E., the IDOT District 3 Land Acquisition Engineer, advises that it has no plans to install new utilities on the Farm A parcel, and that any existing utilities in the area of the *relocated* Kingmoor Lane would have been shown on IDOT site and engineering plans if there were any. The IDOT site and engineering plans show no utilities, and IDOT did not encounter any utilities during its relocation work. Again, the IDOT work only extends about 1,200,' with the rest of Kingmoor Lane leading to the Kingmoor on the Fox residences remaining undisturbed.

As such, no utilities will be impacted by the relocation of Kingmoor Lane.

Sincerely yours,

ICE MILLER LLP



Michael M. Roth

cc:

Steve Andrews, P.E.

Attachment 4-Findings of Fact (Applicant's Version)

Variance Standards

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

The subject parcel is ± 45.73 ac. configured approximately 1,040' frontage on Rt. 34, by approximately 2,328' deep at its deepest point. The property has an address of 8172 Route 34, Yorkville, IL 60560, and is improved with a single homesite/dwelling, a stormwater filtration basin, and a private street, Kingmoor Lane.

Kingmoor Lane presently bisects the subject property approx. 190' west of its eastern property line, extending approx. 2,000' south from Rt. 34. Kingmoor Lane provides the sole means of ingress and egress to the 8 Kingmoor on the Fox single family lots along the Fox River.

As part of an Illinois Department of Transportation ("IDOT") project to widen Rt. 34, Kingmoor Lane and the filtration basin are being relocated east on the subject property. The upgrade and relocation of Kingmoor Lane triggers the need for a variance from Section 4.09A of the Kendall County Zoning Code and Section 10.00.H.10 of the Kendall County Subdivision Code, which together limit Kingmoor Lane to 500' from a public street, Rt. 34. If a variance is not granted, access to and from the Fox single family lots would no longer be available, and the petitioner will be deprived of the ability to perform its easement obligations in favor of those properties.

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

The conditions upon which the requested variation is based are due to existing access conditions and the IDOT taking, which are unique to the subject property.

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

The difficulty was created by the Rt. 34 widening and relocation of Kingmoor Lane, not by the petitioner.

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

The granting of the variation promote the public welfare and benefit other properties in the neighborhood, by preserving access without new construction and resulting traffic in the Timber Ridge Subdivision.

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

The granting of the variation will have no impact on light or air, and will minimize traffic congestion by preserving exiting access without diverting traffic in the Timber Ridge Subdivision. The relocation of an existing street will not substantially impair or diminish any property values.

2014



2017



FileEditViewHistoryBookmarksToolsHelp

Geographic Information System...Kendall County IL

gis.co.kendall.il.us/kendallviewer/


Search

Most VisitedYahooCastlebankGoogleYorkville, Illinois (6056...PTELLThe Ultimate FPV Syst...How Do You Decide W...IP nutritionIP FAQ

