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

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Monday, April 10, 2017 – 6:30 p.m.

**CALL TO ORDER:**

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

**APPROVAL OF AGENDA:**

**APPROVAL OF MINUTES:** Approval of Minutes from the March 13, 2017 Meeting

**EXPENDITURE REPORT:** Recommend Approval of claims to the Finance Committee in the amount of \$8,875.33

**PUBLIC COMMENT:**

**PETITIONS:**

1. **16-22 – JA Schleining LLC d/b/a Jets Towing and Services**  
Request: Rezoning from A-1 (Agricultural) to M-1 (Limited Manufacturing)  
Location: 790 Eldamain Road (1/3 Mile South of Galena Road) PIN 02-06-300-009 and -010 Bristol Township  
Purpose: Request to Rezone to Allow Petitioner to Operate a Towing and Truck Storage Business.
2. **16-14 – Robert Delaney (Petitioner Requests a Layover Until May 8, 2017 Meeting)**  
Request: Special Use  
Location: 16502 Church Road, PINs: 08-25-300-006 and 08-25-300-009, Lisbon Township  
Purpose: Request for a Special Use in the A-1 Agricultural District to Operate an Outdoor Shooting Range.

**NEW BUSINESS:**

1. Proposed Variance to the Stormwater Control Ordinance for the City of Plano Relating to their Project in Foli Park
2. Hearing Code Officer/Hearing Code Unit
3. Approval of Starting the Process of Establishing a Six (6) Month Moratorium on the Issuance of Special Use Permits for Outdoor Target Practice and Shooting Ranges (Not Including Private Shooting in Your Own Yard)
4. Authorize Jensen in the Amount of \$3,800 to Remove Brush Piles and Related Work in the Tanglewood Trails Subdivision
5. Approval of Building Safety Month Proclamation
6. Approval of Purchase of New Truck for the Planning, Building and Zoning Department

OLD BUSINESS:

1. Kingmoor Lane Variance Request
2. Approval of an Amended Intergovernmental Agreement Between the Village of Millbrook and Kendall County
3. Approval of an Amended Intergovernmental Agreement Between the Village of Plattville and Kendall County
4. Billboard Update
5. 2016 Single-Family Residential Building Permit Report

UPDATE FOR HISTORIC PRESERVATION COMMISSION:

1. Approval of Proclamation Declaring May Historic Preservation Month

REVIEW PERMIT REPORT:

REVIEW REVENUE REPORT:

CORRESPONDENCE:

PUBLIC COMMENT:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT:

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**

***Kendall County Office Building***

***Rooms 209 & 210***

***111 W. Fox Street, Yorkville, Illinois***

**6:30 p.m.**

**Meeting Minutes of March 13, 2017 – Unofficial until approved**

**CALL TO ORDER**

The meeting was called to order by Chairman Bob Davidson at 6:33 p.m.

**ROLL CALL**

Committee Members Present: Lynn Cullick, Bob Davidson (Chairman) Judy Gilmour, Scott Gryder (arrived at 6:37), and Matt Kellogg (Vice Chairman)

Committee Members Absent:

Also Present: Matt Asselmeier, Senior Planner

**APPROVAL OF AGENDA**

Motion by Member Cullick, second by Member Gilmour, to approve the agenda as written. With a voice vote of four ayes, the motion carried.

**APPROVAL OF MINUTES**

Motion by Member Kellogg, second by Member Gilmour, to approve the minutes from the February 14, 2017, meeting. With a voice vote of four ayes, the motion carried.

**EXPENDITURE REPORT**

Committee reviewed the claims report. Motion by Member Cullick, second by Member Kellogg to recommend approval of claims to the County Board in the amount of \$8,095.87. Teska is billed as needed. The fee for Randy Erickson is a pass through fee paid by people requesting plumbing inspections. By roll call vote, motion carried 5-0.

**PUBLIC COMMENT**

None

**PETITIONS**

Staff provided an update on open petitions.

Petition 16-14, Robert Delaney's special use for an outdoor shooting range will go before the Special Use Hearing Officer on April 3<sup>rd</sup>.

Petition 16-22, JA Schleining d/b/a Jet's Towing Service is requesting a rezoning from A-1 to M-1 at 790 Eldamain Road. The petitioner is requesting a variance to the fencing requirements; they would plant trees and keep their operations within the tree buffer. The petitioner is requesting a variance to the parking material requirement; they would park on a paved surface or on shaved asphalt. The petitioner is also requesting permission to park within the setback; they would keep trucks in operable condition in order to park them in the setback. Concerns were raised regarding the installation of water detention if the whole property developed and securing funds for the improvements to Eldamain Road. The consensus of the Committee was

that the map amendment was a better option than a special use permit. This matter will go before RPC on March 22<sup>nd</sup> and ZBA on April 3<sup>rd</sup>.

Petition 16-26, John and Sharon Pagel Living Trust requested a rezoning from R-1 to R-3 at 2380 Douglas Road. RPC unanimously recommended denial of this proposal. The applicant is gathering pictures of the property draining stormwater. This proposal goes to the ZBA on May 1<sup>st</sup>.

Petition 17-01, Mike and Cherie Bond requested a variance to the front yard setback in order to construct a horse barn at 232 Creek Road. Little Rock Township has until March 14<sup>th</sup> to issue comments regarding this proposal.

Petition 17-05, DKR Group and Keith and Kathleen Warpinski requested a special use permit to operate a landscaping business on the north side of Walker Road approximately 1/3 mile east of Route 47. The petitioners probably will withdraw this request due to the weight restrictions on Walker Road between February 15<sup>th</sup> and April 30<sup>th</sup>.

IDOT continues to gather information for a variance application relocating a portion of Kingmoor Road.

Staff reported that PBZ Intern Michael Goers was researching special use permits with the objective of identifying each special use permit holder. Once each special use permit is identified, the restrictions will be compiled and the owner asked if they would like to maintain their special use permit. After this project is complete, PBZ will examine variances and RPDs.

A question was raised regarding Hideaway Lakes. PBZ continues to investigate this issue.

### **NEW BUSINESS**

Staff presented the proposed Intergovernmental Agreements between Kendall County and the Village of Millbrook and the Village of Plattville regarding zoning, subdivision, building, and stormwater enforcement services. The only change from previous versions of the proposal was that the County would provide a cost estimate for zoning, subdivision, and stormwater enforcement prior to investigating the issue. The proposals would be for one (1) year.

Motion by Member Kellogg, second by Member Gryder to recommend approval of the proposed Intergovernmental Agreement between the Village of Millbrook and Kendall County. With a voice vote of five ayes, the motion carried.

Motion by Member Cullick, second by Member Kellogg to recommend approval of the proposed Intergovernmental Agreement between the Village of Plattville and Kendall County. With a voice vote of five ayes, the motion carried.

The Intergovernmental Agreements will be forwarded to the State's Attorney's Office for review prior to placement on the County Board's Agenda.

Fox Metro was required to prepare a floodplain storage easement because of their work at their plant site and the excavating at the Orchard Road site. The proposed easement meets the



requirements of the County's Stormwater Management Ordinance. Fox Metro's cover resolution was incorrect; they will send a letter acknowledging the error. Motion by Member Gryder, second by Member Kellogg to approve the acceptance and execution of the flood plain storage easement grant from Fox Metro subject to the receipt of the letter acknowledging the error in Fox Metro's resolution. With a voice vote of five ayes, the motion carried.

Staff presented the PBZ report and unapproved minutes from the February 25<sup>th</sup> Kendall County Regional Planning Commission's Annual Meeting. The Committee requested building information from 2016 for each of the municipalities. Discussion occurred regarding the letter that the Kendall Regional Planning Commission will send to the Kendall County Forest Preserve District.

### **OLD BUSINESS**

Chairman Davidson and Staff provided an update on the special use permit at 9111 Ashley Road. The petitioner shall plant trees near the barn to block sound. The petitioner shall also plant trees at the corner of the north entrance and Ashley Road to block light from the parking area. Trees will also be planted across the street from house located on the east side of Ashley Road. The petitioners must get the trees planted prior to having events at the property. A six inch to one foot tall berm shall be constructed on the property. Chairman Davidson wants to work with the Sheriff's Department to make sure the dosimeters accurately measure noise level. Staff researched a company that makes dosimeters with warning lights alerting viewers that noise is reaching pre-programmed levels. The company is still working on waterproof technology.

Discussion occurred regarding the mission of the Ad-Hoc Committee.

### **UPDATE FOR HISTORIC PRESERVATION**

The Historic Preservation Commission is scheduled to meet Wednesday, March 15<sup>th</sup>. This will be the first meeting with five members.

### **REVIEW PERMIT REPORT**

The Committee reviewed the permit report. A question was raised regarding the sign by Merchants National Bank and whether this sign required Committee approval. Staff will check on the matter. Discussion also occurred regarding the four (4) or five (5) billboards on the eastern side of the County and whether they were in compliance. Staff will investigate the matter.

### **REVIEW REVENUE REPORT**

Committee reviewed the revenue report.

### **CORRESPONDENCE**

Staff presented correspondence from three residents of the Kearney Glen subdivision regarding stormwater issues that occurred as a result of the February 28<sup>th</sup> storms. The City of Joliet is monitoring the storm sewer inlet in the area.

### **PUBLIC COMMENT**

None

### **EXECUTIVE SESSION**

None

### **ADJOURNMENT**

Member Gryder motioned to adjourn, second by Member Cullick. With a voice vote of five ayes, Chairman Davidson adjourned the meeting at 7:44 p.m.

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

Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
<b>BUILDING AND ZONING</b>							
1 191522	SOURCE ONE OFFICE PRODUCTS	527941	OFFICE SUPPLIES	03/08/17	01020026200	OFFICE SUPPLIES	31.60
							31.60*
2 012018	AT & T MOBILITY	02282017	01/22 - 02/21/2017 C	03/08/17	01020026207	CELLULAR PHONE	74.09
							74.09*
3 192060	STEVEN DESIGNS INC	11752	SENIOR PLANNER COUNT	03/08/17	01020026216	EQUIPMENT	51.00
							51.00*
4 110531	KENDALL CO HIGHWAY DEPT	FEBRUARY	GAS FOR COUNTY TRUCK	03/08/17	01020026217	VEHICLE MAINT/REPAIRS	117.04
5 160189	PARADISE CAR WASH	223402	2 TRUCK WASHES	03/08/17	01020026217	VEHICLE MAINT/REPAIRS	24.00
							141.04*
6 261005	RANDY ERICKSON	FEBRUARY	10 FEBRUARY PLUMBING	03/08/17	01020026361	PLUMBING INSPECTIONS	1,400.00
							1,400.00*
7 200580	TESKA ASSOCIATES INC	7493	PBZ MEETINGS-NEW PLA	03/08/17	01020026363	CONSULTANTS	350.00
8 230933	WBK ENGINEERING, LLC	17532	SERVICES 1/29 - 2/25	03/08/17	01020026363	CONSULTANTS	2,505.00
							2,855.00*
<b>Total BUILDING AND ZONING</b>							<b>4,552.73*</b>
<b>ENGINEERING/CONSULTING ESCROW ACCT</b>							
9 230933	WBK ENGINEERING, LLC	17535	STORMWATER REVIEW ST	03/08/17	59020000037	STOR-MOR 16-20	423.00
							423.00*
10 230933	WBK ENGINEERING, LLC	17534	ANTOS-13360 MCKANNA	03/08/17	59020000047	ANTOS BRIDGE SD 15-06	1,183.25
							1,183.25*
11 230933	WBK ENGINEERING, LLC	17536	7225 CATON FARM ROAD	03/08/17	59020000051	CHRIS JENSEN SP 17-01	283.50
							283.50*
<b>Total ENGINEERING/CONSULTING ESCROW</b>							<b>1,889.75*</b>
<b>GRAND TOTAL</b>							<b>6,442.48**</b>

frmPrtClaim

Kendall County

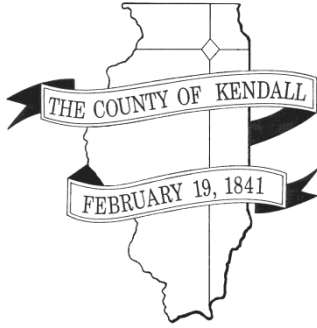
Supplemental Claims Listing

03/21/17

9:35:23 AM

Page 001

Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
BUILDING AND ZONING							
1 191522	SOURCE ONE OFFICE PRODUCTS	528068	OFFICE SUPPLIES	03/21/17	01020026200	OFFICE SUPPLIES	42.37
2 191522	SOURCE ONE OFFICE PRODUCTS	528053	OFFICE SUPPLIES	03/21/17	01020026200	OFFICE SUPPLIES	14.30
							56.67*
3 110545	KENDALL COUNTY RECORDER	787	HIGH GROVE PET#16-21	03/21/17	01020026370	RECORDING EXPENSE	41.00
							41.00*
Total BUILDING AND ZONING							97.67*
ENGINEERING/CONSULTING ESCROW ACCT							
4 230933	WBK ENGINEERING, LLC	17533		03/21/17	59020000046	FOX METRO WATER REC DIST	2,335.18
							2,335.18*
Total ENGINEERING/CONSULTING ESCROW							2,335.18*
GRAND TOTAL							2,432.85**



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 16-22****JA Schleining LLC d/b/a Jets Towing and Services  
Zoning Map Amendment – A-1 (Agricultural) to M-1 (Limited  
Manufacturing)****SITE INFORMATION**

PETITIONER JA Schleining LLC d/b/a Jets Towing and Services

ADDRESS 790 Eldamain Road

LOCATION East side of Eldamain Road; 1/3 mile south of Galena Road



TOWNSHIP Bristol

PARCEL # 02-06-300-009; -010

LOT SIZE 8.8 acres +/-

EXITING LAND Towing Service, Truck Storage, Residential  
USE

ZONING A-1 (Agricultural)

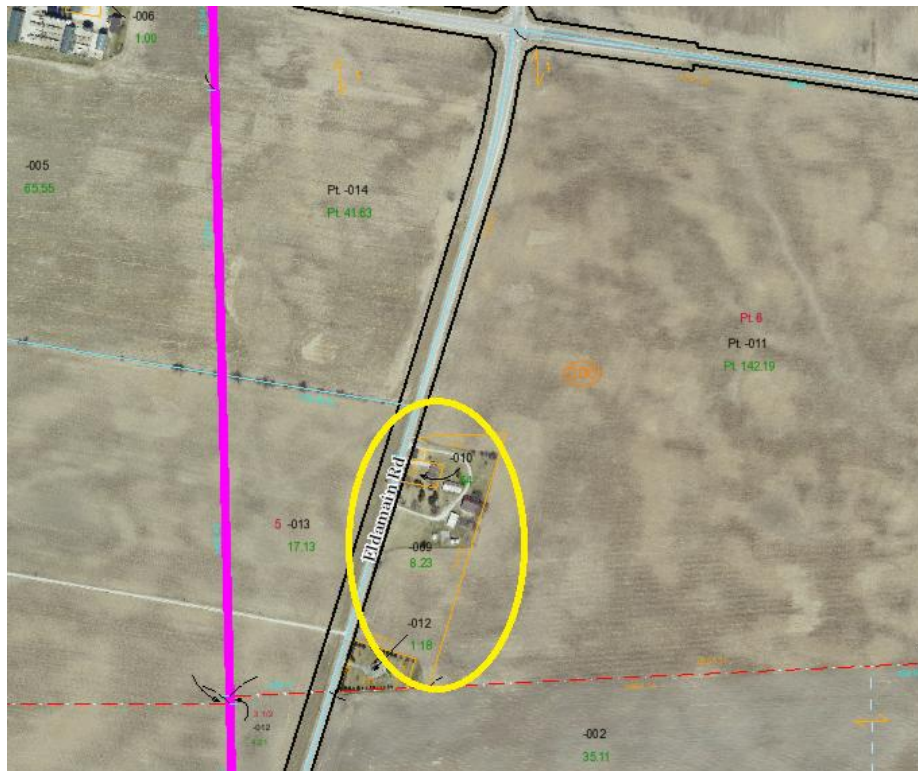
LRMP	Land Use	Mixed Use Business
	Roads	Eldmain Road is a County Road classified as a Minor Collector Roadway
	Trails	Proposed Local Yorkville Trail
	Floodplain/ Wetlands	None

REQUESTED ACTION Zoning Map Amendment to rezone from A-1 (Agricultural) to M-1 (Limited Manufacturing)

APPLICABLE REGULATIONS Section 13.07 – Zoning Map Amendments  
Section 11.02.F.6 – Parking in Side Yard Setback (Withdrawn)  
Section 11.02.F.2 – Design and Maintenance, Surfacing (Withdrawn)  
Section 10.01.A.2 – Conditions of Use (Withdrawn)

#### SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Mixed Use Business	A-1
South	Residential	A-1	Mixed Use Business	A-1; R-1
East	Agricultural	A-1	Mixed Use Business	A-1
West	Agricultural	A-1	Mixed Use Business	A-1



## **PHYSICAL DATA**

### **ENDANGERED SPECIES REPORT**

Consultation was terminated; please see Attachment 17.

### **NATURAL RESOURCES INVENTORY**

An Executive Summary was issued by the Kendall County Soil & Water Conservation District in September 2015. This report indicated a LESA score of 181 – a low level of protection with 100% of the soils being somewhat limited for small commercial buildings; please see Attachment 5 for the Natural Resource Inventory information.

## **ACTION SUMMARY**

### **BRISTOL TOWNSHIP**

Bristol Township met on this matter on March 1, 2017. They decided to table this matter until after the ZBA ruling. Bristol Township unanimously approved the proposed map amendment on April 5, 2017.

### **UNITED CITY OF YORKVILLE**

On August 23, 2016, The United City of Yorkville voted to oppose the proposed rezoning because the proposed new zoning district (M-1) was inconsistent with their proposed Comprehensive Plan. The United City of Yorkville's opposition information is included as Attachment 4. Staff would like to note that the United City of Yorkville did not adopt their proposed Comprehensive Plan until after the submittal of this application. This proposal was consistent with Yorkville's previous Future Land Use Map.

### **ZPAC**

ZPAC reviewed this proposal on August 2, 2016. Staff recommended denial of the variance for the parking surface requirement; they would like to see a hard surfaced parking area because gravel could be dragged onto Eldamain Road which could damage the road. ZPAC voted 4-1 in favor of a positive recommendation of this proposal.

### **RPC**

RPC reviewed the map amendment portion of this proposal on February 22, 2017. The petitioner agreed to work with Staff to finalize the variance requests. The matter was laid over at the petitioner's request. RPC reviewed the map amendment portion again on March 22, 2017. The petitioner informed RPC that they were withdrawing their variance requests. The letter withdrawing the variance requests is included as Attachment 19. RPC unanimously recommended approval of the proposed map amendment.

### **ZBA**

ZBA reviewed the proposed map amendment at their meeting on April 3, 2017. They unanimously approved the Findings of Fact proposed by Staff. They issued a positive recommendation of the proposed map amendment by a vote of 6-0, with one member absent.

## **GENERAL**

The subject property was placed in violation by the PBZ Department for operating a truck storage and towing service company in the A-1 Agricultural District. This type of use is not permitted in the A-1 Agricultural District with or without a special use. The property owners were notified that the only zoning district that would allow this type of use is the M-1 Manufacturing District. The home on the property is currently used as offices; if the proposed map amendment is approved, the home cannot be put into residential use.

The proposed rezoning would not necessarily be an example of spot zoning because the County's Land Resource Management Plan calls for this area to be Mixed Use Business in future. While the current petitioners may be the first to request a rezoning, if the area develops as the Land Resource Management Plan indicates, they will not be the last petitioners to request rezoning. The Zoning Ordinance does not have a minimum acreage requirement for the M-1 Zoning District.

## **MAP AMEDEMMENT**

The petitioner is requesting a zoning map amendment to rezone the 8.8 acre subject property from A-1 to M-1

so that the existing use may comply with the zoning designation. The County's Land Use Plan indicates this area as Mixed Use Business. M-1 zoning is considered an appropriate zoning for this category in this. The United City of Yorkville's previous Future Land Use Map indicated this area as Industrial.

### **BUILDING CODES**

Structures that are used in conjunction with the truck storage and towing service operation will require a change of occupancy permit because the use of these buildings originally constructed for agricultural uses has changed. The buildings that are currently being used for the operation of the business should be noted for building code and fire code evaluations.

### **SCREENING**

Section 10.01.A.2 of the Zoning ordinance states that all business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be un-enclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 11.00.

The petitioner plans to construct a cedar board-on-board fence eight (8) feet high around the entire property.

### **PARKING**

Section 11.02.F.2 of the Zoning ordinance requires all parking and drive aisles constructed or reconstructed to be improved with "permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. Asphalt paving shall include a 9" compacted gravel base and 3" asphalt covering, or equivalent." Currently, a gravel parking area and a gravel drive exists on the property. The petitioners plan to install asphalt shavings (tar and chip) within one hundred twenty days (120) of the approval of the map amendment. The petitioners also plan to adjust their parking alignment so that no trucks or trailers are parked within the setback.

All of the trailers currently onsite are plated through the Secretary of State's Office. There is an inoperable bus onsite which the petitioner hopes to remove after they secure their rebuilders' license later this year. The petitioners cannot obtain this license until they are in compliance with local zoning regulations.

### **LIGHTING**

All lighting must comply with Section 11 of the Zoning Ordinance.

### **FINDINGS OF FACT-MAP AMENDMENT**

§ 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. The existing uses of property within the area of this property are a single family home and agricultural farm land which would be consistent with this request. The nearest M-1 zoned property is located approximately 2,750 feet to the northwest at 12127 Galena Road. If the map amendment is approved, any residential use of the house would be illegal.*

*The Zoning classification of property within the general area of the property in question. The zoning classifications within the general area are currently A-1 and R-1 with farms and farmhouses.*

*The suitability of the property in question for the uses permitted under the existing zoning classification. The petitioner would like to rezone part of their property to M-1 in order to lawfully run his truck storage and towing business at the property. The property must be rezoned in order to operate this*



**type of business at the subject property.**

*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. Several industrial users, including a Menard's distribution facility, are located south of the subject property along Eldamain Road inside the boundaries of the City of Plano. The adoption of the map amendment is in the public interest of implementing the recommendations of the Land Resource Management Plan.*

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The subject property and adjoining properties are identified as Mixed Use Business on the Future Land Use & Transportation Map of the Land Resource Management Plan. In addition, recommendation 3 (b) on page 6-34 of the Land Resource Management Plan states: "Ensure Lisbon/Eldamain Road is maintained as a commercial-industrial corridor." The proposed map amendment would assist in implementing this recommendation. However, the proposal is inconsistent with the Comprehensive Plan of the United City of Yorkville, adopted in 2016. Yorkville identified the area as Estate Residential in their new Comprehensive Plan. Yorkville previously identified the area as industrial in their previous Comprehensive Plan.*

**CONCLUSION**

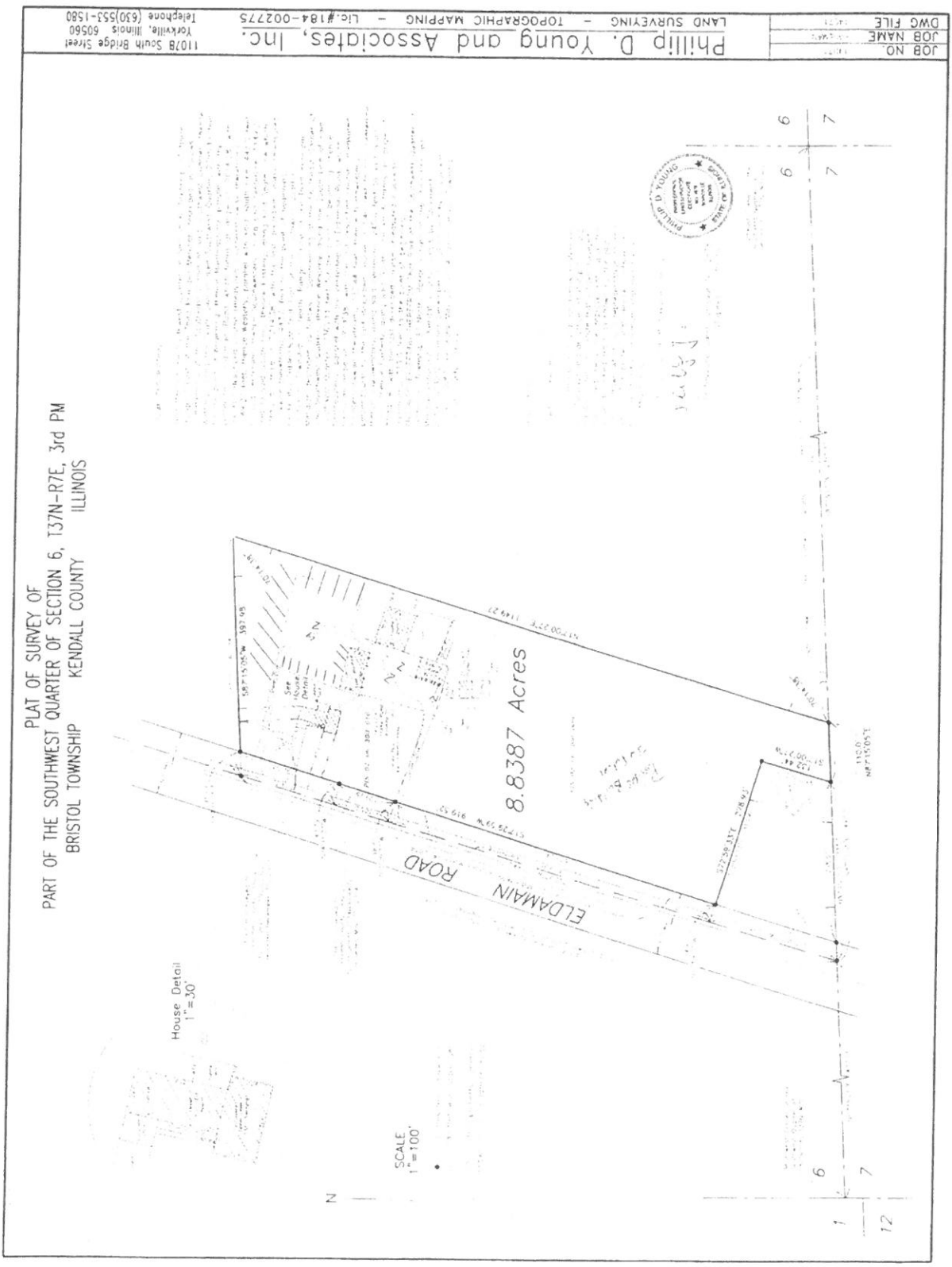
The rezoning of the subject property from A-1 (Agricultural) to M-1 (Limited Manufacturing) is consistent with the County's Land Use Plan as well as the United City of Yorkville's former Future Land Use Map. If rezoned to an M-1 zoning district, the property is required to be up to the standards of the M-1 district including required parking areas be constructed with a hard surface and proper fencing and screening of outdoor storage from adjacent properties.

**RECOMMENDATION**

Staff recommends approval of the map amendment as presented.

**ATTACHMENTS**

1. Plat of Survey
2. Finding of Fact (Petitioner Submitted)
3. ZPAC Minutes 8.2.16
4. United City of Yorkville's Opposition Report
5. Natural Resource Information
6. Jet Towing Aerial
7. Driveway Looking West
8. Driveway Looking East
9. East Parking Area
10. Northeast Corner
11. Existing House
12. Looking South
13. Looking East (South of the House)
14. Looking North
15. Parking Material
16. RPC Minutes 2.22.17
17. EcoCat Report
18. RPC Minutes 3.22.17
19. Variance Withdrawal Letter
20. ZBA Minutes 4.3.17
21. Draft Ordinance



## LEGAL DESCRIPTION

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured counterclockwise therefrom), 1149.27 feet, thence Westerly, parallel with said South Line, 443.0 feet to said centerline, thence Southwesterly, along said centerline, 1149.27 feet to said South Line, thence Easterly, along said South Line which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning, EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured counterclockwise therefrom), 132.44 feet, thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline, thence Southwesterly, along said centerline, 245.0 feet to said South Line, thence Easterly, along said South Line which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning, AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014, all in Bristol Township, Kendall County, Illinois

-R7E, 3rd PM

ILINOIS

LEGAL DESCRIPTION:

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 1149.27 feet; thence Westerly, parallel with said South Line, 443.0 feet to said centerline; thence Southwesterly, along said centerline, 1149.27 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning;

EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 132.44 feet; thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline; thence Southwesterly, along said centerline, 245.0 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning;

AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014; all in Bristol Township, Kendall County, Illinois.

## Attachment 2-Findings of Fact (Petitioner Submitted)

Petitioners are a young family which operate a truck hauling and off-site towing business. The general trend in development along Eldamain Road is industrial. There is the presence of high detention wires, a waste transfer station, the Menards Distribution Center, and other heavy industrial uses. Furthermore, the subject property is surrounded by vacant farmland and adjoins the major collector road for Eldamian Road. Given the size of the property and the trend of development the property owner would incur a tremendous cost with no benefit to the community if they were required to pave the property with a hard surface and fence in the entire property.

Given the size of the property and location of the buildings and existing home and agricultural buildings on the property the Petitioner would be unable to utilize any trailer parking if they were prohibited from parking trailers in the side yard setbacks. The requested variations from the Code would not be applicable generally to other manufacturing uses. There are several other Manufacturing Businesses located along Eldamain Rd. that are not completely fenced in, not paved with hard surface and have parking lots located in the front yard setbacks. The Variances are unique to this parcel.

The size of the parcel, location of the existing home, and agricultural buildings and the cost involved in fencing the property and paving the property are not hardships created by the Petitioner. The property is surrounded by vacant land that is currently being farmed and there is no benefit to the community to require the property to be fenced in or paved. As stated above most of the industrial uses along Eldamain Road are not fenced in, have parking within the front yard or side yard setbacks and several businesses do not have paved parking/loading areas.

The size of the parcel, location of the existing home, and agricultural buildings and the cost involved in fencing the property and paving the property are not hardships created by the Petitioner. The property is surrounded by vacant land that is currently being farmed and there is no benefit to the community to require the property to be fenced in or paved. As stated above most of the industrial uses along Eldamain Road are not fenced in, have parking within the front yard or side yard setbacks and several businesses do not have paved parking/loading areas.

The granting of the variation will not materially be detrimental to the public welfare and there will be virtually no impact on the public whatsoever as the property is surrounded by vacant farmland and heavy industrial uses. Additionally, Eldamain Road is a heavily travelled collector road with ComEd high tension wires running in the area. The likelihood of the Eldamain Corridor being with anything but Manufacturing is highly unlikely.

The Eldamain Corridor is an industrial corridor with heavy industrial uses and there will be no damage to any surrounding landowner or their safety.

**Attachment 3**  
**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)**  
**August 2, 2016 – Meeting Minutes**

Senior Planner John Sterrett called the meeting to order at 9:00 a.m.

**Present:**

Scott Gryder – PBZ Committee Chair (Arrived)  
Fran Klaas – Highway Department  
Jason Langston – Sheriff's Office  
Aaron Rybski – Health Department  
Megan Andrews – Soil & Water Conservation District  
John Sterrett – PBZ Department

**Absent:**

David Guritz- Forest Preserve  
Brian Holdiman- PBZ Department  
Greg Chismark – WBK Engineering, LLC

**Audience:** Attorney Dan Kramer; Attorney Kelly Helland

**AGENDA**

Mr. Klaas made a motion, seconded by Ms. Andrews, to amend the agenda to move public comment before approval of the minutes. With a voice vote of all ayes the motion carried.

**PUBLIC COMMENT**

Dariusz Kozinski, VP of Service Employees International Union Local 1 appeared with employees of Cleaner Leading Services, the cleaning service for Kendall County buildings as well as others. Mr. Kozinski stated that employees with this company make low wages with no benefits and he would like to see the County look into using a responsible cleaning company.

**MINUTES**

Mr. Gryder made a motion, seconded by Mr. Klaas, to approve the July 12, 2016 meeting minutes with a correction to wording regarding class v injection requirements. With a voice vote of all ayes the motion carried.

**PETITIONS**

**16-18 LRMP Amendment**

The Kendall County Planning, Building, and Zoning Department was approached by a property owner located at the northwest corner of State Route 31 and Light Road regarding a proposed expansion of an existing indoor self-service storage facility. The expansion would consist of the construction of a 8,400sf self-service storage building as well as a proposed outdoor storage area. The existing facility is zoned as B-2 (General Business) with a special use to operate the indoor self-service storage facility. The special use was granted for the indoor self-service storage facility in 1976. The parcel immediately to the south of the existing facility, where the expansion is proposed, is zoned as B-1 (Local Shopping). The B-1 district does not permit indoor self-service storage facilities nor does it allow outdoor storage either by right or by special use. The B-2 district allows for an indoor self-service storage facility as a conditional use and allows for outdoor storage as a special use. The property owner therefore will need to seek a rezoning of the current B-1 zoned property to B-2 for this expansion.

When reviewing proposed zoning map amendments, the County's Land Use Plan is taken into consideration to determine the proper zoning and uses for a specific area. The County's Land Use Plan currently identifies the subject area at the northwest corner of State Route 31 and Light Road as suburban residential (max density 1.00 du/acre). The existing zoning in the subject area consists of a mix of commercial zoning: B-1 (Local Shopping), B-2 (General Business), B-3 (Highway Commercial) with the existing uses of a gas station, a commercial strip mall, the self-service storage facility, a decommissioned water treatment facility, and stormwater detention facilities to serve these commercial uses. The area totals 10.5 acres.

Staff is of the opinion that given the existing zoning classifications and existing commercial uses in this area that the County's Land Use plan be amended to reflect commercial development for consistency with existing zoning and uses. Attached is a draft amendment to this portion of the Land Use Plan identifying the area as commercial. Per State Statute, a public hearing must take place as part of amending the County's Land Use Plan. This public hearing will occur at the next Regional Plan Commission meeting in August.

Mr. Klaas made a motion, seconded by Mr. Gryder, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

#### **16-20 – Stor-Mor, Inc. – Zoning Map Amendment – B-1 to B-2**

Mr. Sterrett outlined the request for a zoning map amendment for the property at 1317 Route 31 in Oswego Twnshp. Stor Mor Inc is requesting a zoning map amendment to rezone the 3.2 acre property from B-1 to B-2 to allow for an expansion of the enclosed self service storage facility and to allow outdoor storage. The county's Land Use Plan identifies this area as Suburban Residential. A rezoning of this property will require an amendment to the County's Land Use Plan to allow for commercial development. The County's Regional Plan Commission discussed this potential change at their June and July meetings and will hold a public hearing on the amendment in August. The existing zoning classifications and land uses in the area are consistent with a commercial category and would benefit from a change in the land use plan to accommodate any future commercial redevelopment at the intersection.