Kendall County ILGIS Basic Viewer

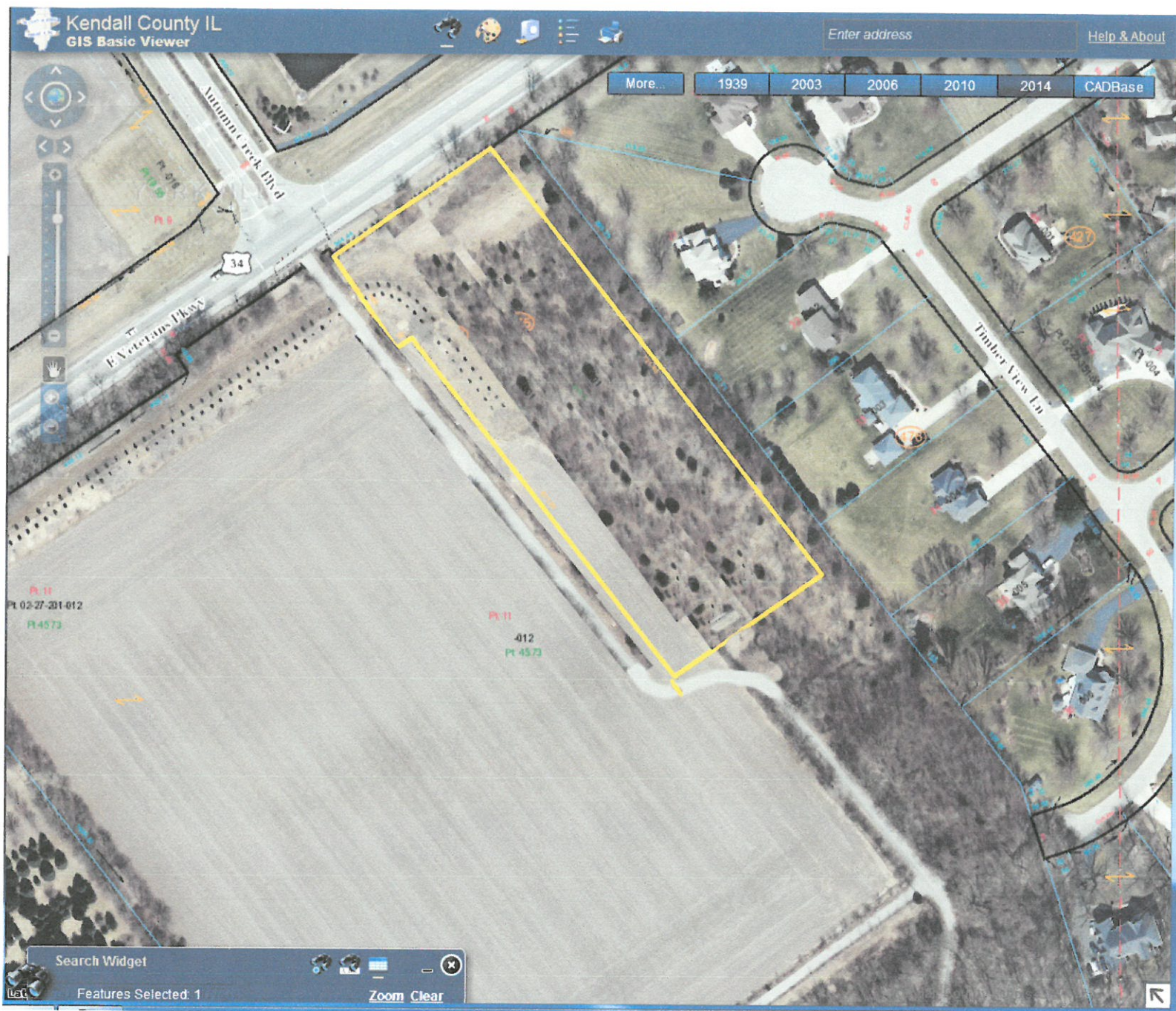
Enter addressHelp & About

More...19392003200620102014CADBBase



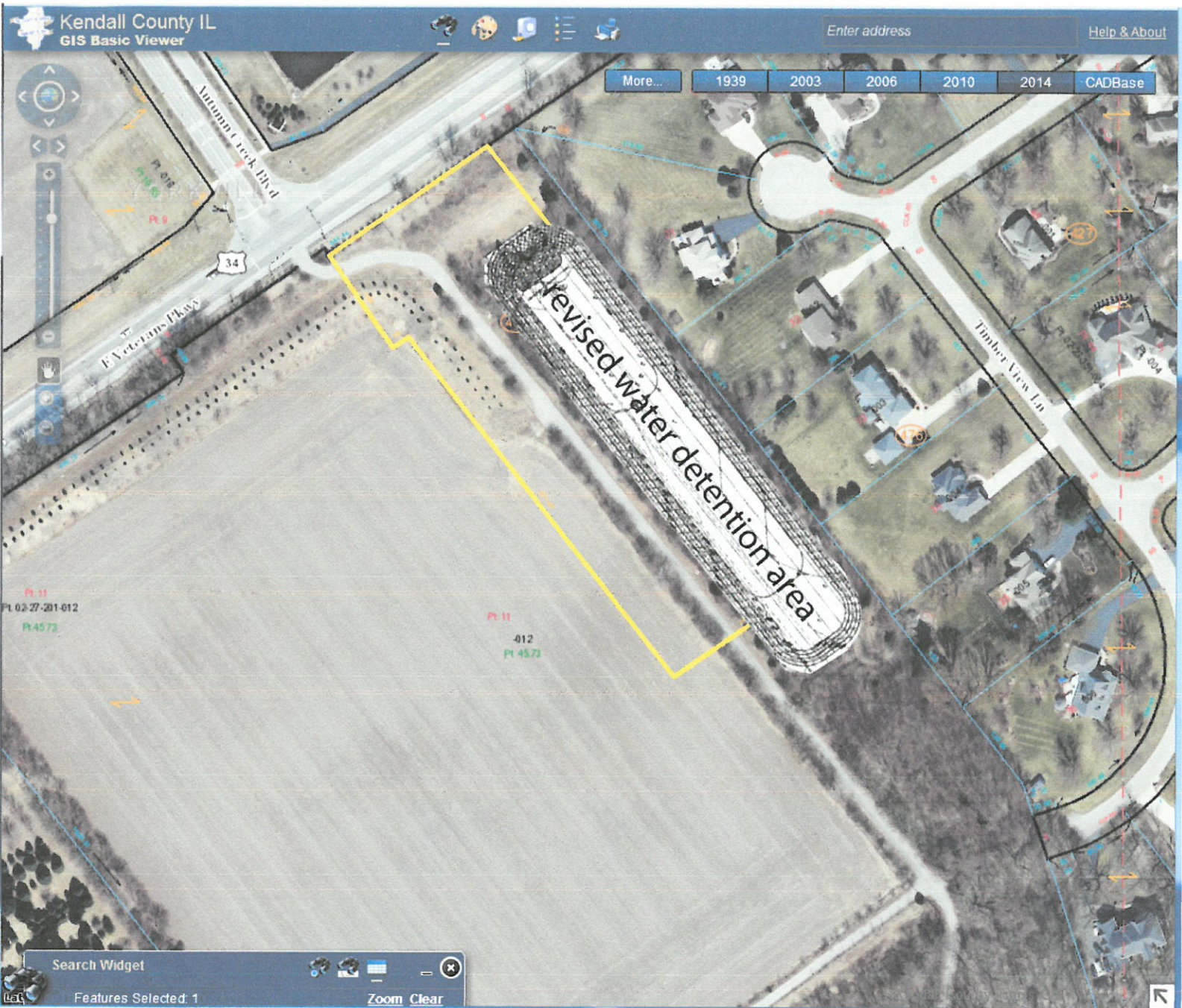
Current location of Kingmoor Lane

Search WidgetFeatures Selected: 1ZoomClear



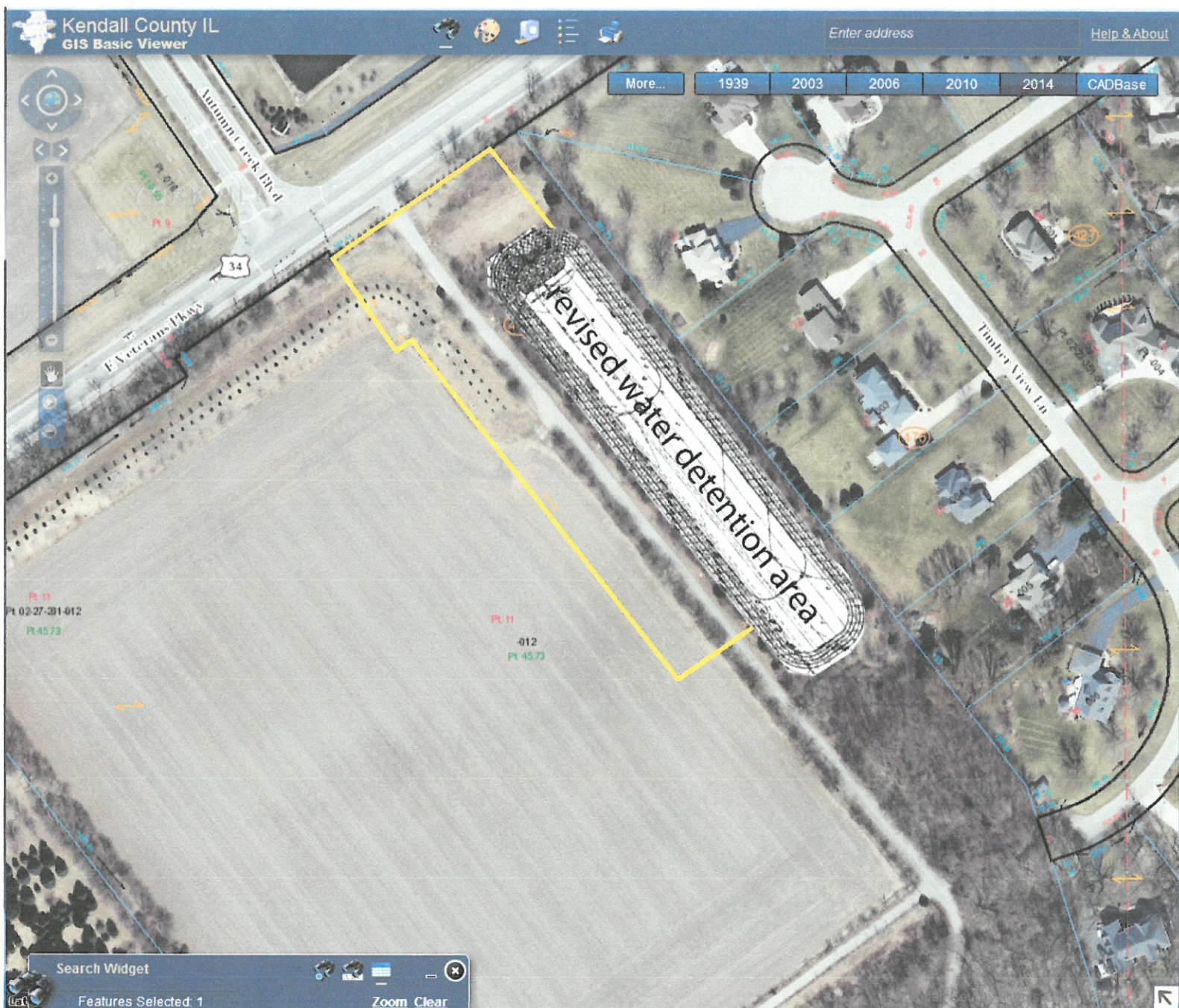
Alternate solution #1: reroute Kingmoor Lane to the west of the detention area (artist rendering)

Provides safe, traffic-light managed east/west ingress and egress for Kingmoor residents, does not disturb Timber Ridge subdivision or proposed detention area plan, efficiently supports future growth



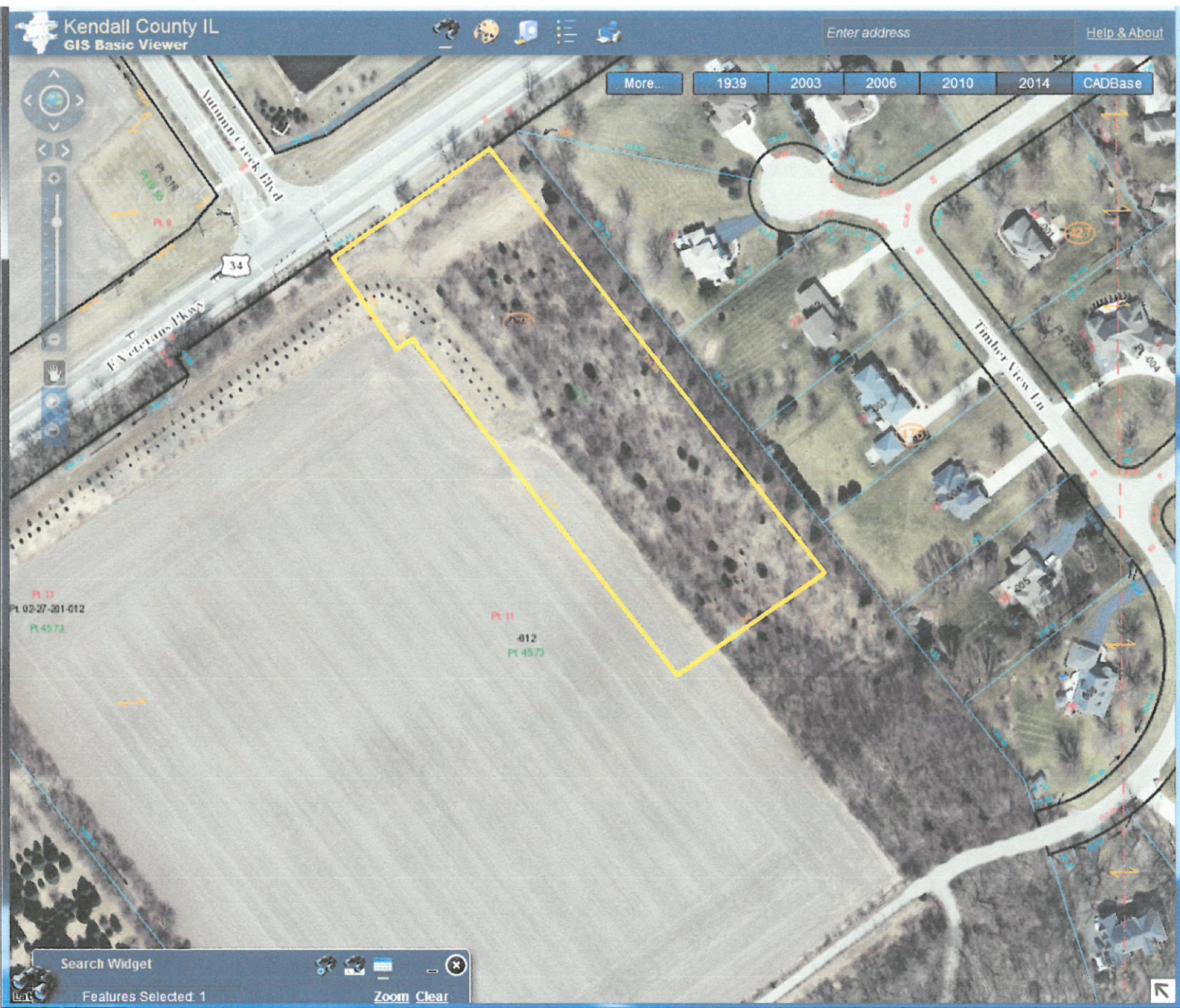
Alternate solution #2: alter detention area and only modify Kingmoor entrance (artist rendering)