Mr. Klaas made a motion, seconded by Mr. Gryder, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

#### **16-20 – Stor-Mor, Inc. – B-2 Special Use – Outdoor Storage and Enclosed Self-Service Storage**

Mr. Sterrett outlined the request for a special use for an outdoor storage as well as enclosed self-service storage for the property at 1317 Route 31 in Oswego Township. Stor Mor Inc intends to construct a 8,400sf enclosed self-storage facility just south of the three existing buildings. In addition to this enclosed structure, twenty-nine (29) angled parking stalls are proposed for RV storage outdoors. Staff notes that the drive aisle leading to twelve (12) of these parking stalls is a dead end and the angled parking stalls will require any vehicle stored to be backed out completely down the access aisle. Prior to construction, approval from the Oswego Fire Protection District should be received that this dead end access drive will not require a turnaround for emergency vehicles.

To address the screening of the outdoor storage area from adjacent properties, the petitioner is proposing to install emerald green arborvitae along the south and west property line. Evergreen trees along a portion of the east property line will be installed to screen from State Route 31. The storage area will be completely fenced in. The petitioner has indicated that no vehicle will be accepted to store on site that is not in working condition. The hours of operation would remain the same as they are currently for the existing self-service storage facility which has office hours of 8:00am to 5:00pm and gate hours of 7:00am to 7:00pm.

If the Land Use plan is amended to commercial for the subject parcel and immediately surrounding properties and approval is granted for the zoning map amendment request from B-1 to B-2, staff recommends the following conditions be placed on the controlling ordinance for the especial use:

- The property will be developed in accordance with the site plan
- A building permit shall be secured prior to construction of the proposed storage building
- A stormwater management permit shall be secured prior to the development of the property
- The outdoor storage and expansion of the enclosed self-service storage facility shall be effectively screened from adjacent properties.
- Office hours of operation shall be limited to 8:00am to 5:00pm and gate hours of operation shall be limited to 7:00am to 7:00pm
- No more than twenty-nine (29) vehicles may be stored on site at a time
- All vehicles stored on site shall be located within a designated stall
- All lighting shall comply with Section 11 of the Kendall County Zoning Ordinance

Mr. Gryder made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

#### **16-21 – High Grove Subdivision – Zoning Map Amendment – RPD-2 to R-2**



Mr. Sterrett outlined the request for a zoning map amendment for the property on the west side of Grove Road, approximately 1 mile north of Route 52 in Seward Township. The petitioners, Tom and Suzanne Casey, are requesting a zoning map amendment to rezone the 9.9 acres from RPD-2 to R-2. The County Land Use Plan identifies this area as Rural Residential with a maximum density of 0.65 dwelling units per acre. With a proposed four (4) lot subdivision, the property will have a density of 0.40 dwelling units per acre. This is less than the proposed density of the original 48 lot development on the 109 acre tract of land. The Village of Plattville's Comprehensive Plan identifies this area as low density residential with a maximum density equivalent to the County of 0.65 dwelling units per acre. The City of Joliet identifies this area as residential with a maximum density of 2.5 dwelling units per acre. The property was originally approved in 2006 as a 48 lot single family home subdivision with lots of open space on an overall 109 acre tract of land. The final plat of subdivision was not recorded thus voiding the approval. Since that time the Joliet Park District has acquired 97 of the 109 acres from the petitioners. Of the remaining 12 acres from the original development, the petitioner is requesting to rezone 9.9 acres to R-2 Single-family Residential.

Ms. Andrews made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

#### **16-21 – High Grove Subdivision – Preliminary and Final Plat of Subdivision**

Mr. Sterrett explained that the petitioner's have contemporaneously submitted a Preliminary and Final Plat for a four (4) lot subdivision. Additional information that should be included on the Preliminary Plat. Four residential lots are proposed on the Preliminary and Final Plat. Each of the four lots has a lot size of 97,379 square feet. These lot sizes meet the minimum lot size requirement of 90,000 square feet of the R-2 district. Grove Road currently has a seventy (70) foot right-of-way. As a major collector roadway, 120' of right-of-way is required. An additional twenty-five (25) feet of ROW should be dedicated on the west side of Grove Road for future widening. This additional right-of-way dedication should be identified on the Preliminary and Final Plat. This dedication will alter the proposed lot sizes for lots 1 and 2.

The four (4) lots are proposed to be served by a private road within proposed lot 5 having a width of 33'. Private drives serving three or more residential lots must demonstrate that the site could not otherwise be preserved if a public road was provided such as significant trees, topography, water features, historic sites, rural character, etc. It is staff's understanding that the private road has an easement for ingress and egress granted to the Joliet Park District for access to a future park site. A maximum distance for a shared private drive serving three or more residential lots from a public road ROW is 500'. Staff recommends the Preliminary and Final Plat be revised to indicate lot 5 containing the private road be extended no more than 50' from the edge of the future dedicate road right-of-way to serve the four (4) residential lots. A proposed ten (10) foot public utility and drainage easement is located along the front of the proposed lots. Section 9.04 of the Subdivision Control Ordinance requires utility and drainage easements be provided at the rear of all residential lots and along the side lot lines where required. Such utility easement shall be a minimum five (5) feet wide, ten (10) feet on the rear of each lot or a minimum to maintain the utility or drainage function of the property in accordance with the size and depth of utility or drainage route. The Preliminary and Final Plat should be revised to reflect these required easement locations and sizes.

The Preliminary and Final Plat must include the location and orientation of septic system envelopes on each individual residential lot as well as the location of well envelopes on each individual residential lot. Soil classifications were included on a submitted Zoning Plat. This information should also be included on the Preliminary and Final Plat. A soil analysis is required as part of the preliminary plat. Topography for the site has been included on the submitted Zoning Plat. This information should also be included on the Preliminary and Final Plat. Information should also be included to show the intent of surface drainage. Mr. Klaas recommended that an additional 15' of ROW be dedicated on the west side of Grove Road with Additional dedication of 15' along Grove Road including the 2 acres to the north outside of the proposed development to total a 50' right-of-way

Recording of a no access easement along Grove Road on lots 1 and 2 and the 2 acres to the north outside of the proposed development. Mr. Klaas also recommended that the private road lot be revised with a width of forty (40) feet rather than thirty-three (33) feet.

Mr. Rybski stated that a soil analysis is needed and should be submitted to the Health Department for review. Septic envelopes and soils classifications should also be included on the Preliminary Plat.

Mr. Klaas made a motion, seconded by Mr. Gryder, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

**16-22 – JA Schleining LLC d/b/a Jet's Towing Service**

Mr. Sterrett stated that the subject property was placed in violation by the PBZ Department for operating a truck storage and towing service company in the A-1 Agricultural District. This type of use is not permitted in the A-1 Agricultural district with or without a special use. The property owners were notified that the only zoning district that would allow this type of use is the M-1 Manufacturing District. The property owners currently reside on the property.

The petitioner is requesting a zoning map amendment to rezone the 8.8 acre subject property from A-1 to M-1 so that the existing use may comply with the zoning designation. The County's Land Use Plan indicates this area as Mixed Use Business. M-1 zoning is considered an appropriate zoning for this category in this. The United City of Yorkville indicates this area as Industrial.

Structures that are used in conjunction with the truck storage and towing service operation will require a change of occupancy permit because the use of these buildings originally constructed for agricultural uses has changed. The buildings that are currently being used for the operation of the business should be noted for building code and fire code evaluations.

Section 10.01.A.2 of the Zoning ordinance states that all business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be un-enclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 11.00.

Although the outdoor storage taking place on the property is at least 150' from residential districts, the petitioner will need to supply information addressing how storage of trucks will effectively be screened from adjacent properties with fencing and suitable landscaping. Section 11.02.F.2 of the Zoning ordinance requires all parking and drive aisles constructed or reconstructed to be improved with "permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. Asphalt paving shall include a 9" compacted gravel base and 3" asphalt covering, or equivalent." Currently, a gravel parking area and a gravel drive exists on the property.

It is staff's understanding that a variance may be sought from the petitioner for this requirement. Due to the intense use of trucks entering and exiting the site, staff does not recommend that the gravel drive and gravel parking area remain and recommends a hard surface be constructed for the parking and drive areas to prevent gravel being dragged out onto the roadway causing damage. Information should be submitted in lighting is provided on the site for the operation. All lighting must comply with Section 11 of the Zoning Ordinance.

Prior to a recommendation, staff requests that the petitioner provide staff with the variance requests that will be sought from the requirements of the M-1 zoning districts standards. A completed EcoCAT report must also be submitted. Staff is of the opinion that comments from the United City of Yorkville and Bristol Township should be received prior to the County's Regional Plan Commission meeting.

Mr. Gryder made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation pending resolution of the items noted by Staff. Mr. Sterrett called the roll. Gryder – Aye, Rybski- Aye, Langston – Aye, Klaas – No.

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

None

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**ADJOURNMENT**

Mr. Rybski made a motion, seconded by Mr. Langston, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:07am, adjourned.



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

PZC #2

Tracking Number

PZC 2016-02

## Agenda Item Summary Memo

**Title:** Kendall County Case #16-22 Jet's Towing – Rezoning Request (1.5 Mile Review)

**Meeting and Date:** City Council – August 23, 2016

**Synopsis:** Rezoning request from A-1 to M-1 in Kendall County for a truck towing and truck storage operation.

**Council Action Previously Taken:**

Date of Action: \_\_\_\_\_ Action Taken: \_\_\_\_\_

Item Number: \_\_\_\_\_

**Type of Vote Required:** Majority

**Council Action Requested:** Formal Objection

**Submitted by:** Krysti J. Barksdale-Noble, AICP Community Development  
Name Department

**Agenda Item Notes:**

See attached memo and report.

Have a question or comment about this agenda item?  
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at [agendas@yorkville.il.us](mailto:agendas@yorkville.il.us), post at [www.facebook.com/CityofYorkville](https://www.facebook.com/CityofYorkville),  
tweet us at @CityofYorkville, and/or contact any of your elected officials at [http://www.yorkville.il.us/gov\\_officials.php](http://www.yorkville.il.us/gov_officials.php)



# Memorandum

To: City Council  
From: Krysti Barksdale-Noble, Community Development Director  
CC: Bart Olson, City Administrator  
Date: August 15, 2016  
Subject: **Kendall County Case #16-22 – Jet's Towing (Rezoning Request)  
1.5 Mile Review**

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## **Staff Recommendation Summary:**

Staff has reviewed the request from Kendall County Planning & Zoning Department along with the subsequent documents attached. This subject property is located within one and a half miles of the planning boundary for Yorkville allowing us the opportunity to review and provide comments to Kendall County. The petitioner, J.A. Schleining, LLC, d/b/a Jets Towing and Services, is requesting a Zoning Map Amendment (rezoning) from the A-1 Agricultural District to the M-1 Limited Manufacturing District to operate a towing and truck storage area on an approximately 8.8-acre parcel located about one (1) mile north of Corneils Road and just south of Galena Road in Bristol Township. The location of the proposed towing operation will be at 9790 Eldamain Road which currently has five (5) existing barn-type buildings and structures.

This item was delivered to the City on July 26, 2016. This item was heard at the August 2, 2016 Kendall County Zoning, Platting & Advisory Committee (ZPAC) meeting at the County Office Building and was not unanimously recommended but moved forward to the County's Plan Commission. The petition is tentatively scheduled to be heard at the September 28<sup>th</sup> Kendall County Plan Commission meeting. It is then scheduled for a public hearing at the County's Zoning Board of Appeals meeting on October 3, 2016 and then to the full County Board on October 18, 2016.

## **Plan Commission Recommendation:**

Upon the review of the Planning and Zoning Commission with regards to the proposed future comprehensive plan designation of this property, they expressed some objections to the petitioners' request since it is a currently operating land use in violation of the existing Kendall County A-1 zoning district. Furthermore, the Planning and Zoning Commission felt that the proposed M-1 Limited Manufacturing District is inappropriate for the surrounding land area and may require further variances from the County's standards with regards to fencing (landscaping) and parking surface.

While the proposed manufacturing use is consistent with the City's current future land use plan, it is noted that the proposed Comprehensive Plan Update has designated this area for Estate/Conservation Residential – inconsistent with the proposed use requested. Finally, the Commission recommended having all semi-truck towing and repair operations happen in a completely enclosed building/structure and not allow any storage of vehicles on gravel surfaces, should the County permit the proposed rezoning.

It was the recommendation of the Planning and Zoning Commission that the City Council file a *formal objection* to Kendall County regarding the petition with the following vote:

## **Action Item:**

Harker-aye; Vinyard-aye; Olson-aye; Horaz-aye; Goins – aye; Gockman-aye; Marcum-aye

**7 ayes; 0 no**

**Attachments:**

1. Staff memorandum to the Planning and Zoning Commission dated August 2, 2016.
2. Kendall County Planning and Zoning Memo with Attachments.

**Resolution No. 2016-\_\_\_\_\_**

**A RESOLUTION OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,  
RECOMMENDING DENIAL AND FILING OF A WRITTEN PROTEST TO THE PROPOSED  
REZONING REQUEST IN PETITION NUMBER 16-22 FOR THE PROPERTY AT  
790 ELDAMAIN ROAD IN BRISTOL TOWNSHIP**

**WHEREAS**, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, J. A. Schleining LLC (the “Applicant”) has filed an application with the County of Kendall for the rezoning of its property at 790 Eldamain Road from A-1 Agricultural to M-1 Limited Manufacturing for a truck towing and truck storage business that is within 1.5 miles of the corporate limits of the City; and,

**WHEREAS**, the City has adopted a Comprehensive Plan that includes the Applicant’s property which update designated this property for estate/conservation residential uses; and,

**WHEREAS**, the City’s Planning and Zoning Commission considered the rezoning petition at its public meeting on August 15, 2016 and recommended by a 7 aye and 0 no vote to the City Council that such request be denied and a formal objection by written protest be filed by the City in that the proposed manufacturing use is currently being operated in violation of the existing Kendall County zoning regulations, that it was inappropriate when compared to the surrounding agricultural zoned uses and that it is inconsistent with the City’s Comprehensive Plan Update; and,

**WHEREAS**, the Mayor and City Council (the “Corporate Authorities”) have considered the recommendation of the Planning and Zoning Commission and agree that the rezoning does not meet the factors established by the Illinois Supreme Court in the *LaSalle National Bank* and *Sinclair Pipe Line* cases in that:

1. The existing uses and zoning of the nearby property are agricultural and the rezoning would create spot zoning of incompatible uses,
2. The property values of the adjacent property would be diminished by the rezoning allowing such dissimilar uses to be adjacent,
3. The reduction of adjacent property values would not promote the health, safety, morals and general welfare of the public,
4. There is no relative gain for such a business that is lawfully permitted in many other locations in the County compared to the potential hardships of adjoining property owners,
5. The suitability of the property for this use cannot be assumed because such a use is currently in violation of the county’s zoning regulations and rezoning will not change the reason that it is currently in violation,
6. The property has not been vacant considering the land use in the area,
7. There is no community need for such a use as such a use is permitted in many other locations in the County, and

8. The City has undertaken much review and care in the adoption of its Zoning Ordinance and Comprehensive Plan Update that makes the rezoning uses inconsistent with those regulations; and,

**WHEREAS**, the Corporate Authorities concur with the recommendation of the Planning and Zoning Commission for the denial of this rezoning and the filing of this written protest requiring the favorable vote of  $\frac{3}{4}$  of all members of the County Board if such application was considered for approval pursuant to Section 5-12014 of the Counties Code (55 ILCS 5/5-12014).

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

**Section 1:** The above recitals are incorporated herein and made a part of this Resolution.

**Section 2:** That the Corporate Authorities hereby request that the Kendall County Board deny the rezoning application, Petition Number 16-22, for 790 Eldamain Road or in the alternative not approve without a  $\frac{3}{4}$  vote of the County Board and require all business operations to be within enclosed buildings and not allow any storage on gravel surfaces.

**Section 3:** That the City Clerk shall send a certified copy of this Resolution to the Kendall County Department of Planning, Building & Zoning and to the Kendall County Clerk. The City Clerk shall also send a copy by certified mail to the applicant and applicant's attorney.

**Section 4:** This Resolution shall be in full force and effect upon its passage and approval as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
DIANE TEELING	_____	SEAVAR TARULIS	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR





# Memorandum

To: Planning and Zoning Commission  
From: Krysti Barksdale-Noble, Community Development Director  
CC: Bart Olson, City Administrator  
Jason Engberg, Senior Planner  
Date: August 2, 2016  
Subject: **Kendall County Case #16-22 – Jet's Towing (Rezoning Request)  
1.5 Mile Review**

## Proposal Summary

Staff has reviewed the request from Kendall County Planning & Zoning Department along with the subsequent documents attached. This subject property is located within one and a half miles of the planning boundary for Yorkville allowing us the opportunity to review and provide comments to Kendall County. The petitioner, J.A. Schleining, LLC, d/b/a Jets Towing and Services, is requesting a Zoning Map Amendment (rezoning) from the A-1 Agricultural District to the M-1 Limited Manufacturing District to operate a towing and truck storage area on an approximately 8.8-acre parcel located about one (1) mile north of Corneils Road and just south of Galena Road in Bristol Township. The location of the proposed towing operation will be at 9790 Eldamain Road which currently has five (5) existing barn-type buildings and structures.

According to information obtained from the County and the petitioner's attorney, the proposed towing and truck storage area use is currently operating on the site and the request for rezoning stemmed from a compliance violation. The owners propose to still maintain the existing home on the property as their primary residence and conduct their semi-truck towing and minor repair business in one or more of the out buildings on site. In addition, temporary outdoor storage of the semi-trucks is also proposed.

There will be no outside employees as part of the proposed towing operation, other than the current owners of the property. The property owners will seek a fence variance and may seek a variance to allow the vehicles to be stored on the existing gravel driveway surface rather than a hard surface (i.e., concrete or asphalt) as required by County code.