Provides safe, traffic-light managed east/west ingress and egress for Kingmoor residents, does not disturb Timber Ridge subdivision, efficiently supports future growth, and no variance required



Alternate solution #3: alter detention area
(artist rendering)

Provides safe, traffic-light managed east/west ingress and egress for Kingmoor residents, does not disturb Timber Ridge subdivision, no variance required



Alternate solution #4: connection to Timber Ridge subdivision (artist rendering)

Improved safety over current proposal; lower construction cost; anticipated in original platting of Timber Ridge; no variance required

Principal meridian described as follows: connecting at a railroad curve now monumenting the original location of a stone in the center of the original Bristol and Oswego Road, described as being 23.05 chains West and 11.02 chains North 35°30'00" East of the southeast corner of said Section 22; thence North 58°30'01" East along the center line of U.S. Route No. 34, a distance of 328.24 feet to a "P.K. nail"; thence continuing North 58°30'01" East along the center line of U.S. Route No. 34, a distance of 15°22'05" East, 442.57 feet; thence North 53°07'32" East, 430.0 feet; thence South 27°31'03" East, 202.43 feet to the northeast corner of Lot 1, King Moor on the Fox; thence South 68°55'41" East along the northeastern line of said lot, 163.0 feet to the northwesterly bank of the Fox River; thence along the northwesterly bank of the Fox River to the southeasterly line of Lot 28, a distance of 180.24 feet; thence North 58°30'01" West, 1278.06 feet to the point of beginning in Bristol Township, Kendall County, Illinois, as shown by the plat, hereon drawn which is a correct representation of said survey and subdivision. All distances shown on curved lines are true arc distances. All distances shown on straight lines are true straight line distances. I further certify that the above described property is within 1/4 mile of the corporate limits of the United City of the Village of Yorkville, Illinois, which has adopted an official plan. We further certify that part of Lot 48 shown hereon is located within a special flood hazard area as identified by the Federal Emergency Management Agency.

Dated at Yorkville, Illinois October 7, 1987

James M. Olson
Illinois Registered Land Surveyor No. 2253

State of Illinois:
County of Kendall:

This is to certify that I, Thomas M. Tanner, am the owner of the above described property and have caused the same to be surveyed and subdivided as shown on the plat hereon drawn and recorded in the office of the County Clerk of Kendall County, Illinois, as shown by the plat, hereon drawn which is a correct representation of said survey and subdivision. All distances shown on curved lines are true arc distances. All distances shown on straight lines are true straight line distances. I further certify that the above described property is within 1/4 mile of the corporate limits of the United City of the Village of Yorkville, Illinois, which has adopted an official plan. We further certify that part of Lot 48 shown hereon is located within a special flood hazard area as identified by the Federal Emergency Management Agency.

Dated at Yorkville, Illinois, this 6th day of June, 1987

Thomas M. Tanner
Notary Public

State of Illinois:
County of Kendall:

I, Anne P. Gault, a Notary Public in and for the County and State aforesaid, do hereby certify that Thomas M. Tanner, personally known to me to be the same person whose name is subscribed to the foregoing certificate appears before me this day in person and acknowledges to me that he is the owner of the above described property and has caused the same to be surveyed and subdivided as shown on the plat hereon drawn and recorded in the office of the County Clerk of Kendall County, Illinois, as shown by the plat, hereon drawn which is a correct representation of said survey and subdivision. All distances shown on curved lines are true arc distances. All distances shown on straight lines are true straight line distances. I further certify that the above described property is within 1/4 mile of the corporate limits of the United City of the Village of Yorkville, Illinois, which has adopted an official plan. We further certify that part of Lot 48 shown hereon is located within a special flood hazard area as identified by the Federal Emergency Management Agency.

Anne P. Gault
Notary Public

State of Illinois:
County of Kendall:

I, Floyd Hood, do hereby certify that all matters pertaining to the highway requirements as described in the regulations governing plats adopted by the County Board of Kendall County, Illinois, as they pertain to the amended plat, have been complied with.

State of Illinois:
County of Kendall:

I, Floyd Hood, do hereby certify that all matters pertaining to the highway requirements as described in the regulations governing plats adopted by the County Board of Kendall County, Illinois, as they pertain to the amended plat, have been complied with.

Floyd Hood, Township Highway Commissioner

State of Illinois:
County of Kendall:

Approved by the City Council of the United City of the Village of Yorkville, Kendall County, Illinois, this 19th day of June, 1987

Depository Turnaround Statement
to be automatically terminated
when Timber Line Road is
extended by dedication.

All lots as delineated in the above plat are subject to payment of fees pursuant to the Land Cash Ordinance of the County of Kendall, Illinois, as amended requiring payment of such fees.

State of Illinois:
County of Sangamon:

Approved by the Department of Transportation of the State of Illinois insofar as this subdivision plat showing land bordering the portion of Sangamon River, relating to the portion of Sangamon River, Lakes and Streams, approved June 10, 1981 as amended requiring review and approval of said department as to the boundary line between private interest and public interest.

Dated at Springfield, Illinois, this 11th day of June, 1987

Approval Recommended: *James M. Olson*
Director

By: *James M. Olson*
Secretary

State of Illinois:
County of Kendall:

Approved by the Plan Commission of the United City of the Village of Yorkville, Kendall County, Illinois, this 3rd day of June, 1987

James M. Olson
Chairman

State of Illinois:
County of Kendall:

Approved by the Building, Zoning and Land Use Committee, this 19th day of June, 1987

State of Illinois:
County of Kendall:

Approved this 11th day of January 1989

Lot 48 is a Common Area as described in the Covenants, Conditions and Restrictions recorded herewith. All of Lot 48 may be used for storm water retention and for drainage purposes.

State of Illinois:
County of Kendall:

Approved by the President of the Community Bank of Plano, Mortgagee, this 10th day of June, 1987

James M. Olson
Title: President

State of Illinois:
County of Kendall:

I, Joseph Baster, County Superintendent of Highways of Kendall County, do hereby certify that the above described plat, has been examined by me and found to comply with the requirements set forth in the regulations governing plats of subdivided land adopted by the County Board of Kendall County, Illinois.

Dated at Yorkville, Illinois, this 21st day of May, 1988

Joseph Baster
Joseph Baster, Kendall County Highway Superintendent

State of Illinois:
County of Kendall:

Approved by the County Board of Kendall County, Illinois, this 14th day of June, 1988

James M. Olson
County Clerk

This is to certify that I, *James M. Olson*, County Clerk, in and for the County and State aforesaid, find no redeemable tax sales, no unpaid forfeiture taxes, no delinquent general taxes, and no unpaid current taxes against the real estate described in the foregoing surveyor's certificate.

Dated at Yorkville, Illinois, this 10th day of June, 1988

James M. Olson
County Clerk

State of Illinois:
County of Kendall:

This instrument No. 2323, was filed for record in the Recorder's Office of Kendall County, Illinois, on the 3rd day of January, 1989, at 10 o'clock P.M., and was recorded in Cabinet 3 of Plats at Stor 4242.

James M. Olson
Kendall County Clerk

AS FOLLOWS: Commencing at a railroad spike location of a stone in the center of the Road, described as being 23.05 chains West 1°00' West of the southeast corner of said 30'01" East along the center line of U.S. 328.24 feet to a "P.K." nail; thence continuing said center line, 1042.32 feet for the point 5°00'06" East, 1148.93 feet; thence South thence North 53°07'32" East, 430.0 feet, 202.43 feet to the northernmost corner of; thence South 68°55'43" East along the line, 163.0 feet to the northwesterly bank theasterly along said northwesterly bank Lot 24, Timber Ridge Subdivision, Unit 1 thence along all of the westerly boundary to the center line of U.S. Route No. 34; 1278.06 feet to the point of beginning County, Illinois as shown by the plat hereon representation of said survey and subdivision, feet and decimal parts thereof. All distances are arc distances.

the above described property is within limits of the United City of the Village of an official plan. We further certify that is located within a special flood hazard Federal Emergency Management Agency.