Kendall County's M-1 Limited Manufacturing District does allow for residences, termed "watchman quarters", within this zoning classification. However, the county's Future Land Use designation for this area is Mixed-Use Business which provides for land uses that create employment opportunities for County residents while providing a balanced tax base. Further, this land use category overlaps with the County's Office and Research Park District as well as

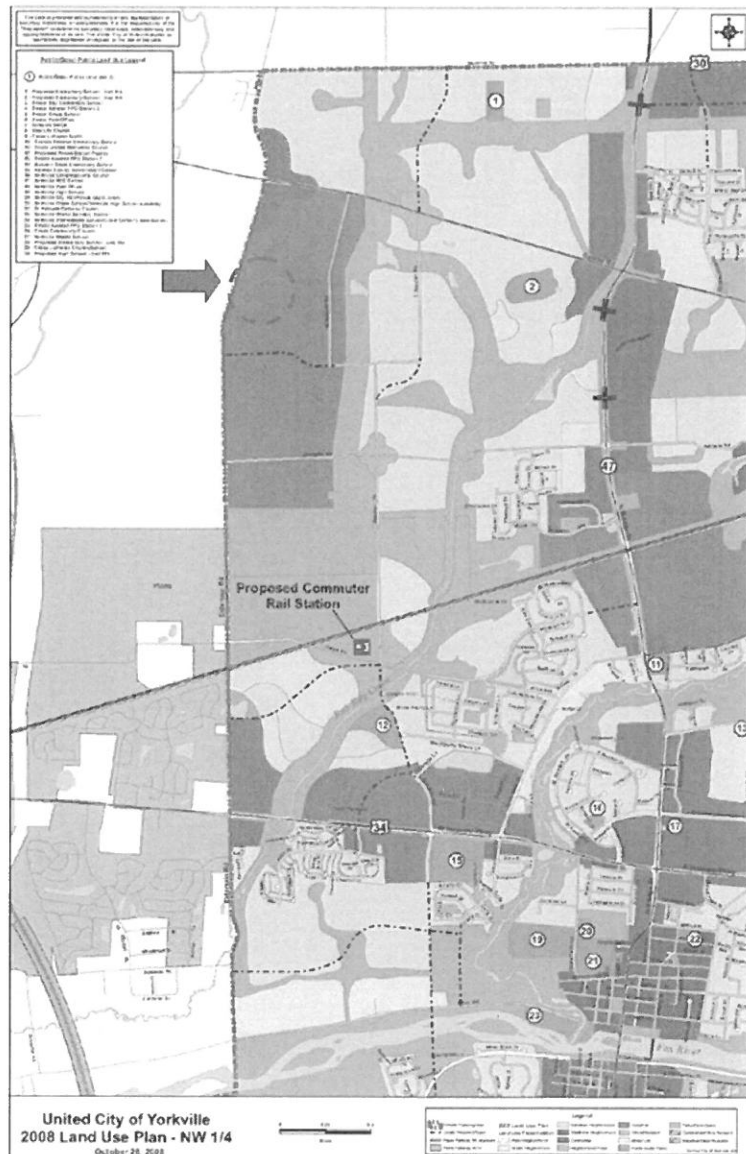
the County's three (3) manufacturing district. According to Kendall County's Land Resource Management Plan, buildings and land in the Mixed Use Business land use category should be properly landscaped and developed in an orderly manner that conveys a well-maintained environment.

### **Yorkville Comprehensive Plan**

Yorkville's current 2008 Comprehensive Plan designation for this property is Industrial which is intended to "allow limited and general manufacturing, assembly, wholesale and warehouse uses in distinct areas that can be adequately served by transportation and other infrastructure.

In addition to the location need determined by infrastructure, these areas should also locate where truck and/or rail traffic and hours of operation would not serve as a nuisance to their surrounding neighbors." A specific location identified in the 2008 Comprehensive Plan for Industrial Land Uses were the Eldamain Corridor between the BNSF railroad and Galena Road.

However, according to the proposed Comprehensive Plan Update which is up for consideration at tonight's Planning and Zoning Commission, the recommended future land use designation for this property is Estate/Conservation Residential. This land use designation is primarily intended low-density detached single family housing with sensitive environmental or scenic features with preserving, but allows for flexibility in residential design. Manufacturing or any business uses are not included in this future land use designation description.



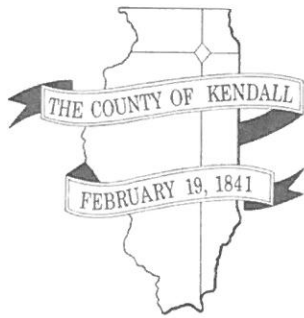
### **Staff Recommendation & Comments**

Staff has reviewed the comprehensive plan designation and has some objections to the petitioners' request since it is a currently operating land use in violation of the existing Kendall County A-1 zoning district. Furthermore, it is staff's opinion that the proposed M-1 Limited Manufacturing District is inappropriate for the surrounding land area and may require further variances from the County's standards with regards to fencing (landscaping) and parking surface. While the proposed manufacturing use is consistent with the City's current future land use plan, it is noted that the proposed Comprehensive Plan Update has designated this area for Estate/Conservation Residential – inconsistent with the proposed use requested. Should the County permit the proposed rezoning, staff would recommend having all semi-truck towing and repair operations happen in a completely enclosed building/structure and not allow any storage of vehicles on gravel surfaces.

Staff will be available to answer any questions the Planning and Zoning Commission may have regarding the County Petition. This item was delivered to the City on July 26, 2016 with feedback requested prior to Kendall County Board consideration. This item was heard at the August 2, 2016 Zoning and Platting Advisory Committee conducted by Kendall County.

### **Attachments:**

1. Kendall County Planning and Zoning Memo with Attachments.



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**MEMORANDUM**

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To: WBK Engineering, LLC –Greg Chismark  
Highway Department- Fran Klaas  
Kendall County Forest Preserve- David Guritz  
Kendall County Health Department- Aaron Rybski  
Bristol-Kendall Fire Protection District- Chief Mike Torrence  
GIS Mapping Department- Chris Balog  
Building Department- Brian Holdiman  
United City of Yorkville – Krysti Barksdale-Noble  
Soil & Water Conservation District- Megan Andrews  
Sheriff's Office- Commander Mike Peters  
Bristol Township- Robert Walker, Supervisor  
Bristol Township – Julie Bennett, Clerk  
Bristol Township Road District- Jeff Corneils, Commissioner  
PBZ Committee- Scott Gryder, Chair  
File

From: Kendall County Planning, Building & Zoning Department

Date: July 26, 2016

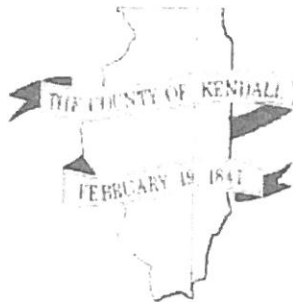
Re: Petition #16-22 – Jet's Towing – 790 Eldamain Road, Bristol Township (PIN 02-06-300-009; -010)

Attached is information received for a request for a Zoning Map Amendment from A-1 Agricultural to M-1 Limited Manufacturing. The property is currently being use for a towing and truck storage area.

**Please send questions or comments to:**

Kendall County  
Planning, Building & Zoning Department  
Attn: John Sterrett  
111 West Fox Street, Room 203  
Yorkville, IL 60560  
[jsterrett@co.kendall.il.us](mailto:jsterrett@co.kendall.il.us)

A Zoning and Platting Advisory Committee meeting will be held on Tuesday, August 2, 2016 at 9:00am at the Kendall County Office Building.

**DEPARTMENT OF PLANNING, BUILDING & ZONING**


111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**APPLICATION**

PROJECT NAME \_\_\_\_\_ FILE #: \_\_\_\_\_

<b>NAME OF APPLICANT</b> J.A. Schleining LLC d/b/a Jets Towing and Services		
<b>CURRENT LANDOWNER/NAME(s)</b> Joshua Schleining and Tammi Schleining		
<b>SITE INFORMATION</b> ACRES 8.8387 Acres	<b>SITE ADDRESS OR LOCATION</b> 790 Eldamain Road, Plano, Illinois 60545	<b>ASSESSOR'S ID NUMBER (PIN)</b> 02-06-300-009/02-06-300-010
<b>EXISTING LAND USE</b> A-1	<b>CURRENT ZONING</b> A-1	<b>LAND CLASSIFICATION ON LRMP</b>
<b>REQUESTED ACTION (Check All That Apply):</b>  <input type="checkbox"/> SPECIAL USE <input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>M-1</u> ) <input checked="" type="checkbox"/> VARIANCE  <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW  <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b>PRIMARY CONTACT</b> Kelly A. Kramer	<b>PRIMARY CONTACT MAILING ADDRESS</b> 1107A South Bridge St., Yorkville, IL 60560	<b>PRIMARY CONTACT EMAIL</b> kkramer@dankramerlaw.com
<b>PRIMARY CONTACT PHONE #</b> 630-553-9500	<b>PRIMARY CONTACT FAX #</b> 630-553-5764	<b>PRIMARY CONTACT OTHER # (Cell, etc.)</b>
<b>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
<b>SIGNATURE OF APPLICANT</b> 		<b>DATE</b>

FEE PAID: \$ \_\_\_\_\_  
CHECK #: \_\_\_\_\_<sup>1</sup>Primary Contact will receive all correspondence from County<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants



## LEGAL DESCRIPTION

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured counterclockwise therefrom), 1149.27 feet, thence Westerly, parallel with said South Line, 443.0 feet to said centerline, thence Southwesterly, along said centerline, 1149.27 feet to said South Line, thence Easterly, along said South Line which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning, EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured counterclockwise therefrom), 132.44 feet, thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline, thence Southwesterly, along said centerline, 245.0 feet to said South Line, thence Easterly, along said South Line which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning, AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014, all in Bristol Township, Kendall County, Illinois



-R7E, 3rd PM  
ILINOIS

LEGAL DESCRIPTION:

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 1149.27 feet; thence Westerly, parallel with said South Line, 443.0 feet to said centerline; thence Southwesterly, along said centerline, 1149.27 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning;

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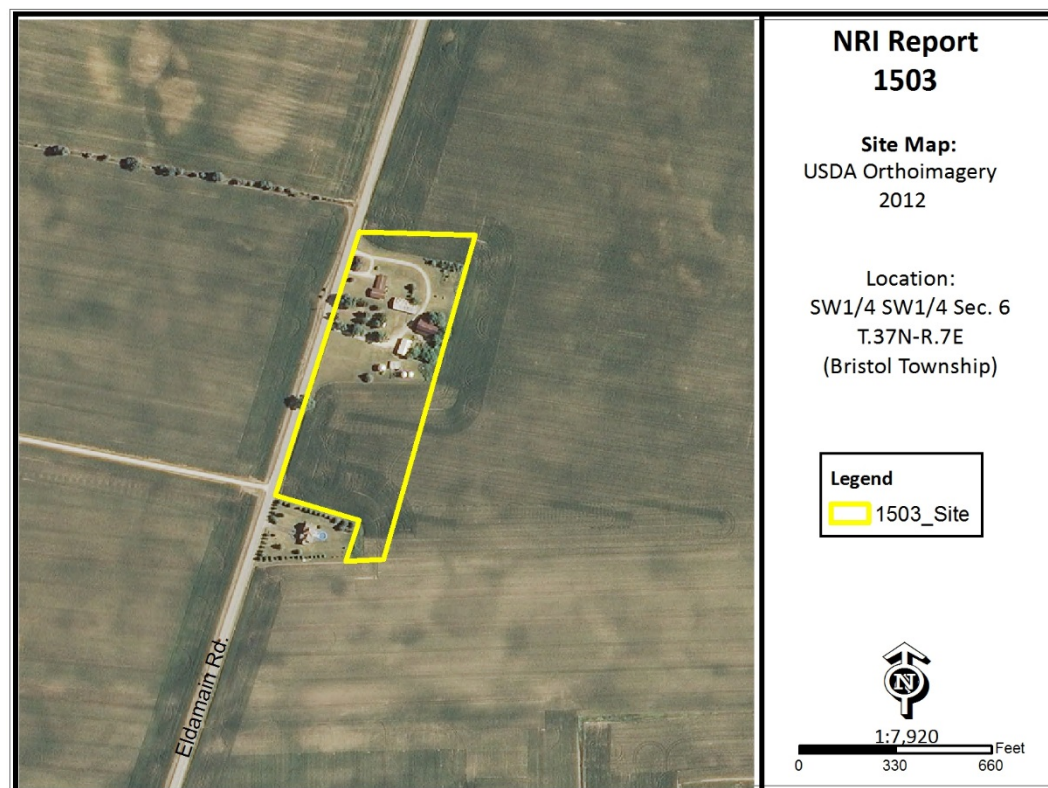


Zoning Map Amendment – A-1 Agricultural to M-1 Limited Manufacturing

Jet's Towing Services – 790 Eldmain Road – Bristol Township



# NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 1503



September  
2015

Petitioner: Joshua Schleining / Tammi Schleining  
Contact: Attorney Kelly Helland

Prepared by:



**Kendall County Soil & Water  
Conservation District**

7775A Route 47 • Yorkville, Illinois 60560  
Phone: (630)553-5821 x3 • Fax: (630)553-7442  
[www.kendallswcd.org](http://www.kendallswcd.org)

**Petitioner:** Joshua Schleining / Tammi Schleining

**Contact Person:** Attorney Kelly Helland

**County or Municipality the petition is filled with:** Kendall County

**Location of Parcel:** SW¼ SW¼ Section 6, T.37N.-R.7E. (Bristol Township) of the 3<sup>rd</sup> Principal Meridian in Kendall County, IL

**Project or Subdivision Name:** Jets Towing and Services

**Existing Zoning & Land Use:** A-1 (Agricultural); Row Crop Production, Farmstead

**Proposed Zoning & Land Use:** A-1 Special Use, Trucking and Towing Service

**Proposed Water Source:** Well

**Proposed Type of Sewage Disposal System:** Septic

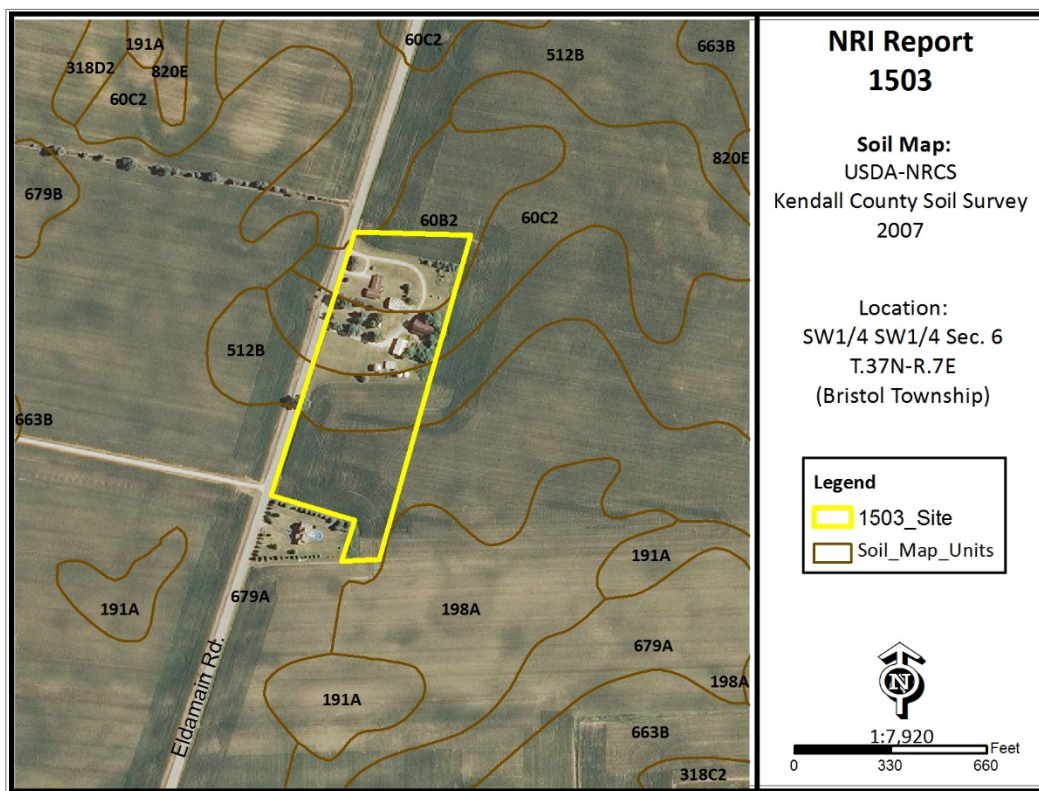
**Proposed Type of Storm Water Management:** Not required

**Size of Site:** 8.8

**Land Evaluation Site Assessment Score:** 181

### Natural Resource Concerns

#### Soil Map:



#### SOIL INFORMATION:

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2007 Kendall County Soil Survey, this parcel contains the following soil types:

**Table 1:**

Map Unit	Soil Name	Hydrologic Group	Hydric Designation	Farmland Designation
60B2	La Rose silt loam, 2-5% slopes, eroded	C	Non-hydric	Prime Farmland
60C2	La Rose silt loam, 5-10% slopes, eroded	C	Non-hydric	Statewide Importance
512B	Danabrook silt loam, 2-5% slopes	B	Non-hydric	Prime Farmland
679A	Blackberry silt loam, 0-2% slopes	B	Non-hydric	Prime Farmland

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

- ✓ **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- ✓ **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- ✓ **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- ✓ **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

**Hydric Soils:** A soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. Of the soils found onsite, none are classified as a hydric soil. Additionally, none of the soils onsite are likely to have hydric inclusions.

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

**Table 2:**

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
60B2	Medium	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	February – April: None	February – April: None
60C2	High	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.4'	February – April: None	February – April: None
512B	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: 3.0'-5.0'	February – April: None	February – April: None
679A	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: >6.0'	February – April: None	February – April: None

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

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

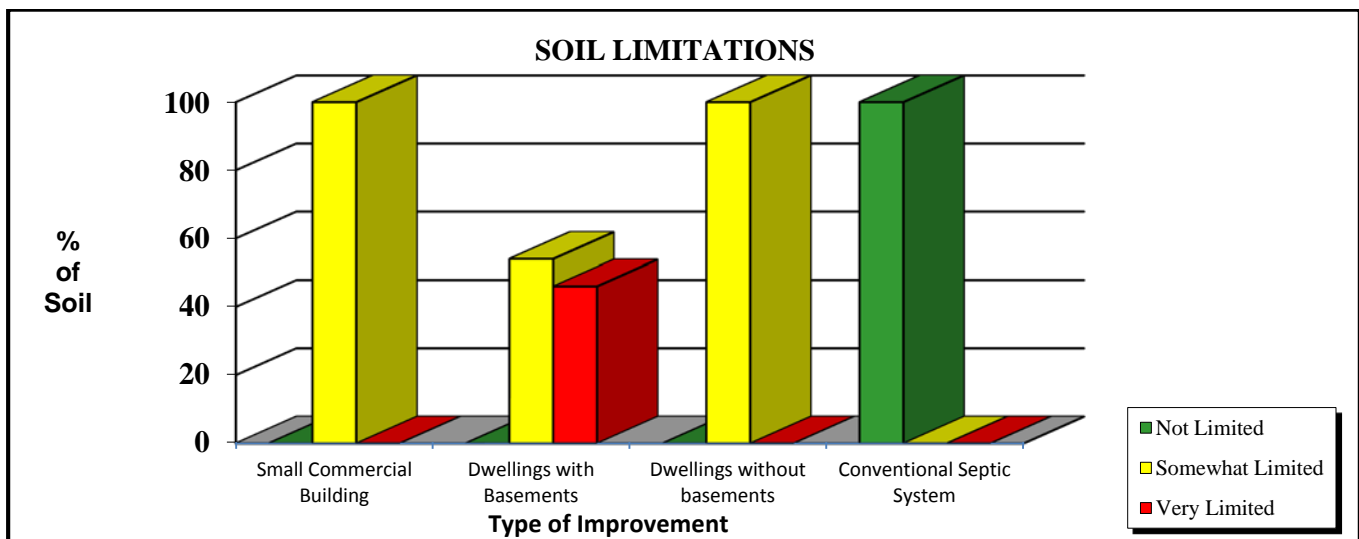
**Flooding:** Temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding. Duration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

**SOIL LIMITATIONS:** Limitations for small commercial building, dwellings with basements, dwellings without basements and conventional sewage disposal systems. Please note this information is based on information compiled as part of the USDA-NRCS 2007 Soil Survey of Kendall County, IL and does not replace site specific soil testing.

**Table 2a:**

Soil Type	Small Commercial Building	Dwellings with Basements	Dwellings without Basements	Conventional Sewage Disposal System
60B2	Somewhat Limited: Depth to saturated zone	Very Limited: Depth to saturated zone	Somewhat limited: Depth to saturated zone	Suitable
60C2	Somewhat Limited: Slope Depth to saturated zone	Very Limited: Depth to saturated zone	Somewhat limited: Depth to saturated zone	Suitable
512B	Somewhat limited: Shrink-swell	Somewhat Limited: Shrink-swell Depth to saturated zone	Somewhat limited: Shrink-swell	Suitable
679A	Somewhat limited: Shrink-swell	Somewhat Limited: Shrink-swell Depth to saturated zone	Somewhat limited: Shrink-swell	Suitable

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



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

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



- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

**Table 4a: Land Evaluation Computation**

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
60B2	4	79	2.1	165.9
60C2	5	82	1.9	155.8
512B	2	94	1.8	169.2
679A	1	100	3.0	300.0
<b>Totals</b>			<b>8.8</b>	<b>790.9</b>
<b>LE Score</b>		<b>LE= 790.9/8.8</b>		<b>LE=90</b>

The Land Evaluation score for this site is **90**, indicating that this site is **well suited** for agricultural uses.

**Table 4b: Site Assessment Computation**

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	10
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	<b>Site Assessment Score:</b>	<b>91</b>

**Land Evaluation Value: 90 + Site Assessment Value: 91 = LESA Score: 181**

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

The **LESA Score for this site is 181 which indicates a Low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

**Wetlands:** The U.S. Fish & Wildlife Service's National Wetland Inventory map **does not indicate** the presence of a wetland. Additionally, the USDA-NRCS 1984 Aerial Wetland Map **does not indicate** the presence of a wetland. If a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

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

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

#### **LAND USE OPINION:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Joshua Schleining / Tammi Schleining for the proposed A-1 Special Use. This parcel is located in the SW¼ SW¼ of Section 6 in Bristol Township (T.37N.-R.7E. of the 3<sup>rd</sup> 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 90 out of a possible 100 points indicating the soils are well suited for agricultural uses. Additionally, three of the soils found onsite are classified as prime farmland and the remaining soil is classified as farmland of statewide importance.


In addition, soils can have potential limitations for development. This report indicates that for soils located on the parcel, 100% are somewhat limited for dwellings without basements and small commercial building; 53% are very limited for dwellings with basements. This information is based on the soil in an undisturbed state. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support these types of development with significant limitations. Additionally, since 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 Rob Roy 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 use it is recommended that the drainage tile survey completed on the parcel to locate the subsurface drainage tile be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

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

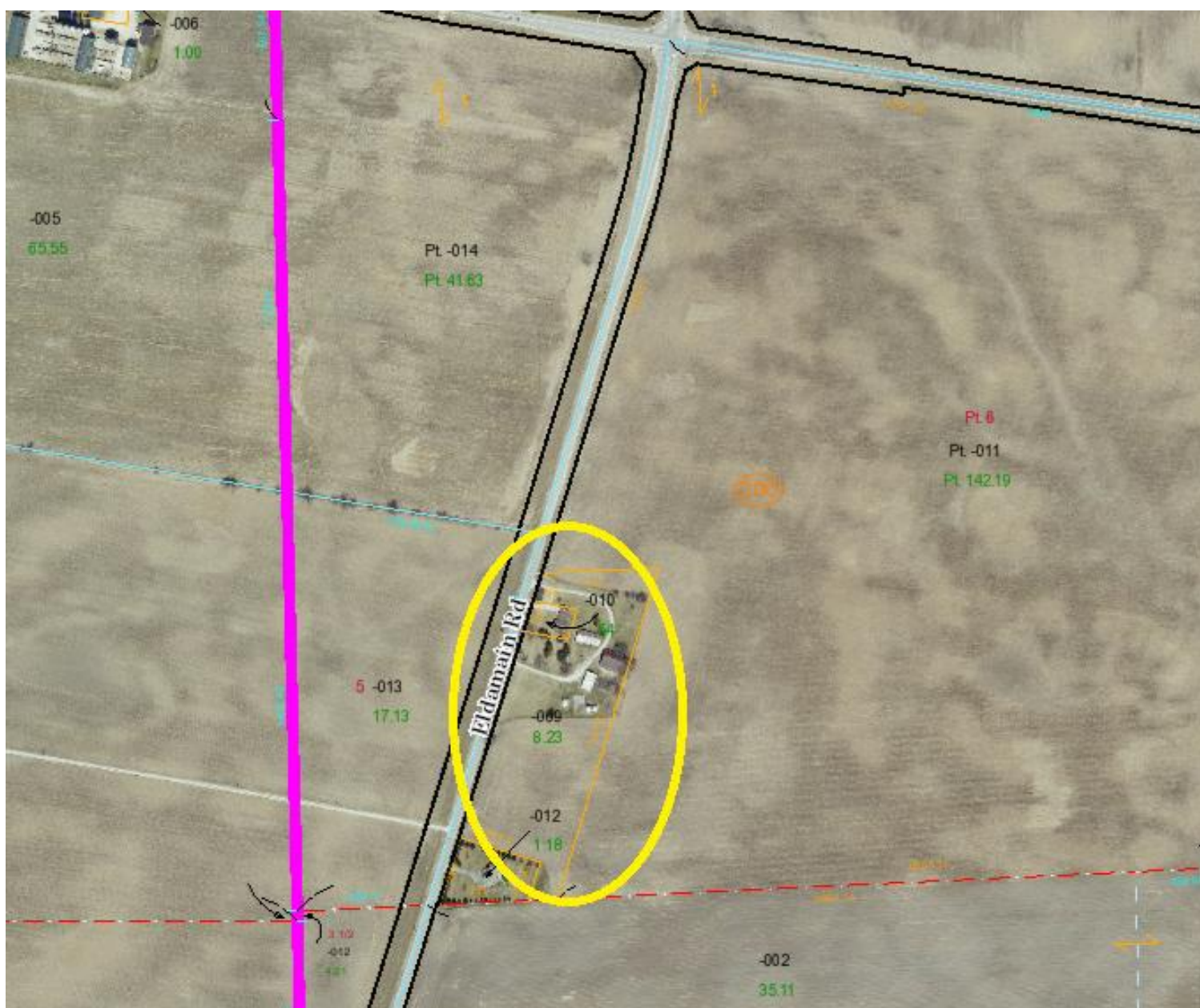
  
SWCD Chairman

  
Date



Zoning Map Amendment – A-1 Agricultural to M-1 Limited Manufacturing

Jet's Towing Services – 790 Eldamain Road – Bristol Township









































**ATTACHMENT 16  
KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unapproved Meeting Minutes of February 22, 2017**

Chairman Bill Ashton called the meeting to order at 7:05 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Tom Casey, Larry Nelson, John Shaw, Claire Wilson, and Budd Wormley

Staff Present: Matthew H. Asselmeier, Senior Planner

Members Absent: Roger Bledsoe, Ruben Rodriguez, and Angela Zubko

In the Audience: Kelly Helland (Representing JA Schleining LLC d/b/a Jets Towing and Services)

**APPROVAL OF AGENDA**

Mr. Wilson made a motion, seconded by Mr. Wormley, 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. Shaw, to approve the January 25, 2017, minutes. With a voice vote of all ayes, the motion carried.

**PETITIONS**

**16-22 JA Schleining LLC d/b/a Jets Towing and Services**

Mr. Asselmeier briefly reviewed the case, summarizing the staff memorandum. In addition to the request for a map amendment, the petitioner is asking for variances related to paving material, parking in the side yard setback, and using evergreens instead of fencing for screening. Ms. Helland then presented information on behalf of the petitioner.

Mr. Nelson questioned the application in relation to Yorkville's new Comprehensive Plan. Mr. Asselmeier stated that Yorkville amended their Future Land Use Map in the area to residential. Yorkville's previous Future Land Use Map indicated the area to be industrial. Yorkville amended their Comprehensive Plan after the petitioner submitted the application.

Ms. Helland stated that the petitioner originally wanted to add this use to the list of special uses within the A-1 District. However, after discussions with Staff and PBZ Committee, the decision was made to apply for a map amendment. The petitioner has one (1) wrecker and (3) trucks located on the property. The petitioner does not tow to the property or store towed vehicle on the property. The petitioner is attempting to get a rebuilders license, but needs the proper zoning. The petitioner had no objections to planting evergreens as requested.

Mr. Nelson asked about the long-term plans for the business. Ms. Helland stated that the petitioner, his father, and two (2) independent contractors are the only people associated with the business at this site. The business does not have the clientele to use all of the trailers located on the property. The business hopes to have ten (10)-twelve (12) employees in the future.

Discussion occurred regarding the property turning into an eyesore. Mr. Wormley asked if PBZ received any complaints on this property. Mr. Asselmeier reported that PBZ received no comments on this proposal. Discussion occurred regarding the possibility of gas, oil, hydraulic fuel, and other chemical leaking. Mr. Wormley noted that the health department raised no concerns on this topic.

Discussion occurred about setting a maximum number of trailers allowed on the property in exchange for the gravel parking variance.

Mr. Wormley noted that a similar situation existed on Light Road involving the placement of fifteen (15)-eighteen (18) construction trailers. Several Commissioners voiced concerns about the petitioner scrapping the trailers or using them for storage.

Ms. Wilson asked about the storage of trailers. Mr. Asselmeier stated that all work on the trailers had to occur inside a building and inoperable trucks must be stored in a building.

Ms. Helland noted that the EcoCat report had not been terminated because of the potential existence of an endangered fish in the area.

Mr. Ashton asked if the petitioner wanted the rezoning if the variances were not approved. Ms. Helland stated failure to secure the variances could impact the petitioner financially and could hamper his ability to remain at that location.

Commissioners discussed planting three (3) to four (4) foot tall evergreens on the north and south sides of the property, limiting the number of trailers, and keeping inoperable vehicles offsite or indoors.

Ms. Helland indicated that no one was living in the house; the petitioner is using the house as an office.

Ms. Helland agreed to work with Staff to finalize the variance requests; the petition was tabled at the petitioner's request.

### **OLD BUSINESS**

Mr. Asselmeier presented a memorandum from Mike Hoffman regarding spot zoning.

Discussion occurred regarding reconsidering the Pagel Case. No motion was made to reconsider the matter.

Mr. Ashton reminded everyone that the Annual Meeting is Saturday, February 25<sup>th</sup>, at 9:00 a.m.

### **NEW BUSINESS**

Mr. Nelson moved to open the floor for nominations for officers and nominated Bill Ashton for Chairman, Budd Wormley for Vice-Chairman, Larry Nelson for Secretary, and Matt Asselmeier for Recording Secretary. There were no additional nominees. The call for nominations was closed. With a voice vote of all ayes, the motion carried.

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

None

### **OTHER BUSINESS/ANNOUNCEMENTS**

Petition 16-26, John and Sharon Pagel Living Trust, the petitioner requested the ZBA hearing for the proposed rezoning from R-3 to R-1 be postponed until May so that they can obtain images of the property draining stormwater.

The Plan Commission of the City of Plano will hold a public hearing on their proposed Comprehensive Plan Update on March 6<sup>th</sup> at 7:00 p.m., at Plano City Hall.

**CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

**ADJOURNMENT**

Mr. Wormley 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 7:56 p.m.

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



## Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Bruce Rauner, Governor

Wayne Rosenthal, Director

February 28, 2017

Daniel J. Kramer  
Attorney Kelly A. Helland  
1107A South Bridge Street  
Yorkville, IL 60560

**RE: Jets Towings**  
**Project Number(s): 1706394**  
**County: Kendall**

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Keith Shank  
Division of Ecosystems and Environment  
217-785-5500

**ATTACHMENT 18  
KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unapproved Meeting Minutes of March 22, 2017**

Vice-Chairman Wormley called the meeting to order at 7:00 p.m.

**ROLL CALL**

Members Present: Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, and Angela Zubko

Staff Present: Matthew H. Asselmeier, Senior Planner

Members Absent: Bill Ashton and Roger Bledsoe

In the Audience: Kelly Helland (Representing JA Schleining LLC d/b/a Jets Towing and Services), Josh Schleining, and Tammi Schleining

**APPROVAL OF AGENDA**

Ms. Zubko 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. Casey made a motion, seconded by Mr. Rodriguez, to approve the February 22, 2017, minutes with the amendment that the Schleining petition was laid over at the previous meeting and not tabled. With a voice vote of all ayes, the motion carried.

Ms. Zubko made a motion, seconded by Mr. Casey, to approve the February 25, 2017, Annual Meeting minutes. With a voice vote of all ayes, the motion carried.

Ms. Wilson arrived at 7:04 p.m.

**PETITIONS**

**16-22 JA Schleining LLC d/b/a Jets Towing and Services**

Ms. Helland presented information on behalf of the petitioner. She stated the petitioners are withdrawing the request for variances to the Zoning Ordinance pertaining to fencing, parking in the setback, and parking material. The petitioners are requesting a rezoning (map amendment) only. The petitioners shall construct a cedar board-on-board fence eight (8) feet in height. They will not park in the setbacks and they will use asphalt shavings (tar and chip) in the trailer parking area. The petitioners hope to have the parking area asphalted within one hundred twenty (120) days.

Ms. Zubko asked if the EcoCat had been resolved. Ms. Helland said that the EcoCat consultation had been terminated.

Mr. Nelson asked Mr. Asselmeier if any other changes to the property would be required if the rezoning was approved. Mr. Asselmeier stated that he was not aware of any additional required changes.

Ms. Helland noted that, after the rezoning, the owners cannot lease the home for a residential purpose or reside in the home.

Mr. Nelson asked what the Land Resource Management Plan classified this area. Mr. Asselmeier stated that the Land Resource Management Plan called for the area to be Mixed Use Business. The proposed rezoning meets the criteria of Mixed Use Business.

Mr. Rodriguez asked if the number of trailers could be limited on the property. Ms. Helland responded that, because this is a straight rezoning request with no variances, no limitations on the number of trailers could be placed on the property.

Ms. Helland reported that the fencing would go around the entire property, not just the area where the trailers and trucks were parked.

Mr. Wormley asked if there were any issues regarding inoperable vehicles. Ms. Helland stated that all of the trailers were plated. The petitioners were working on their rebuilders' license; they cannot get this license until they secured the appropriate zoning. Discussion occurred regarding the inoperable bus. Ms. Schleining said that they would resolve the bus issue after they get their rebuilders license, which could be within sixty (60) days depending on the State's timeline for processing the application.

Ms. Wilson asked if the petitioner plans to install signage. The petitioners would be required to follow the signage regulations in the Zoning Ordinance.