Wille, Illinois October 7, 1987

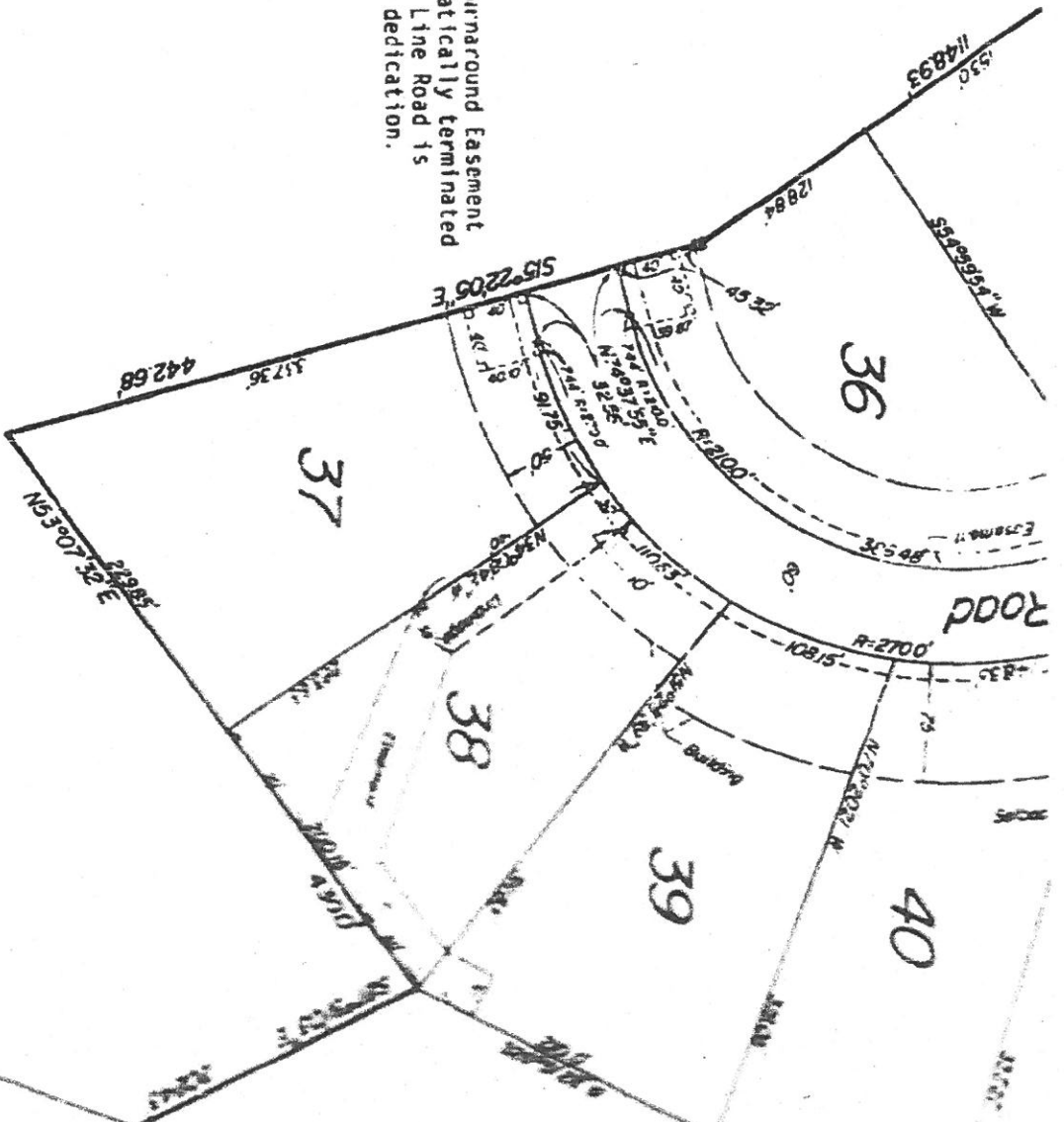
James M. Olson
Registered Land Surveyor No. 2253

certify that I, Thomas W. Tanner, am the property and that I have caused the same to be plotted for the uses and purposes herein provided by statute. The subdivision is to division, Unit No. Two, Bristol Township. I hereby acknowledge and adopt the same resaid.

this 6TH day of JUNE, 1988

Thomas W. Tanner

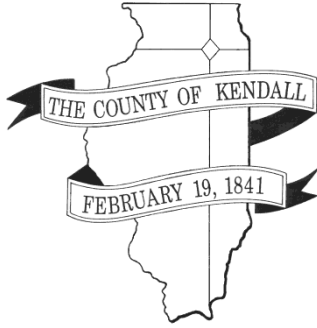
Empire Turnaround Easement to be automatically terminated when Timber Line Road is extended by dedication.



All lots as delineated in the above plat are subject to payments of fees pursuant to the Land Cash Ordinance of Kendall County as administered by the Kendall County Building and Zoning Office, and is a covenant running with the land. A recordable release will be issued upon payment of such fees.

State of Illinois :
County of Sangamon:

Approved by the Department of Transportation of the State of Illinois insofar as this subdivision plat showing land bordering upon or including public waters of the State of Illinois, relating to the portion of Section 7 of "An Act in Relation to the Regulation of Rivers, Lakes and Streams" approved June 10, 1911 as amended requiring review and approval of said department as to the boundary line between



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

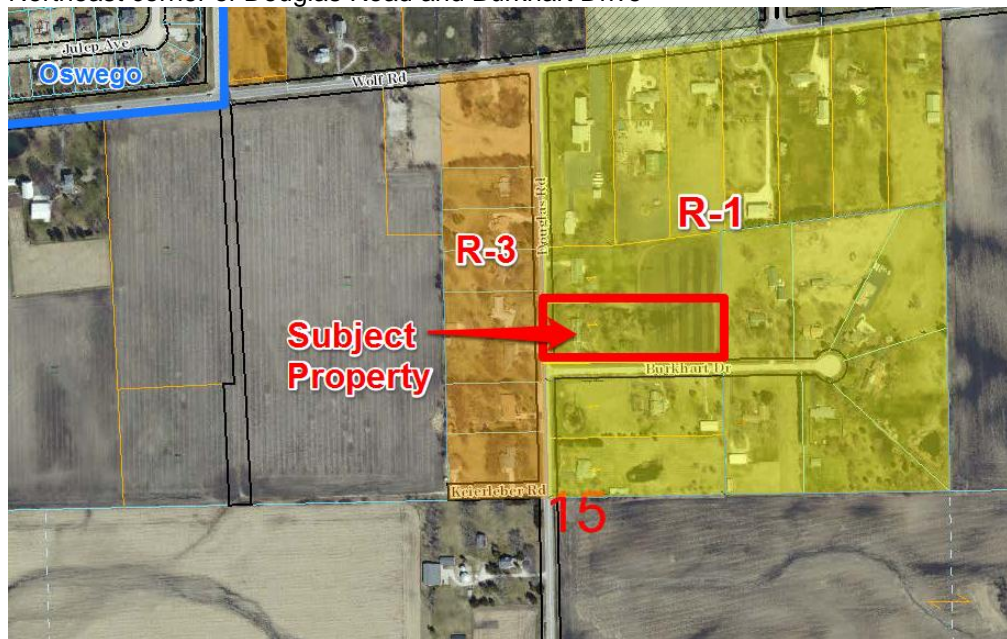
Petition 16-26 Pagel Zoning Map Amendment R-1(One-Family Residence) to R-3 (One-Family Residence)

SITE INFORMATION

PETITIONER John & Sharon Pagel Living Trust

ADDRESS 2380 Douglas Road, Oswego

LOCATION Northeast corner of Douglas Road and Burkhardt Drive



TOWNSHIP Oswego

PARCEL # 03-15-251-009

LOT SIZE 3.2 acres

EXITING LAND USE Vacant

ZONING R-1 (One-Family Residence)

LRMP

Land Use	Suburban Residential (Max 1.00 du/ac)
Roads	Douglas Road is a Major Collector
Trails	None

Floodplain/ Wetlands	None
-------------------------	------

REQUESTED ACTION Zoning Map Amendment to rezoned from R-1 to R-3
 APPLICABLE REGULATIONS Section 13.07 – Amendments

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family	R-1	Suburban Residential	R-1; Ag-SU, Oswego
South	Single-Family	R-1	Suburban Residential	R-1; Ag
East	Single-Family	R-1	Suburban Residential	R-1; Ag
West	Single-Family	R-3	Suburban Residential	R-3; Ag

PHYSICAL DATA

ENDANGERED SPECIES REPORT

No record of endangered species was found and IDNR terminated the consultation.

NATURAL RESOURCES INVENTORY

The Executive Summary is attached.

ACTION SUMMARY

OSWEGO TOWNSHIP

Expressed no concerns regarding this proposal.

VILLAGE OF OSWEGO

Expressed no issues regarding this proposal.

ZPAC

ZPAC reviewed this proposal on December 6, 2016. They expressed concerns regarding the potential of the proposed lot interfering with the existing septic field, setback issues on Douglas Road and right-of-way issues on Douglas Road. All of these concerns have been addressed. ZPAC unanimously recommended approval of this proposal.

RPC

RPC reviewed this proposal on January 25, 2017. Five members of the public expressed their concerns about the impact of the proposal on stormwater in the area and that stormwater was already a problem. The RPC unanimously recommended denial of the proposal on the grounds that the property would not be suitable for an additional house because of stormwater issues and because the trend in the general area is not for houses and uses allowed within the R-3 Zoning District.

MAP AMENEDMENT

The Pagel's would like to split their existing 3.2-acre lot to allow for construction of an additional home. To meet zoning lot size requirements, this would require the proposed rezoning from R-1 (minimum 130,000 sq. ft.) to R-3 (minimum 45,000 sq.) lot. The result would be two lots of approximately 1.5 acres, both meeting all setback and lot area requirements. The county's Land Use Plan identifies this area as Suburban Residential, which suggests a minimum lot size of one acre.

The property to the north, south, and east is all zoned for larger R-1 lots, while the property to the west is zoned and developed as R-3 along Douglas Road. North of Wolf Road (approximately ¼ mile to the north) are single-family lots in Oswego of approximately 8,000 sq. ft.

The existing parcel extends to the centerline of Douglas Road. The Zoning Plat shows a reservation of a 33'

KCRPC Memo – Prepared by Mike Hoffman – Dec. 1, 2016, Revised by Matthew Asselmeier –

1/26/17

Page 2 of 3

area for the ½ roadway. The Highway Department expressed no concerns about this proposal.