Mr. Nelson asked why Bristol Township wants to wait with commenting until after the Zoning Board of Appeals hearing. Mr. Asselmeier responded that Bristol Township wants to wait because, if they oppose this proposal, a supermajority would be required at the County Board for approval. Discussion occurred regarding Yorkville's official opposition to the proposal.

Ms. Zubko asked if the site plan for the project would change. Mr. Wormley asked if any stormwater issues existed. Mr. Asselmeier responded that the site plan would not change unless the petitioner changed their footprint.

Ms. Wilson made a motion to approve the petition rezoning 790 Eldmain Road from A-1 Agricultural to M-1 Limited Manufacturing with the knowledge that the variance requests have been withdrawn, seconded by Mr. Nelson.

Yes – Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley, and Zubko (7)

No – None

The motion passed. This proposal will go to the Zoning Board of Appeals on April 3, 2017.

### **OLD BUSINESS**

Mr. Asselmeier presented the proposed letter from the Kendall County Regional Planning Commission to the Kendall County Forest Preserve District regarding the Forest Preserve's compliance with the Zoning Ordinance.

Ms. Zubko suggested that Chairman Ashton be the only person to sign the letter.

Discussion occurred regarding the primary addressees of the letter. The consensus was that President Gilmour should be the first addressee and Director Guritz should be the second addressee. Each member of the Forest Preserve District should receive the letter.

Ms. Zubko made a motion to approve the letter with the following amendments:

1. Chairman Ashton shall be the only Commission member to sign the letter.
2. The letter should be addressed to President Gilmour and Director Guritz and in that order.
3. The other members of the Kendall County Forest Preserve District Board shall be given copies of the letter.

Ms. Wilson seconded the motion.

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

### **NEW BUSINESS**

Mr. Nelson provided an update from the Ad-Hoc Zoning Ordinance Committee. The City of Plano will submit an application for a variance to the Stormwater Ordinance for their project at Foli Park. Ad-Hoc is also looking at updating the regulations for the Hearing Officer, including possibly partnering with one (1) of the municipalities. Ad-Hoc recommended that the Planning, Building and Zoning Committee explore a six (6) month moratorium on outdoor shooting ranges to allow for a review of outdoor shooting range regulations. Discussion also occurred regarding different future land uses in Plano's Comprehensive Plan, Yorkville's Comprehensive Plan, and the County's Comprehensive Plan. Ad-Hoc will also work on noise regulations in the future.

Discussion occurred regarding sending Yorkville a letter regarding the changes in their future land use map. The consensus was to wait until the future land use map had been evaluated. Mr. Asselmeier will check to see if Yorkville has an annual meeting on planning issues and if Yorkville filed a formal objection regarding the rezoning at 790 Eldamain Road.

Mr. Asselmeier presented a memo regarding the special use permit identification and tracking project. This project will build on the work previously done in this area.

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

None

### **OTHER BUSINESS/ANNOUNCEMENTS**

Petition 16-14, Robert Delaney's request for an Outdoor Shooting Range, this petition will be heard by the Special Use Hearing Officer on April 3, 2017.

Petition 16-26, John and Sharon Pagel Living Trust, the petitioner requested the ZBA hearing for the proposed rezoning from R-3 to R-1 be postponed until May so that they can obtain images of the property draining stormwater.

The Plan Commission of the City of Plano held a public hearing on their proposed Comprehensive Plan Update on March 6<sup>th</sup> at 7:00 p.m., at Plano City Hall. Mr. Asselmeier presented a memo regarding differences in Plano's proposed Comprehensive Plan and the existing Kendall County Land Resource Management Plan. The Commission requested a similar memo in relation to Yorkville's Comprehensive Plan.

### **CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

### **ADJOURNMENT**

Ms. Wilson made a motion, seconded by Ms. Zubko to adjourn. With a voice vote of all ayes, the motion carried. The Regional Plan Commission meeting adjourned at 7:50 p.m.



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

LAW OFFICES  
OF

***Daniel J. Kramer***

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

**DANIEL J. KRAMER**

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

March 24, 2017

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

VIA E-Mail: [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us)

Re: Jets Towing (Petition #16-22)

Dear Matt:

Please be advised that my clients, JA Schleining, LLC d/b/a Jets Towing and Services, hereby withdraw the three (3) variance requests for the above referenced project.

My clients are proceeding with the request to rezone the property to M-1 Manufacturing only.

Should you have any questions or wish to further discuss this matter, please feel free to contact me.

Very truly yours,

*Kelly A. Helland*

Kelly A. Helland  
Attorney at Law

KAH/lgc

Cc Josh & Tammi Schleining

**ATTACHMENT 20**  
**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**April 3, 2017 – 7:00 p.m.**

**CALL TO ORDER**

At 7:00 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

**ROLL CALL**

Members Present: Randy Mohr, Scott Cherry (arrived at 7:01 p.m.), Karen Clementi, Tom LeCuyer, Dick Thompson, and Dick Whitfield.

Members Absent: Donna McKay

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Kelly Helland (Representing JA Schleining LLC d/b/a Jets Towing and Services)

**MINUTES**

Ms. Clementi noted a typographical error in the first paragraph of the February 27<sup>th</sup> minutes; she was “Acting Chairwoman” not “Act Chairwomen.” Mr. Whitfield, seconded by Ms. Clementi, moved to approve the February 27, 2017 meeting minutes with Ms. Clementi’s amendment. With a voice vote of all ayes, the motion was approved.

**PETITIONS**

**16-22**

**JA Schleining LLC d/b/a Jets Towing and Services**

Request: Rezoning from A-1 (Agricultural) to M-1 (Limited Manufacturing).

Location: 790 Eldamain Road (1/3 Mile South of Galena Road), Bristol Township

PIN(s): 02-06-300-009 and 02-06-300-010

Purpose: Request to Rezone to Allow Petitioner to Operate a Towing and Truck Storage Business.

Chairman Mohr opened the public hearing and swore in all members of the audience that wished to speak about the map amendment. Chairman Mohr also swore in all members of the audience that wished to speak about the proposed special use permit for an outdoor shooting range at 16502 Church Road.

Mr. Asselmeier summarized the petition and reviewed the Staff Report. Mr. Asselmeier noted that the petitioner originally requested variances to the fencing requirement, parking in the setback, and paving material, but these requests were withdrawn. The proposal before the Board was a request to rezone the subject property from A-1 to M-1.

Chairman Mohr asked why Bristol Township had not commented on the proposal. Mr. Asselmeier reported that Bristol Township wanted to wait until the Board made its ruling. Chairman Mohr requested that the record show that the Board would like opinions from the townships prior to issuing a ruling.

Ms. Clementi asked if the United City of Yorkville's objection was included in the packet. Mr. Asselmeier stated that it was included in the packet as Attachment 4. Chairman Mohr asked why Yorkville opposed the request. Mr. Asselmeier stated that Yorkville amended its Future Land Use Map in this area to Estate Residential after the application was submitted. Chairman Mohr asked how Plano classified the area across Eldamain Road from the subject property. Mr. Asselmeier stated that Plano classified the area as Industrial. Chairman Mohr also expressed concerns about Yorkville amending their Comprehensive Plan after the submittal of this application.

Ms. Helland presented information on behalf of the petitioner. She stated that, in her opinion, the objections from Yorkville were unfounded because of the other industrial uses in the area. She stated the petitioners are withdrawing the request for variances to the Zoning Ordinance pertaining to fencing, parking in the setback, and parking material. The petitioners are requesting a rezoning (map amendment) only. The petitioners shall construct a fence eight (8) feet in height. They will not park in the setbacks and they will use asphalt shavings (tar and chip) in the trailer parking area.

Chairman Mohr asked why the petitioners withdrew the variances. Ms. Helland responded that the petitioners priced trees and fencing and the cost of the fence was cheaper than installing trees.

Ms. Helland stated that the petitioners store two big wreckers onsite, but have little storage for other vehicles.

Chairman Mohr asked if the entire property would be fenced. Ms. Helland responded that the entire property would be fenced except for gates located at the two entrances. The fences would be set back from the right-of-way.

Mr. Whitfield asked about the composition of the parking lot. Ms. Helland responded that the parking lot would tar and chip.

Chairman Mohr asked for additional comments from the public. Seeing no one else desiring to speak, Chairman Mohr closed the public hearing.

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

1. *Existing uses of property within the general area of the property in question.* The existing uses of property within the area of this property are a single family home and agricultural farm land which would be consistent with this request. The nearest M-1 zoned property is located approximately 2,750 feet to the northwest at 12127 Galena Road. If the map amendment is approved, any residential use of the house would be illegal.
2. *The Zoning classification of property within the general area of the property in question.* The zoning classifications within the general area are currently A-1 and R-1 with farms and farmhouses.
3. *The suitability of the property in question for the uses permitted under the existing zoning classification.* The petitioner would like to rezone part of their property to M-1 in order to lawfully run his truck storage and towing business at the property. The property must be rezoned in order to operate this type of business at the subject property.
4. *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.* Several industrial users, including a Menard's distribution facility, are located south of the subject property along Eldamain Road inside the boundaries of the City of Plano. The adoption of the map amendment is in the public interest of implementing the recommendations of the Land Resource Management Plan.

5. *Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.* The subject property and adjoining properties are identified as Mixed Use Business on the Future Land Use & Transportation Map of the Land Resource Management Plan. In addition, recommendation 3 (b) on page 6-34 of the Land Resource Management Plan states: "Ensure Lisbon/Eldamain Road is maintained as a commercial-industrial corridor." The proposed map amendment would assist in implementing this recommendation. However, the proposal is inconsistent with the Comprehensive Plan of the United City of Yorkville, adopted in 2016. Yorkville identified the area as Estate Residential in their new Comprehensive Plan. Yorkville previously identified the area as industrial in their previous Comprehensive Plan.

Mr. LeCuyer, seconded by Mr. Thompson, made a motion approve the Findings of Fact as presented. The motion was approved by a vote of 6-0.

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

Ayes (6): Cherry, Clementi, LeCuyer, Thompson, Whitfield, and Mohr  
Nayes(0): None  
Absent (1): McKay

The motion passed. This proposal shall go to the Planning, Building and Zoning Committee on April 10, 2017 with a positive recommendation from the Zoning Board of Appeals.

Mr. Mohr expressed his opinion that he did not like Yorkville amending their Comprehensive Plan after the submittal of this petition.

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

None

#### **NEW BUSINESS/OLD BUSINESS**

The Plan Commission of the City of Plano held a public hearing on their proposed Comprehensive Plan Update on March 6<sup>th</sup> at 7:00 p.m., at Plano City Hall. Mr. Asselmeier presented a memo regarding differences in Plano's proposed Comprehensive Plan and the existing Kendall County Land Resource Management Plan.

#### **PUBLIC COMMENT**

None

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Chairman Mohr requested a motion to adjourn the Zoning Board of Appeals meeting. Mr. Whitfield made a motion to adjourn. Mr. Thompson seconded the motion. With a voice vote of all ayes, the motion carried. Chairman Mohr adjourned the Zoning Board of Appeals meeting at 7:15 p.m.

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

**ATTACHMENT 21**  
**DRAFT**  
**ORDINANCE NUMBER 2017-\_\_\_\_\_**

**MAP AMENDMENT FOR AN 8.8 ACRE PARCEL LOCATED AT 790 ELDAMAIN ROAD**

Rezone from A-1 to M-1

WHEREAS, there is a request for a map amendment from A-1 to R-1, for part of a property located on the east side of Eldamain Road, approximately one-third mile south of Galena Road in Bristol Township, more commonly known as 790 Eldamain Road; and

WHEREAS, said property is identified with the tax identification numbers 02-06-300-009 and 02-06-300-010 and the part for rezoning is legally described below; and

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE SOUTHEAST QUARTER; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 2255.11 FEET FOR THE POINT OF BEGINNING; THENCE NORTHEASTERLY, PARALLEL WITH THE CENTERLINE OF ELDAMAIN ROAD, WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTERCLOCKWISE THEREFROM), 1149.27 FEET; THENCE WESTERLY, PARALLEL WITH SAID SOUTH LINE, 443.0 FEET TO SAID CENTERLINE; THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, 1149.27 FEET TO SAID SOUTH LINE; THENCE EASTERLY, ALONG SAID SOUTH LINE WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES AND 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM), 443.0 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THAT PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 2365.11 FEET FOR THE POINT OF BEGINNING; THENCE NORTHEASTERLY, PARALLEL WITH THE CENTERLINE OF ELDAMAIN ROAD, WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTERCLOCKWISE THEREFROM) 132.44 FEET; THENCE NORTHWESTERLY, PERPENDICULAR TO THE LAST DESCRIBED COURSE, 313.40 FEET TO SAID CENTERLINE; THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, 245.0 FEET TO SAID SOUTH LINE; THENCE EASTERLY ALONG SAID SOUTH LINE WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM), 333.0 FEET TO THE POINT OF BEGINNING; AND ALSO EXCEPTING THEREFROM THAT PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN CONVEYED TO KENDALL COUNTY, ILLINOIS BY DOCUMENT 201000023222 RECORDED DECEMBER 12, 2010 AND BY DOCUMENT 201400006872 RECORDED MAY 27, 2014; ALL IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

WHEREAS, the petitioner desires to rezone 8.8 acres to M-1 (Limited Manufacturing District); and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice

for public hearing, preparation of the findings of fact in accordance with Section 13.07.F of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on April 3, 2017; and

WHEREAS, the findings of fact were approved as follows:

*Existing uses of property within the general area of the property in question. The existing uses of property within the area of this property are a single family home and agricultural farm land which would be consistent with this request. The nearest M-1 zoned property is located approximately 2,750 feet to the northwest at 12127 Galena Road. If the map amendment is approved, any residential use of the house would be illegal.*

*The Zoning classification of property within the general area of the property in question. The zoning classifications within the general area are currently A-1 and R-1 with farms and farmhouses.*

*The suitability of the property in question for the uses permitted under the existing zoning classification. The petitioner would like to rezone part of their property to M-1 in order to lawfully run his truck storage and towing business at the property. The property must be rezoned in order to operate this type of business at the subject property.*

*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. Several industrial users, including a Menard's distribution facility, are located south of the subject property along Eldamain Road inside the boundaries of the City of Plano. The adoption of the map amendment is in the public interest of implementing the recommendations of the Land Resource Management Plan.*

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The subject property and adjoining properties are identified as Mixed Use Business on the Future Land Use & Transportation Map of the Land Resource Management Plan. In addition, recommendation 3 (b) on page 6-34 of the Land Resource Management Plan states: "Ensure Lisbon/Eldamain Road is maintained as a commercial-industrial corridor." The proposed map amendment would assist in implementing this recommendation. However, the proposal is inconsistent with the Comprehensive Plan of the United City of Yorkville, adopted in 2016. Yorkville identified the area as Estate Residential in their new Comprehensive Plan. Yorkville previously identified the area as industrial in their previous Comprehensive Plan.*

WHEREAS, the United City Yorkville filed a formal objection to this proposal in August 2016, and;

WHEREAS, 55 ILCS 5/5-12014 requires a  $\frac{3}{4}$  favorable vote by the County Board because of the formal objection filed by the United City of Yorkville, and;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants a zoning map amendment from A-1 to M-1 on the tract of land located and depicted on the drawing attached as "Attachment 1 Plat of Survey" hereto and incorporated herein.



State of Illinois  
County of Kendall

Zoning Petition  
#16-22

IN WITNESS OF, this ordinance has been enacted on April 18, 2017.

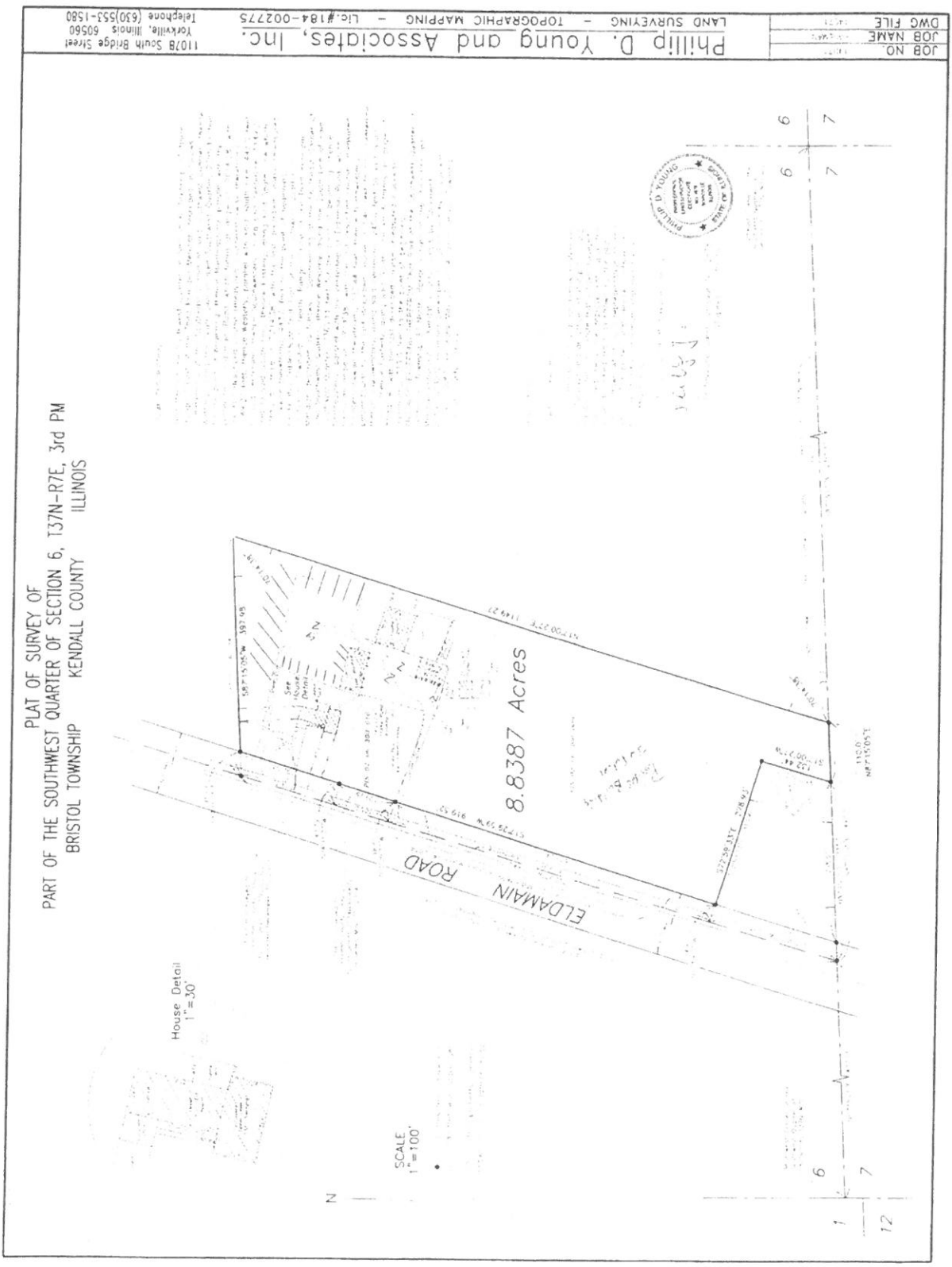
Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Scott R. Gryder



## LEGAL DESCRIPTION

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured counterclockwise therefrom), 1149.27 feet, thence Westerly, parallel with said South Line, 443.0 feet to said centerline, thence Southwesterly, along said centerline, 1149.27 feet to said South Line, thence Easterly, along said South Line which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning, EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured counterclockwise therefrom), 132.44 feet, thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline, thence Southwesterly, along said centerline, 245.0 feet to said South Line, thence Easterly, along said South Line which forms an angle of  $70^{\circ}14'38''$  with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning, AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014, all in Bristol Township, Kendall County, Illinois

-R7E, 3rd PM  
ILINOIS

LEGAL DESCRIPTION:

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 1149.27 feet; thence Westerly, parallel with said South Line, 443.0 feet to said centerline; thence Southwesterly, along said centerline, 1149.27 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning;

EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 132.44 feet; thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline; thence Southwesterly, along said centerline, 245.0 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning;

AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014; all in Bristol Township, Kendall County, Illinois.

Law Offices  
of  
***Daniel J. Kramer***

1107A S. Bridge Street  
Yorkville, Illinois 60560  
630-553-9500  
Fax: 630-553-5764

Daniel J. Kramer

Kelly A. Helland  
D.J. Kramer

March 31, 2017

Matt Asselmeier  
Kendall County  
Via E-mail: Masselmeier@co.kendall.il.us

Robert E. Davidson Jr.  
Chairman of PB & Z Committee

RE: Delaney Public Hearing Shooting Range Petition 16-14

Dear Mr. Asselmeier and Mr. Davidson:

We hereby as Applicant ask to table the Delany Special Use Petition 16-14 from your April 10, 2017 Planning, Building, and Zoning Committee Meeting to your May 8, 2017 Planning, Building, and Zoning Committee Agenda.

We have a number of exhibits and transcripts we want available for the Meeting and there is now way that will happen by this Monday.

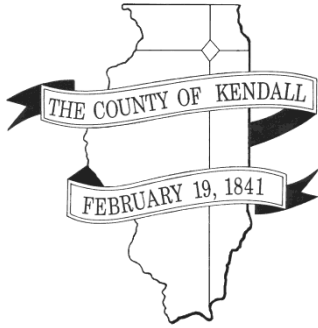
Please verify that you do agree to table the matter and as I understand Robert's Rules of Order a Petitioner has the automatic right to table.

Very truly yours,

*Daniel J. Kramer*

Daniel J. Kramer  
Attorney at Law

DJK:cth



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**MEMORANDUM**

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To: PBZ Committee  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: April 3, 2017  
Re: Plano Stormwater Variance Request

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On the April 10<sup>th</sup>, PBZ Committee agenda, the City of Plano is requesting a variance to the Stormwater Management Ordinance for their project a Foli Park.

Plano Mayor Bob Hausler attended the March 22, 2017, Ad-Hoc Zoning Ordinance Committee meeting and explained the situation. The City of Plano received an OSLAD Grant from the State in the amount of \$202,000 for improvements at Foli Park. Plano must provide a \$202,000 match. Based on their engineer's calculations, this project needs approximately 0.33 acres for detention or \$58,000 of a fee-in-lieu contribution. The subject property is in a floodplain. Mayor Hausler believes that this situation was not discussed when the County considered the Stormwater Management Ordinance. Accordingly, he would like a variance and possibly an amendment excluding five (5) acre public projects.

The Ad-Hoc Zoning Ordinance Committee recommended that Plano apply for a variance instead of amending the Stormwater Control Ordinance. If Plano submitted a variance application, a public hearing before the Committee of the Whole would be required. The application fee would be \$1,251 (a \$1,200 deposit for engineering review; Plano would be refunded any funds not spent on the engineering review and a \$51 recording fee). Plano would be responsible for publishing the required notices of the public hearing and mailing the notice to neighboring property owners.

Discussion initially centered on amending the Stormwater Management Ordinance. A copy of a proposed amendment to the Stormwater Management Ordinance is included with this memo.

MHA

Enc: Proposed Stormwater Management Ordinance Amendment

ORDINANCE # 2017-\_\_\_\_\_

**AMENDMENT TO THE KENDALL COUNTY STORMWATER ORDINANCE  
TO CREATE A DISTURBANCE THRESHOLD FOR SMALL NON-RESIDENTIAL LOTS**

WHEREAS, Kendall County regulates all development, stormwater management activities, soil erosion control practices and floodplain protection measures within Kendall County under authority of the Countywide Stormwater Ordinance, whether or not such activities occur within an incorporated municipality; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a public hearing held before the Kendall County Stormwater Planning Committee on **Month Day**, 2017;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby amends Section 203.1.c “Applicability of Site Runoff Storage Requirements” of the Kendall County Stormwater Ordinance as provided:

203.1.c- A non-residential land use or a residential land use other than single family - detached property of contiguous ownership less than three acres and resulting in disturbance of more than ~~5,000~~**10,000** square feet and resulting in 25% or more of the site area as impervious surface or **public trails 14 feet wide constructed on public open space and used for pedestrians and non-motorized vehicles**. The area development and corresponding storage requirements shall be determined on an aggregate basis from the effective date of this ordinance;

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this **XX<sup>st</sup>** day of Month, 2017.

Attest:

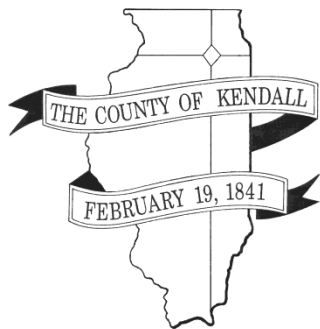
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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Scott R. Gryder





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**MEMORANDUM**

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**To:** Jeff Wilkins

**From:** PBZ and Administrative Kendall County Intern, Michael Goers

**Date:** 02/06/2017

**Subject:** Kendall County Citation Enforcement Proposal

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**Summary:**

Kendall County Planning Building and Zoning Department has a public purpose to protect the public health, safety and welfare of the citizens in the County. Kendall County State's Attorney has stated that PBZ Department has statutory authority to write citations. Citations would allow the PBZ staff to handle violations more efficiently as it would encourage compliance. The PBZ Department receives about 10 to 12 violations each month.

Currently, if there is a violation, staff sends a 14 day violation notice to the owner of the property. After 14 days, if not in compliance, a second 10 day violation notice is given. The PBZ Department allows a reasonable extension if requested by violator. If after the second notice the issue is not resolved, the case will be sent to the State's Attorney Office. The State's Attorney will send out a 30 day notice and after 30 days, a court case will be created. There are around 4 to 8 violations annually sent to the State Attorney Office. The most common violations reported are junk and debris, inoperable vehicles, and zoning.

The capability of writing a citation would create a middle ground between sending notices and sending the case to the State Attorney Office. The PBZ staff reviewed code enforcement from 5 different municipalities in Kendall County and created a proposal to create a citation system for Kendall County.

**Code Enforcement in Kendall County Municipalities:**

All 5 municipalities have the capability of writing a citation. However, the City of Aurora has not implemented it at this time. Currently, they have an "Administrative Citation" proposal waiting for the approval.

The 4 municipalities that have a citation policy all focuses on compliance rather than just issuing a citation. The ratio between violations issued versus citations written is about a 10% average among the municipalities. Actual paid citations are less than 10% (Table 1). The results appears to be with writing a citation the citizen is more inclined to come into compliance to avoid paying a citation.

**City of Plano, IL Enforcement Example:**

If a violation, staff sends a 3 to 10 day violation notice to the owner of the property. If not in compliance after 3 to 10 days, a citation from code compliance officer or building code official is written. Staff allows a reasonable extension if requested by violator. After the citation is issued, a hearing is created with a minimum of 30 and maximum 45 days from when the citation is issued. Every Wednesday at 6:00PM, one of the three hearing officers acts as the judge for these citations. If the owner of the property comes into compliance before the hearing, the citation is

usually dismissed.

The other 3 municipalities have similar procedures in code enforcement. The 2 non-rule municipalities have code enforcers and hearing officers and Oswego has a complex system in place.

**Kendall County PBZ Code Enforcement Proposal:**

Kendall County would add key definitions into the Kendall County Code Ordinances. Definitions of Code Official, citations, issue and any other related term that is not yet defined:

- *Code Official Duties* shall be posted within the Kendall County Code of Ordinances which shall include the authorization to issue citations.
- *Citations* shall mean the official notification of violation of provision of the Kendall County Code of Ordinances. Said citations shall require correction of the violation and impose a fine.
- *Issue* means to provide a citation by (i) personally serving it on a responsible person, (ii) mailing it, via first class mail, to the last known address of a responsible person, or (iii) posting it in a noticeable place on the property to which it relates and mailing a copy of it to a responsible person at their last known address.

Kendall County would adapt a similar citation format from the United City of Yorkville. Each citation shall contain the following information:

1. The date of the violation;
2. The address or description of the location where the violation occurred;
3. The specific section of the code or ordinance violated and a description of the nature of the violation;
4. The amount of the fine for said violation;
5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
6. A statement that the violation must be corrected and the time within which it must be corrected and that failure to correct will result in further legal proceedings;
7. A description of the administrative hearing process including the time and place within which the citation may be contested;
8. The name and signature of the citing code official;
9. Other such information as may be deemed necessary from time to time.

Due to the Building Code Ordinance the citation *fine* cannot be less than \$50 and no more than \$1000:

Violations of this Code shall be processed in the manner prescribed for all other ordinance violations as established by the County Board. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an ordinance violation, punishable by a fine of not less than \$50 nor more than \$1,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 or more than \$1,000.

Nothing herein shall prevent the Kendall County State's Attorney from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (KC Building Code, pg 4)

The citation will be \$50 dollars for first time offenses. The citation fine would increase to \$100 for the next three offenses. After the fifth offense, the case shall be reviewed and the violator can be issued a maximum of \$1000 citation per offense. As stated in the building ordinance, each day that a violation continues after due notice has been served shall be deemed a separate offense.

The fines would be paid to the Kendall County Treasurer. The money would be placed into the General Fund. A new category called "Citation Fees" would be created under the PBZ Licenses, Permits and Fees section.

Kendall County would create an intergovernmental agreement with one of the three non-rule municipalities. The intergovernmental agreement would include using one of their hearing officers with an agreed payment per citation. This is important as Kendall County may never need to use a hearing officer. The intergovernmental agreement will also state the time, location and procedure process.

The only cost associated with this proposal would be the amount agreed upon to use the municipality hearing officer. This cost would be offset by the citation fine and the improved compliance rates.

#### **New Kendall County Code Enforcement:**

If a violation occurs:

- (1) PBZ staff will send a 14 day violation notice to the owner of the property.
- (2) If after 14 days there is not compliance, a second 10 day violation notice is given.
- (3) The PBZ Department will allow a reasonable extension if requested by violator.
- (4) If after the second notice the issue is not resolved, a citation would be issued and a hearing scheduled 30 to 45 days afterwards.
- (5) The case will be sent to the State's Attorney Office if additional legal actions are needed.

#### **Kendall County Hearing Officer Procedures:**

Kendall County will base its procedures off of Tazewell County Ordinance. Tazewell County has been successfully using hearing officer since 2002. It is comparable to Kendall County in population and geographic composition. The ordinance outlines hearing officer duties, training requirements, rules, regulations, subpoenas, administrative hearings, notices, violations of orders, and review of final orders.

#### **United City of Yorkville and City of Plano Chapter 14 Administrative Adjudication:**

Both municipalities are using the Sterling Colifers, Inc. In comparison, Chapter 14 has small differences between them. For example, United City of Yorkville has an adoption and creation sections in the beginning, but City of Plano has an establishment section..

All United City of Yorkville hearings are held at Yorkville City Council of Chambers on Monday's at 5:30PM except if the Monday lands on a holiday. All City of Plano hearings are assumed held at the City of Plano Council of Chambers or City Hall on Wednesday's at 6:00PM except if the Wednesday lands on a holiday. The procedures for administrative hearings are established in the United City of Yorkville Chapter 14 Administrative Adjudication.

#### “1-14-7: ADMINISTRATIVE HEARINGS:

A. An administrative hearing shall be held for the following:

1. To adjudicate any alleged ordinance violation on its merits.
2. To contest the validity of a notice of impending immobilization or impending impoundment, or, the validity of a notice of impending driver's license suspension. The hearing shall be granted to the registered owner or operator of the "cited vehicle", pursuant to 625 Illinois Compiled Statutes 5/11-208.3 or the lessee of the "cited vehicle", 625 Illinois Compiled Statutes 5/11-1306, incorporated herein by reference, and at the date, time and place as is set forth by the ordinance enforcement administrator and served upon the registered owner, operator, or lessee for hearings contesting the validity of notices of impending immobilization or impending impoundment or driver's license suspension.

B. No continuances shall be authorized by the hearing officer at the hearing except where absolutely necessary to protect the rights of the individual. Lack of preparation does not constitute cause for a continuance. No continuance may be granted for more than twenty five (25) days.

C. All administrative hearings shall be recorded and shall culminate in a determination of liability or nonliability, made by the hearing officer, who shall consider facts and/or testimony without the application of the formal or technical rules of evidence. Evidence including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

D. Formal rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this chapter. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs and all testimony shall be given under oath or affirmation.

E. The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with section 1-14-10 of this chapter. Persons appearing to contest the alleged violation on its merits may be represented by counsel at their own expense. The burden of proof shall be on the alleged offender to refute the prima facie case set forth in the verified notice of violation. (Ord. 2015-50, 10-27-2015)

#### 1-14-8: FINDINGS, DECISION AND ORDER:

A. At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing as to whether or not a code violation exists.

B. The determination shall be in writing and shall be designated as findings, decision and order, including the fine, penalty or action with which the defendant must comply.

C. The findings, decision and order shall include:

1. The hearing officer's findings of fact.
2. A decision of whether or not a code violation exists based upon the findings of fact.
3. A statement of any sanction ordered or costs imposed which costs are debts due and owing the city.
4. A warning that failure to pay the fine and any penalty due and owing the city within the time specified may result in proceeding with collection procedures.
5. A warning that the person's driver's license may be suspended for failure to pay fines or penalties for ten (10) or more vehicular standing or parking violations under 625 Illinois Compiled Statutes 5/6-306.5, incorporated herein by reference.
6. A warning that the vehicle owned by the person and located within the city may be immobilized and impounded for failure to pay fines or penalties for ten (10) or more vehicular standing or parking regulation violations.
7. Any other warning of possible impoundment as permitted by law or ordinance. (Ord. 2015-50, 10-27-2015)

1-14-9: FAILURE TO APPEAR:

A. If on the dates set for the hearing the alleged violator or his or her attorney or designee fails to appear, the hearing officer may find the alleged violator in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

B. Upon finding the alleged violation in default, the ordinance enforcement and code hearing administrator shall send or cause to be sent notices by first class mail, postage prepaid to the violator who received the notice of an ordinance violation. Service of notices sent in accordance herewith shall be complete as of the date of deposit in the United States mail.

C. Upon failure of the person receiving a notice of a violation to appear at the time and date designated for a hearing in the case of a violation of the city motor vehicle code and failure of the registered owner, operator, or lessee of the "cited vehicle" to pay the fine in full as stated on said notice, the ordinance enforcement administrator shall send or cause to be sent notices by first class mail, postage prepaid to the person who received the notice; or, the registered owner or operator of the "cited vehicle" at the address as is recorded with the secretary of state, and shall be sent to the lessee of the "cited vehicle" at the address last known to the lessor of the "cited vehicle" at the time of the lease. Service of notices sent in accordance herewith shall be complete as of the date of deposit in the United States mail.