BUILDING CODES

A building permit will be required for the construction of the proposed home.

STORMWATER MANAGEMENT

This proposal will not require a stormwater management permit.

CONCLUSION

The rezoning of the subject property from R-1 to R-3 is consistent with the County's Land Use Plan.

ATTACHMENTS

1. Zoning Plat
2. Findings of Fact as Submitted by the Petitioner
3. Natural Resource Inventory Executive Summary
4. ZPAC Minutes of December 6, 2016
5. RPC Minutes of January 25, 2017

DEVELOPER:

John and Sharon Pagel
2380 Douglas Road
Oswego, Illinois 60543

AREA TO BE REZONED:

143645 Sq.Ft. = 3.2972 Acres

PRESENT ZONING:

R-1 (Residential District)

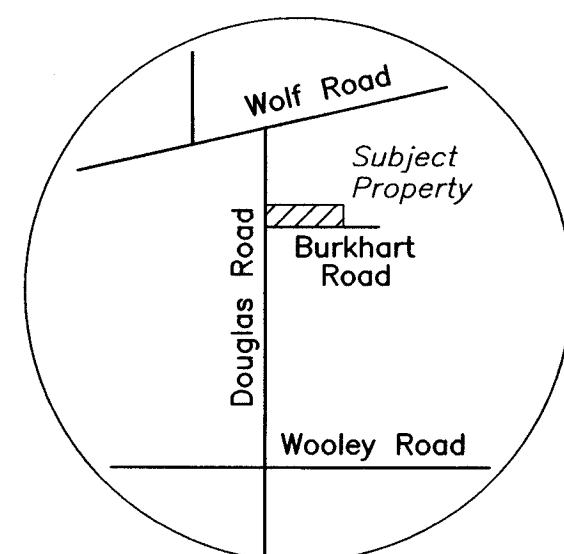
PROPOSED ZONING:

R-3 (Residential District)

P.I.N.

03-15-251-009

ZONING PLAT OF PART OF THE NORTH HALF OF SECTION 15, T37N-R8E, 3rd PM OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS



LOCATION SKETCH
Not to Scale

PIN 03-15-176-002
Ronald L. & Barbara I.
Vaurinek
R-3
Lot 3

PIN 03-15-176-003
John R. & Penelope B. Campbell
R-3
Lot 4

PIN 03-15-17-004
Paul M. & Betty J. Ivemeyer Trust
R-3
Lot 5

PIN 03-15-176-005
Elaine M. Nichols
R-3
Lot 6

SCALE
1"=50'

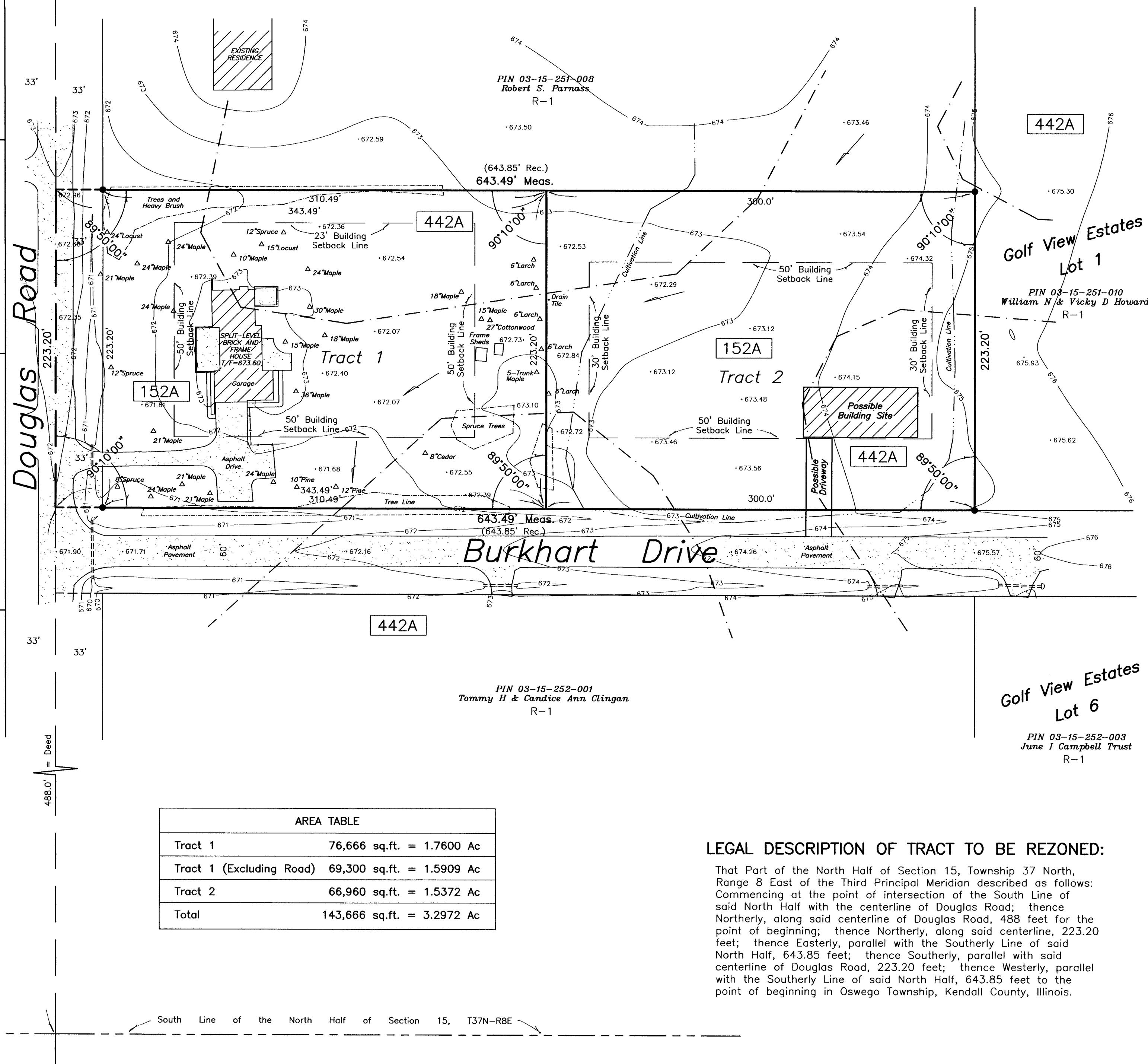
- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Soils Boundary
- Indicates Direction of Drainage
- 672.40 Indicates Existing Spot Elevation
- 672 - Indicates Existing Contour Elevation

NOTE: This property is commonly known as 2380 Douglas Road.

Soil Type
(USDA/NRCS - Kendall County, 2015)

152A Drummer Silty Clay Loam, 0%-2% slopes
442A Mundelein Silt Loam, 0%-2% slopes

NOTE: The Subject Property is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as depicted on FEMA Flood Insurance Rate Map Number 17093C0058G with an effective date of February 4, 2009.



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

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

JOB NO. 16062
JOB NAME PAGEL
DWG FILE 16062

August 1, 2016

Attachment 2-Findings of Fact as Submitted by the Petitioner

Existing uses of property within the general area of the property in question. **Rural residential county subdivisions and Village of Oswego municipal subdivisions.**

The Zoning classification of property within the general area of the property in question. **A mix of County R-1, R-2, and R-3 as well as Village Oswego R-1 and R-2.**

The suitability of the property in question for the uses permitted under the existing zoning classification. **The area sought to be rezoned to permit the building of an additional residence to allow the Petitioner to downsize makes an economic and practical use of the land that sits idle and not farmed nor used for any utilitarian purpose.**

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 is towards suburban residential growth.**

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The proposed zoning and construction of residence would comply with all land use and setbacks with no variances; consistent with the Kendall County LRMP in that it is contiguous with other rural residential growth; and is located within contiguous growth area of the Village of Oswego.**

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Sharon Pagel for the proposed Pagel project. This parcel is located in Section 15 of Oswego Township (T.37N.-R.8E. of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board 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 98 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. All of the soils identified onsite are designated as prime farmland.

For proposed land uses, soils can have potential limitations. This report indicates that for soils located on the parcel, 100% of the soils are very limited for dwellings with basements and shallow excavations; 63.6% of the soils are very limited for dwellings without basements, lawns/landscaping are rated as unsuitable for onsite sewage disposal systems. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Based on the application submittal, soil testing has been completed onsite by a Certified Soil Classifier; this data compiled from onsite testing should be referenced during project design. 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 Fox River Watershed and Waubonsie 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).

Chair

Date

Attachment 4
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 6, 2016 – Meeting Minutes

Mike Hoffman called the meeting to order at 9:06 a.m.

Present:

Fran Klaas – Highway Department
Aaron Rybski – Health Department
David Guritz- Forest Preserve
Mike Hoffman- Teska
Jason Langston – Sheriff's Office

Absent:

Greg Chismark – WBK Engineering, LLC
Megan Andrews – Soil & Water Conservation District
Brain Holdiman- PBZ Department

Audience: No one in attendance

AGENDA

Mr. Klaas made a motion, seconded by Mr. Guritz, to approve the agenda. With a voice vote the motion carried.

MINUTES

Mr. Klaas made a motion, seconded by Mr. Guritz, to approve the September 6, 2016 meeting minutes with a correction to the spelling of Mr. Klaas's name. With a voice vote of 5-0 ayes, the motion carried.

PETITIONS

Petition 16-26 – Pagel

Mike Hoffman summarized the petition, noting the request to rezone approximately 3 acres from R-1 to R-3 to allow the lot to be split into two parcels and an additional home constructed. He noted that there is property zoned R-3 immediately to the west. Mr. Rybski noted that his office did not have a record of the septic field for the existing home, and would like to make sure that the proposed lot would not interfere with that existing field. Mr. Hoffman noted he would raise the issue with the applicant. Fran Klaas asked if they plan to submit for a two lot subdivision, and noted a potential issue with right-of-way dedication along Douglas Road with how it might impact the setback of the existing home. Mr. Hoffman suggested he would follow-up with the applicant's attorney Mr. Kramer.

Mr. Klaas made a motion, seconded by Mr. Guritz to recommend approval and move the case on to the January 25th, 2017 Regional Planning Commission meeting. Approved unanimously via voice vote.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Hoffman noted that the Lasky plat of vacation (16-17) was approved by the County Board in September and both the High Grove rezoning and preliminary/final plat (16-21) were approved by the County Board in October. He also noted that the Bluffs Inc. d/b/a Cider Creek special use (16-25) was also approved by the County Board on October 17th, 2016.

OLD BUSINESS - None

NEW BUSINESS

Mr. Hoffman noted that an updated schedule for planning and zoning activity was being created, and ask if the committee was comfortable maintaining the same first Tuesday of the month meeting schedule. All members present confirmed that was acceptable.

PUBLIC COMMENT - None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Klaas, to adjourn. With a voice vote of all ayes, the motion carried. The

ZPAC, at 9:16 am, adjourned.

**ATTACHMENT 5
KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of January 25, 2017

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

ROLL CALL

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

Staff present: Matthew H. Asselmeier, Senior Planner

Members Absent: Tom Casey and Claire Wilson

In the Audience: Dan Kramer (Representing the John and Sharon Pagel Living Trust), Bob Parnass, Melvin Hummel, Darrin Hummel, Debbie Wotski, and Rich Carter

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the November 30, 2016 minutes. With a voice vote of all ayes, the motion carried.

Mr. Ashton introduced Matt Asselmeier, the new Senior Planner for Kendall County, and Ruben Rodriguez, a new Commissioner.

PETITIONS

16-26 John and Sharon Pagel Living Trust

Mr. Asselmeier briefly reviewed the case, summarizing the staff memorandum. Mr. Kramer then presented information on behalf of the petitioner. Mr. Kramer stated Ms. Pagel desired to subdivide the property because she wanted to build a smaller home, which would not be allowed in the existing R-1 District because of minimum lot size. The estimated square footage of the proposed house was 1,600 square feet. Mr. Kramer said that the soils were suitable for septic and that the new construction would not negatively create additional stormwater issues. The proposal would not create any setback issues.

Ms. Zubko asked about the creation of the subdivision. Mr. Kramer stated that it was an old assessor's plat.

Ms. Zubko asked if any water issues existed. Mr. Kramer said that drain tile was in place and that the existing septic system was located near the existing house.

Mr. Wormley expressed concerns about bad soils which causes two (2) demolitions in the area because of foundation issues. Mr. Kramer stated that a foundation study occurred and that the proposed house would be built without a basement.

Mr. Rodriguez asked about current conditions during heavy rain events. Mr. Kramer said minimum elevation changes occurred on the property, with no floodplain or wetland in the area, and that the Kendall County Planning, Building & Zoning Department would have to review and approve the grading plans for the proposed house.

Mr. Nelson stated that any new stormwater issues created by the proposed home would be minimal.

Mr. Ashton discussed the berm on the west side of the new lot.

Bob Parness, 2350 Douglas Road, expressed concerns about high water and poor drainage in the area.

Mevlin Hummel, 18 Ingleshire Road, provided a history of the area and stated that high water had been a problem in the area for a long period of time. Mr. Hummel's family owned the property at 2507 Douglas since 1893. Mr. Hummel stated that he opposed the subdivision until the installation of necessary tiles.

Debbie Wotski, 2374 Wolf Road, discussed stormwater issues. Ms. Wotski also requested improvements to Wolf Road before new houses are constructed in the area.

Rich Carter, 2507 Douglas, also explained stormwater issues in the area.

Ms. Zubko expressed concerns about the precedent of placing R-3 zoning on the east side of Douglas Road.

Mr. Kramer discussed the topography of the area and the stormwater management facilities needed if Wolf Road is widened as proposed. Mr. Kramer stated that a new house would not impact water volume and that any water issues would be addressed as part of the building permit review process.

Mr. Nelson expressed concerns regarding spot zoning and that new structures, both primary and accessory, could be constructed on the property by successive property owners in the future.

Ms. Zubko stated that she did not believe the proposal was consistent with the development trend in the area.

Ms. Zubko moved to approve, seconded by Mr Shaw. With a roll call vote:

Yes – None (0)

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

The motion failed.

The Commission requested that Mike Hoffman prepare a memo regarding zoning breaks.

OLD BUSINESS

None

NEW BUSINESS

Mr. Asselmeier requested the Commission's opinion of the Annual Meeting. The Commissioners agreed by consensus to hold the Annual Meeting on February 25th at 9:00 a.m. in the Board Room. Media contacts should be added to the list of invitees.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Rich Carter asked to be informed of future meetings regarding the Pagel proposal and asked for the County to investigate the existing retention ponds near the Pagel property to ensure that they were being properly maintained.

ADJOURNMENT

Ms. Zubko made a motion, seconded by Mr. Shaw, to adjourn. With a voice vote of all ayes, the motion carried. The Regional Plan Commission meeting adjourned at 8:20 p.m.

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

LAW OFFICES
OF

Daniel J. Kramer

DANIEL J. KRAMER

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

**KELLY A. HELLAND
D.J. KRAMER**

January 30, 2017

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

VIA: Fax (553-4179) and E-Mail (Masselmeier@co.kendall.il.us)

Re: Kendall County Petition 16-26 John and Sharon Pagel Living Trust

Dear Mr. Asselmeier:

Please be advised that my client would hereby request the above referenced Petition be continued to the May Zoning Board of Appeals meeting for public hearing. In reviewing the comments from the public and the Zoning Board of Appeals my client believes it would be advantageous to provide evidence of any water accumulation on the property or in the vicinity of the proposed rezoning. We believe that by May 2017 any snow accumulation will have melted and the rainier portion of the spring will have occurred.

I will be in attendance at tonight's meeting and request for a continuance of the same in person.
Very truly yours,

Kelly A. Helland

Kelly A. Helland
Attorney at Law

KAH/lgc

area for the ½ roadway. The Highway Department expressed no concerns about this proposal.

BUILDING CODES

A building permit will be required for the construction of the proposed home.

STORMWATER MANAGEMENT

This proposal will not require a stormwater management permit.

FINDINGS OF FACT

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. The findings of fact submitted with the application are included with exhibits. The petitioner & staff have answered as follows:

Existing uses of property within the general area of the property in question. There are rural residential county subdivisions and Village of Oswego municipal subdivisions within the general area.

The Zoning classification of property within the general area of the property in question. A mix of County R-1, R-2, and R-3 as well as Village of Oswego R-1 and R-2 Zoning classifications are in the area.

The suitability of the property in question for the uses permitted under the existing zoning classification. The petitioner desires to rezone the property in order to divide the parcel to construct a smaller home. At least one member of Kendall County Regional Planning Commission believed that the proposed rezoning would not improve (at best) or negatively impact (at worst) the stormwater management practices of the area because the property drains slowly.

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 towards suburban residential growth. However, at least one member of the Kendall County Regional Planning Commission did not believe that the smaller lot size allowed by the proposed rezoning was consistent with the development trends in the area.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed rezoning and construction of a residence would be consistent with the Land Resource Management Plan. However, at least one member of the Kendall County Regional Planning Commission expressed concerns about the precedent this rezoning would set for the area east of Douglas Road.

CONCLUSION

The rezoning of the subject property from R-1 to R-3 is consistent with the County's Land Use Plan.

ATTACHMENTS

1. Zoning Plat
2. Findings of Fact as Submitted by the Petitioner
3. Natural Resource Inventory Executive Summary
4. ZPAC Minutes of December 6, 2016
5. RPC Minutes of January 25, 2017
6. January 30, 2017 Letter Requesting a Layover until May.



Taken March 14, 2017 - The area around the corner of the lot.
There was some ice on the ground for 20 years, and the water was still there.



Taken March 14, 2017 - A lot of mud.



Taken March 14, 2017 - Suburban yard on north side of street.
Immediately across from property line. A lot
of grass on the ground during 2017. Taken.



Taken March 14, 2017 - Looking across the field.



Taken March 14, 2017
Looking across
with the field
looking into the water.





Taken April 14, 2017 - View looking at the road from the pond. The road is the same as the one in the photo taken on November 1, 2016.



Taken April 14, 2017 - View looking at the road from the field.



Taken April 17, 2017 - View of the road looking towards the pond. The road is the same as the one in the photo taken on November 1, 2016.



Taken April 14, 2017



Taken April 14, 2017



Taken April 14, 2017



Taken April 14, 2017
View looking at the road from the pond. The road is the same as the one in the photo taken on November 1, 2016.





MEMO

To: Sharon Pagel
2380 Douglas Road
Oswego, Illinois 60543

From: Brian D. Johnson, P.E., CPESC

Date: April 14, 2017

Re: **Future Pagel Residence (Tract 2) – Drainage Review**
2380 Douglas Road, Oswego, IL
Kendall County

Pinnacle Engineering Group has reviewed the above referenced site for the one potential single family home development as it relates to existing and proposed drainage conditions. During this review, PEG utilized available public GIS information found on the Kendall County website and detailed survey information provided by Phillip D. Young and Associates, Inc.

Existing / Current Conditions

The existing parcel (PIN: 03-15-251-009) located at the NE corner of Douglas Road and Burkhart Drive is comprised of two tracks of land totaling 3.297 acres (*see Zoning Plat attached*). Track 1 (western location) currently has a single-family home with associated driveways, yard space, and utilities equaling approximately 1.760 acres. Track 2 (eastern location), is currently undeveloped land previously farmed with moderate vegetation and approximately 1.537 acres in size.

The site drains from the NE to the SW as shown on the *GIS Existing Condition Drainage Map*. Most of the water is conveyed overland through the previously farmed area toward Burkhart Drive. This water is then conveyed through a culvert under Burkhart Drive along Douglas Road and then continues south along the Douglas Road ditch.

Through the review of online resources, it does not appear that any Floodplain or protected natural resources are found onsite.

Proposed Recommendations

In reviewing the site and potential house location on Track 2 (*see Aerial Exhibit*); the house appears to be outside the normal overland flow drainage conveyance area. Any improvements in this area, including grading, shall be done in a fashion not to impact or impede this existing conveyance capacity.

Furthermore, it is recommended that the site implement some Best Management Practices (BMP's). This can include improved dense vegetation to promote infiltration and better ground stabilization, native vegetation, and/or other acceptable practices. This will be a natural/noninvasive enhancement compared to its current condition.

Prior to construction, the approvals from Kendall County will be necessary. This will include a review of the grading plan showing the proposed site improvements to insure the project meets the County's stormwater requirements.

END

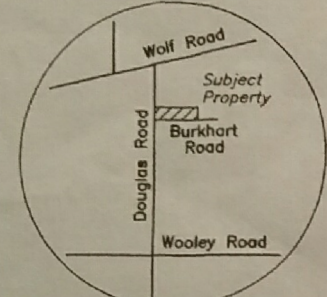
DEVELOPER:
John and Sharon Pagel
2380 Douglas Road
Oswego, Illinois 60543

AREA TO BE REZONED:
143645 Sq.Ft. = 3.2972 Acres

PRESENT ZONING:
R-1 (Residential District)

PROPOSED ZONING:
R-3 (Residential District)

P.I.N.
03-15-251-009



LOCATION SKETCH
Not to Scale

N

SCALE
1"=50'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Soils Boundary
- - - Indicates Direction of Drainage
- 672.40 Indicates Existing Spot Elevation
- 672- Indicates Existing Contour Elevation

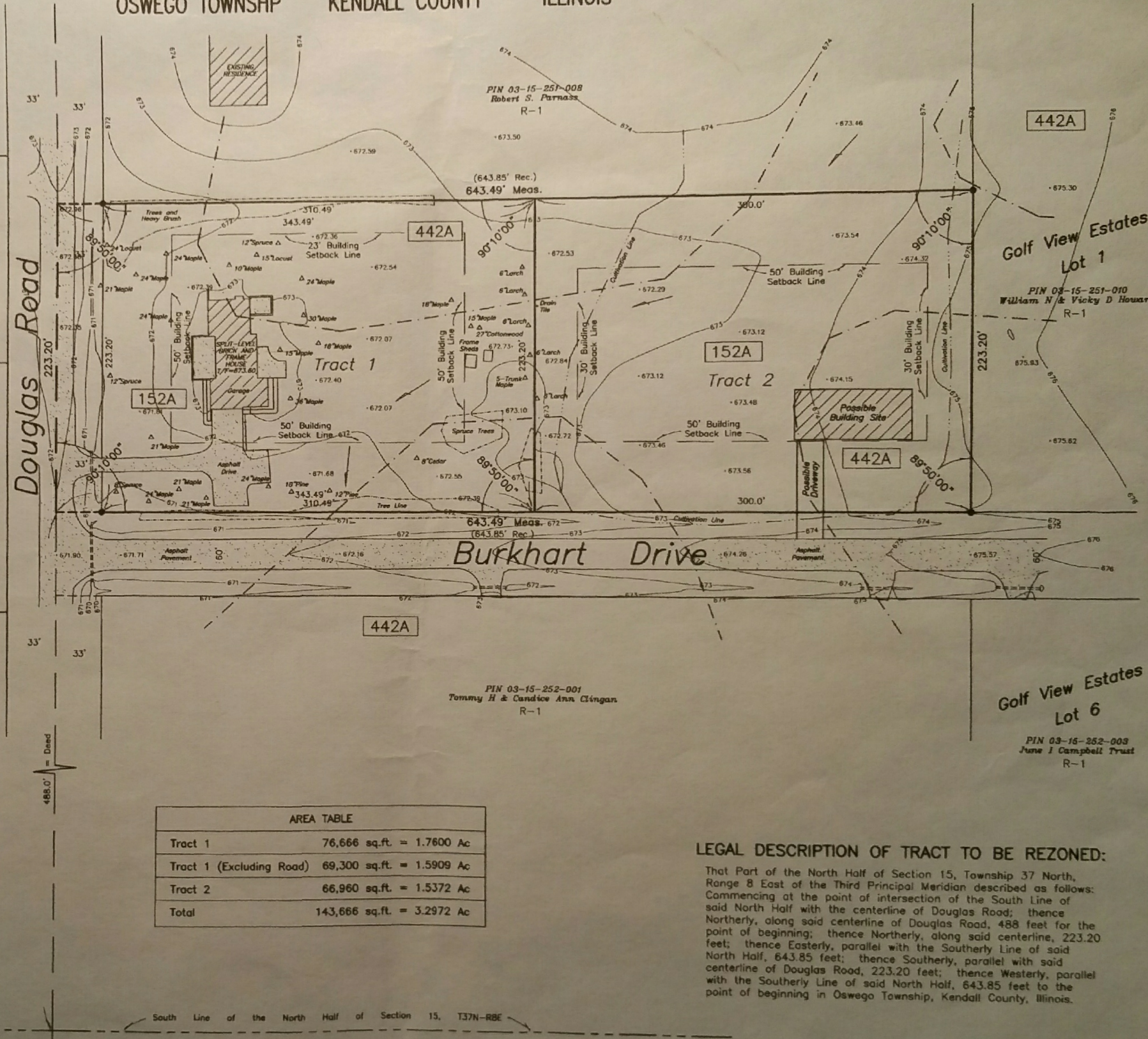
NOTE: This property is commonly known as 2380 Douglas Road.

Soil Type
(USDA/NRCS - Kendall County, 2015)

- 152A Drummer Silty Clay Loom, 0%-2% slopes
- 442A Mundein Silt Loom, 0%-2% slopes

NOTE: The Subject Property is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as depicted on FEMA Flood Insurance Rate Map Number 17093C0058G with an effective date of February 4, 2009.

ZONING PLAT OF
PART OF THE NORTH HALF OF SECTION 15, T37N-R8E, 3rd PM
OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS



AREA TABLE	
Tract 1	76,666 sq.ft. = 1.7600 Ac
Tract 1 (Excluding Road)	69,300 sq.ft. = 1.5909 Ac
Tract 2	66,960 sq.ft. = 1.5372 Ac
Total	143,666 sq.ft. = 3.2972 Ac

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the North Half of Section 15, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the point of intersection of the South Line of said North Half with the centerline of Douglas Road; thence Northerly, along said centerline of Douglas Road, 488 feet for the point of beginning; thence Northerly, along said centerline, 223.20 feet; thence Easterly, parallel with the Southerly Line of said North Half, 643.85 feet; thence Southerly, parallel with said centerline of Douglas Road, 223.20 feet; thence Westerly, parallel with the Southerly Line of said North Half, 643.85 feet to the point of beginning in Oswego Township, Kendall County, Illinois.

August 1, 2016

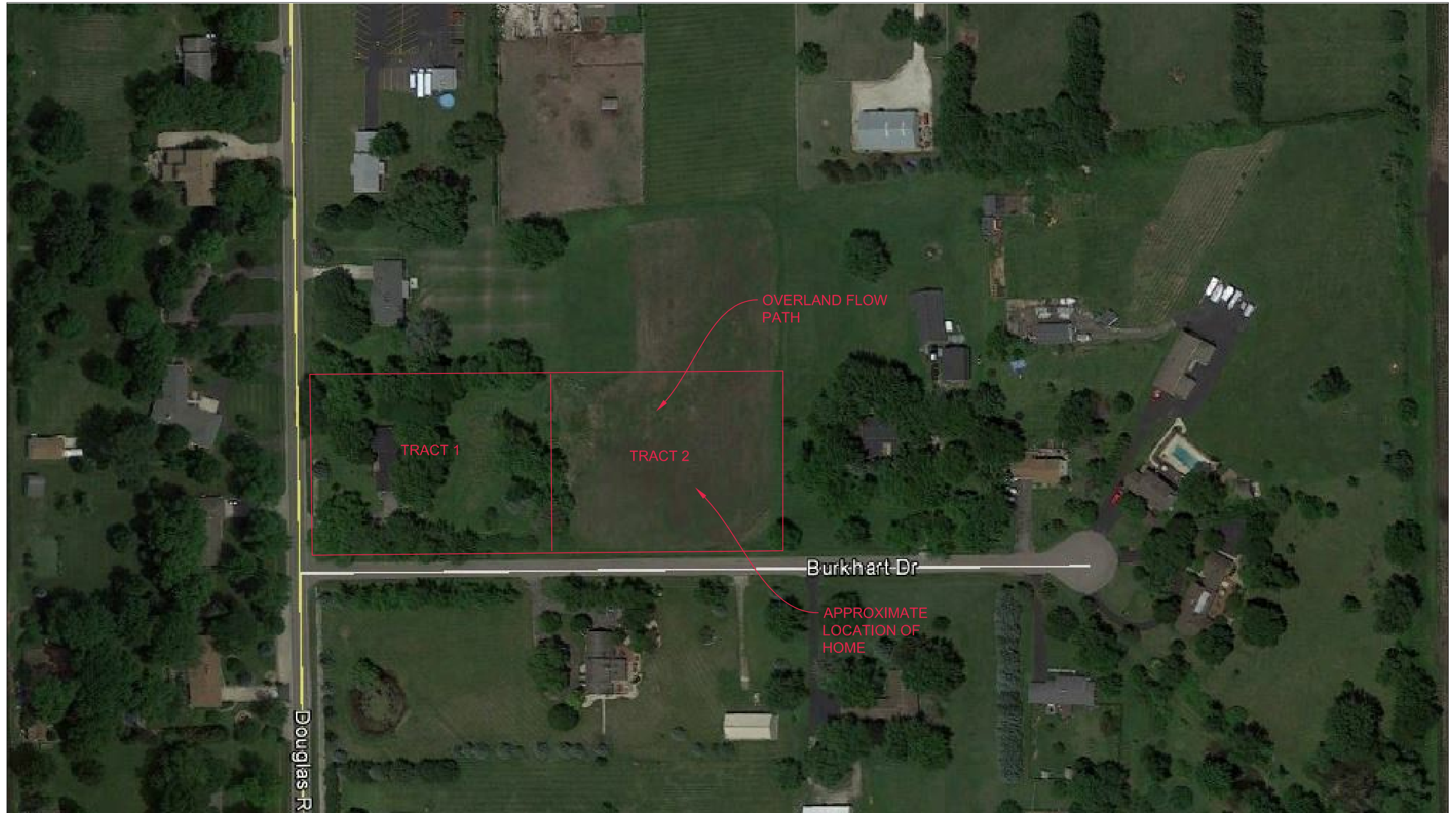
1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

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

JOB NO. 16062
JOB NAME PAGEL
DWG FILE 16062

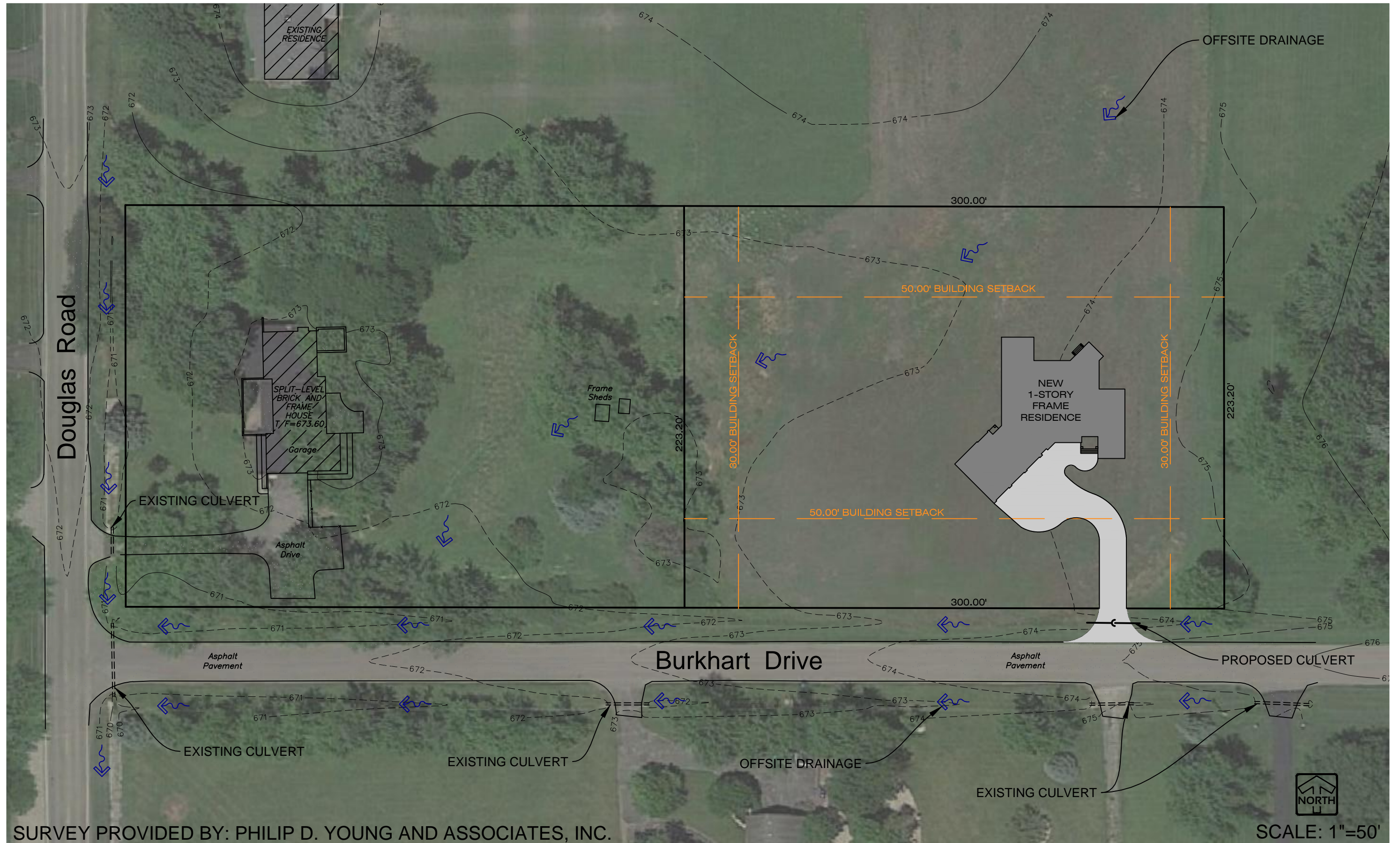


2380 DOUGLAS ROAD - GIS EXISTING CONDITION DRAINAGE MAP



SOURCE: GOOGLE EARTH





E

Page

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#54

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Hoskins

North

Barnes

me

Berkant Dr.

Douglas Rd

Betty
Ivemeier

W

ON APRIL 25, 2017

From,

Betty Ivemeyer

2415 Douglas Road

Oswego, IL 60543

To,

Daniel J Kramer, Attorney at Law

1107A South Bridge Street

Yorkville, IL 60560

Dear, Mr. Kramer,

I, Betty Ivemeyer, received the public notice from the Kendall County Zoning Board of Appeals concerning Petition #16-26. It is my understanding that the Petitioner, John and Sharon Pagel Living Trust is seeking to rezone @ 3.3 acres from R-1 to R-3. This public hearing is scheduled to be heard on Monday, May 1, 2017 at 7:00 PM at the Kendall County Office Building. Due to my health, I am unable to attend.

I, Betty Ivemeyer, am not opposed to the rezoning of the property. Paul and I have lived at the Douglas address since 1965; the Pagels moved in in 1972. I feel that there is no reason that this should not be approved. It will have no ill effect on the rest of the homes.

Yours Truly,

A dark, ink-like handwritten signature, appearing to read 'Betty Ivemeyer', is written over a light-colored, textured background.

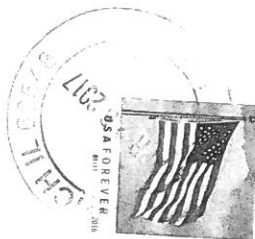
Betty Ivemeyer

Cc: John and Sharon Living Trust



Sandi Ivenmeyer
1955 Polly Ct.
Sandwich, IL 60548

Daniel J. Kromer
1107 A South Bridge St
Yorkville, IL 60560



6056081774 0001



April 20, 2017


Kendall County Zoning Board of Appeals

Re.: Petition #16-26 – Petitioner, John and Sharon Pagel

My name is Vicky Howard. My husband William and I reside at 45 Burkhart Drive, Oswego, IL 60543. We have resided here since 1998. Our property is adjacent to Sharon Pagel's property directly on the east end. We support Sharon Pagel in seeking to rezone from R-1 to R-3.

We know Sharon Pagel improved her lot by putting in drainage tiles. We have never experienced water issues on our property either before or after Sharon Pagel did the improvements. We have complete confidence in Sharon Pagel in building an esthetically pleasing homestead keeping with the values we have in our neighborhood.

Respectfully,



William and Vicky Howard