D. A hearing officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed within twenty one (21) days after the issuance of the order of default, if the hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the municipality did not provide proper service of process. If any judgment is set aside pursuant to this subsection, the hearing officer shall have authority to enter an order extinguishing any lien which has been recorded for any

debt due and owing the municipality as a result of the vacated default judgment. (Ord. 2015-50, 10-27-2015)

#### 1-14-10: ORDER AND SANCTION ATTACH TO PROPERTY:

In the case of a building code violation only, the order to correct a building code violation and the sanctions imposed by the city as the result of a finding of a building code violation under this section shall attach to the property as well as to the property owner so that a finding of a building code violation against one owner cannot be avoided by conveying or transferring the property to another owner. Any subsequent transferee or owner of property takes subject to the findings, decision and order of a hearing officer under this chapter. (Ord. 2015-50, 10-27-2015)

#### 1-14-11: ADMINISTRATIVE REVIEW:

The findings, decision and order of the hearing officer shall constitute a final determination for purposes of judicial review and shall be subject to review in the circuit court of Kendall County. The provisions of the administrative review law<sup>3</sup> and the rules adopted pursuant thereto, shall apply to and govern every action for the judicial review of the findings, decisions, and order of a hearing officer under this section. (Ord. 2015-50, 10-27-2015)”

#### **Yorkville Administrative Adjudication Intergovernmental Agreement with Newark:**

Village of Newark is expecting to write around 10 citations a year. However, 12 citations are ready to be issued the first month once the agreement is signed. The overall intergovernmental agreement process took a year to complete. Village of Newark citations will help United City of Yorkville administrative adjudication cost. The United City of Yorkville hearing officers get paid regardless if they have cases or not. United City of Yorkville will help Village of Newark get stronger code enforcement capabilities.

#### **References:**

The ordinances can be found on the City of Plano, United City of Yorkville and Tazewell County web pages.

#### **City of Plano:**

[http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=340](http://www.sterlingcodifiers.com/codebook/index.php?book_id=340)

#### **United City of Yorkville:**

[http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=415](http://www.sterlingcodifiers.com/codebook/index.php?book_id=415)

#### **Tazewell County:**

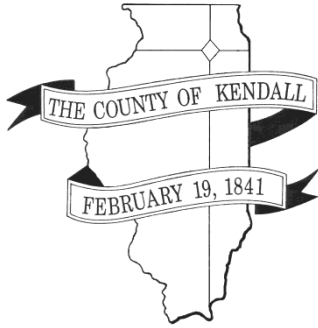
<http://www.tazewell.com/CommunityDevelopment/odesandOrdinancesEnforced.html>

**Appendix:**

**Table 1:** Kendall County Municipalities Code Enforcement. This table shows information about code enforcement using citations. This table was created by Kendall County staff. The estimates were given by someone at each municipality.

<b>Kendall County Municipalities Code Enforcement</b>					
	<b>Oswego IL</b>	<b>Yorkville IL</b>	<b>Plano IL</b>	<b>Montgomery IL</b>	<b>Aurora, IL</b>
<b>Citation capability (Yes/No/In Progress)</b>	Yes	Yes	Yes	Yes	In Progress
<b>Full-Time Code Enforcer or related Position (Yes/No/N/A)</b>	Yes	No	No	Yes	Yes
<b>Part-Time Code Enforcer or related Position (Yes/No/N/A)</b>	No	Yes	Yes	No	No
<b>Notice Length to compliance (Ranges due to violation) (days)</b>	5 to 10	5 to 10	3 to 10	3 to 5	N/A
<b>Estimated Number of violations reported each month (Winter-Summer)</b>	50 to 150	40 to 80	10 to 50	50 to 60	N/A
<b>Estimated Number of citations given each month</b>	16 to 20	8	1 to 5	3 to 5	N/A
<b>Estimated Number of citations actually paid due to not compliance</b>	2 to 4	2 to 4	1 to 5	3 to 5	N/A
<b>Cost of Operations</b>	Varies	Varies	Varies	Varies	N/A
<b>Home Rule or Non-Home Rule</b>	Home Rule	Non Home Rule	Non Home Rule	Non Home Rule	Home Rule
<b>Estimated Overall Population Size in Kendall County (2010)</b> Retrieved from the U.S Census Bureau	30,355	16,921	10,856	10,567 out of 18,438	6,019 out of 199,963





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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**MEMORANDUM**

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To: PBZ Committee  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: April 3, 2017  
Re: Proposed Moratorium on Outdoor Shooting Range Special Use Applications

At the March 22, 2017, Ad-Hoc Zoning Ordinance Committee meeting, the Committee requested that PBZ Staff review and offer possible amendments to the regulations for outdoor shooting ranges. The Committee also suggested implementing a six (6) moratorium on accepting new special use applications for outdoor shooting ranges while the review occurred.

Per the State's Attorney's Office, the implementation of a moratorium should follow the same process as a text amendment. Also, the moratorium would not apply to any applications for outdoor shooting ranges currently working through the process or any applications submitted prior to the enactment of the moratorium.

A draft resolution is attached to this memorandum, if the Committee desires to advance the moratorium proposal.

MHA

Enc: Draft Moratorium Resolution

**DRAFT**  
**KENDALL COUNTY**

Resolution No. \_\_\_\_\_

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***Resolution to Initiate an Application for a Text Amendment to the Zoning Ordinance of  
Kendall County by Establishing a Six Month Moratorium on the  
Acceptance of Applications of Special Use Permits for Outdoor Shooting Ranges***

**WHEREAS**, the Ad-Hoc Zoning Ordinance Committee, at their March 22, 2017 meeting, recommended that the zoning regulations related to outdoor shooting ranges be reviewed and that a six month moratorium be placed on special use applications for outdoor shooting ranges while the review occurred; and,

**WHEREAS**, the Planning, Building Zoning Committee, at their April 10, 2017 meeting, concurred with the opinion of the Ad-Hoc Zoning Ordinance Committee regarding the need to review the zoning regulations related to outdoor shooting ranges and that a six month moratorium be placed on special use applications for outdoor shooting ranges while the review occurred; and,

**WHEREAS**, § 13.07.B of the Zoning Ordinance of Kendall County grants the Kendall County Board the authority to initiate petitions for text amendments to the Zoning Ordinance; and,

**THEREFORE, BE IT RESOLVED**, that Kendall County Board hereby authorizes and directs the Staff of the Planning, Building and Zoning Department of Kendall County to prepare and submit a petition on behalf of the Kendall County Board amending the text of the Zoning Ordinance of Kendall County by creating a six month moratorium on the acceptance of applications of special use permit applications for outdoor shooting ranges while a review of outdoor shooting range zoning regulation occurs.

ADOPTED and APPROVED this \_\_\_\_<sup>th</sup> Day of April, 2017.

\_\_\_\_\_  
Scott Gryder, County Board Chairman

STATE OF ILLINOIS )

) SS

COUNTY OF KENDALL )

I, Debbie Gillette, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a Resolution adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2017.

\_\_\_\_\_  
Debbie Gillette – County Clerk

(Seal)



8751 E. Highpoint Rd.  
Yorkville, Illinois 60650  
630-254-8319  
Fax: 630-553-2954  
cdj80@msn.com

ATTN: Doug Westphal  
Email:  
Phone:

Date: 02/13/17

We hereby submit specifications and estimate for:

Tanglewood Trails Subdivision

Price includes the following:

Relocating brush piles from wet pond area to dry shoreline

\$ 3,800.00

(Weather permitting)

No hauling and no burning

Total from sheet 2 if used: \$  
Total from all sheets: \$ 3,800.00

We hereby propose to furnish labor complete in accordance with the above specifications, for the sum of: \$ 3,800.00

Payments as follows: Upon completion of each section of work or every 30 days

Exclusions: Permit acquisition, handling or hauling of contaminated soils, soils remediation, frost breaking, engineering/lay-out, shoring of excavations, demolition/excavation/export of unforeseen obstructions located below grade. Winter service charges. Dewatering beyond the capabilities of a 2" pump.

All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above this estimate. All agreements contingent upon strikes, accident or delays beyond our control. If legal action is necessary for collection, a 2% monthly interest charge (24% per annum) will be accrued, in addition to all fees incurred for recovery. Prevailing Wage rates are excluded. If it is determined that government or municipal funds are an inclusive part of this project and/or agreements herein and project requires labor at prevailing wage rates then a change order extra will be immediately forthcoming. Jensen Excavating LLC is not responsible for utilities that are not marked by Julie and any costs for locating or repair of unmarked utilities is the responsibility of the owner. This proposal is subject to acceptance within 30 days and it is void thereafter at the option of the undersigned.

Authorized Signature

#### ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

Date

Print



# *Proclamation*

**Building Safety Month – May, 2017**

*Whereas, Kendall County's continuing efforts to address the critical issues of safety, energy efficiency, water conservation, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;*

*Whereas, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wild/and fires floods and earthquakes, and;*

*Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety-our local code officials-who assure us of safe, efficient and livable buildings, and;*

*Whereas, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.*

*Now Therefore Be It Proclaimed by the Kendall County Board: The month of May 2017 as Building Safety Month..*

*Adopted by Kendall County Board this 18<sup>th</sup> day of April, 2017*

*Attest:*

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*Debbie Gillette*  
County Clerk

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*Scott R. Gryder*  
Chairman



2017 Ford F-150 Super Cab 4x4

State of Illinois Contract 4018026

\$24,113 Delivered

Door Decals \$200

Order by 5/5/17 120 Day for Delivery





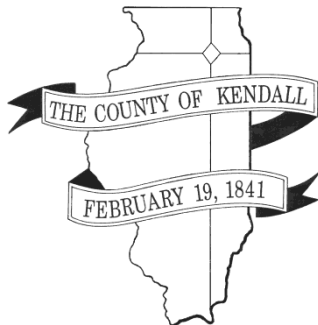
2017 Chevrolet Regular Cab 1/2 Ton 4x4

State of Illinois Contract 4018025

\$22,669 Delivered

Door Decals \$200

Order by 4/21/17 90 Day for Delivery



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

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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 was negotiated between the Illinois Department of Transportation and the property owner.

### **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).***

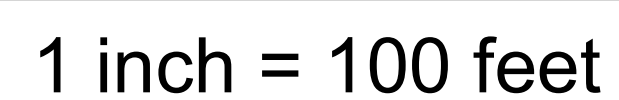
## RECOMMENDATION

Staff recommends approval of the 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.

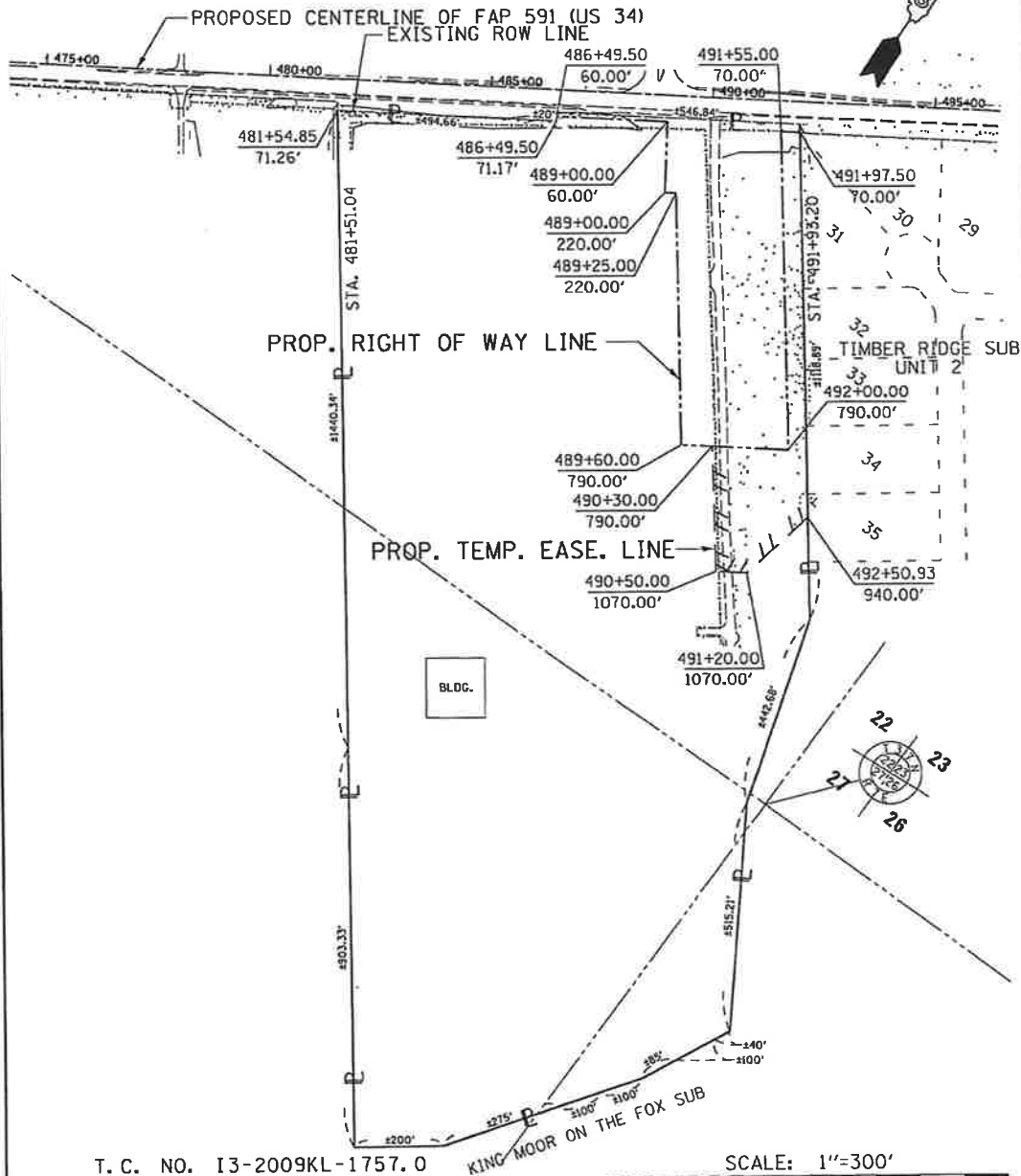
## ATTACHMENTS

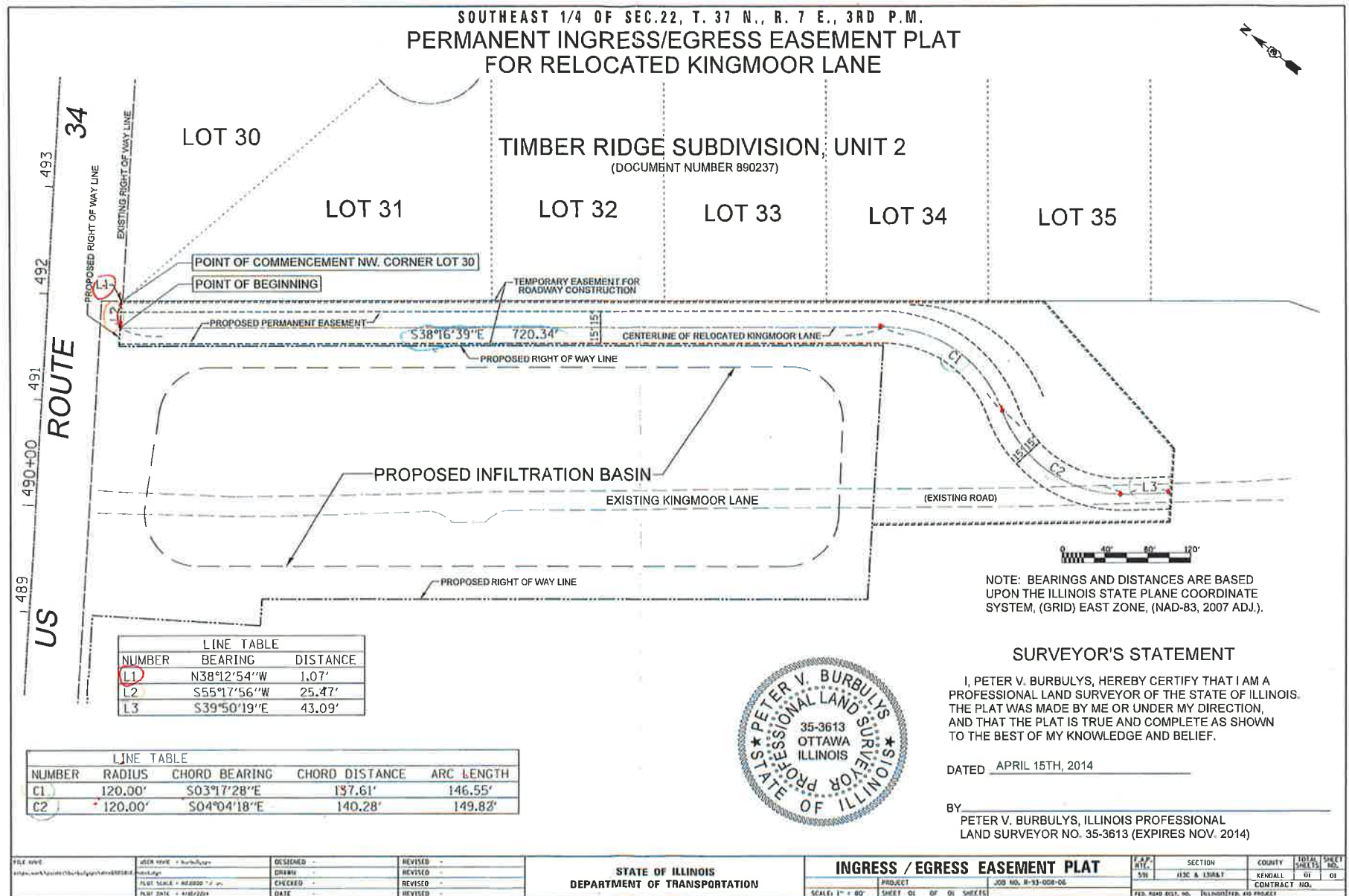
1. Aerial
2. Design Plans
3. Utility Letter
4. Findings of Fact (Applicant's Version)



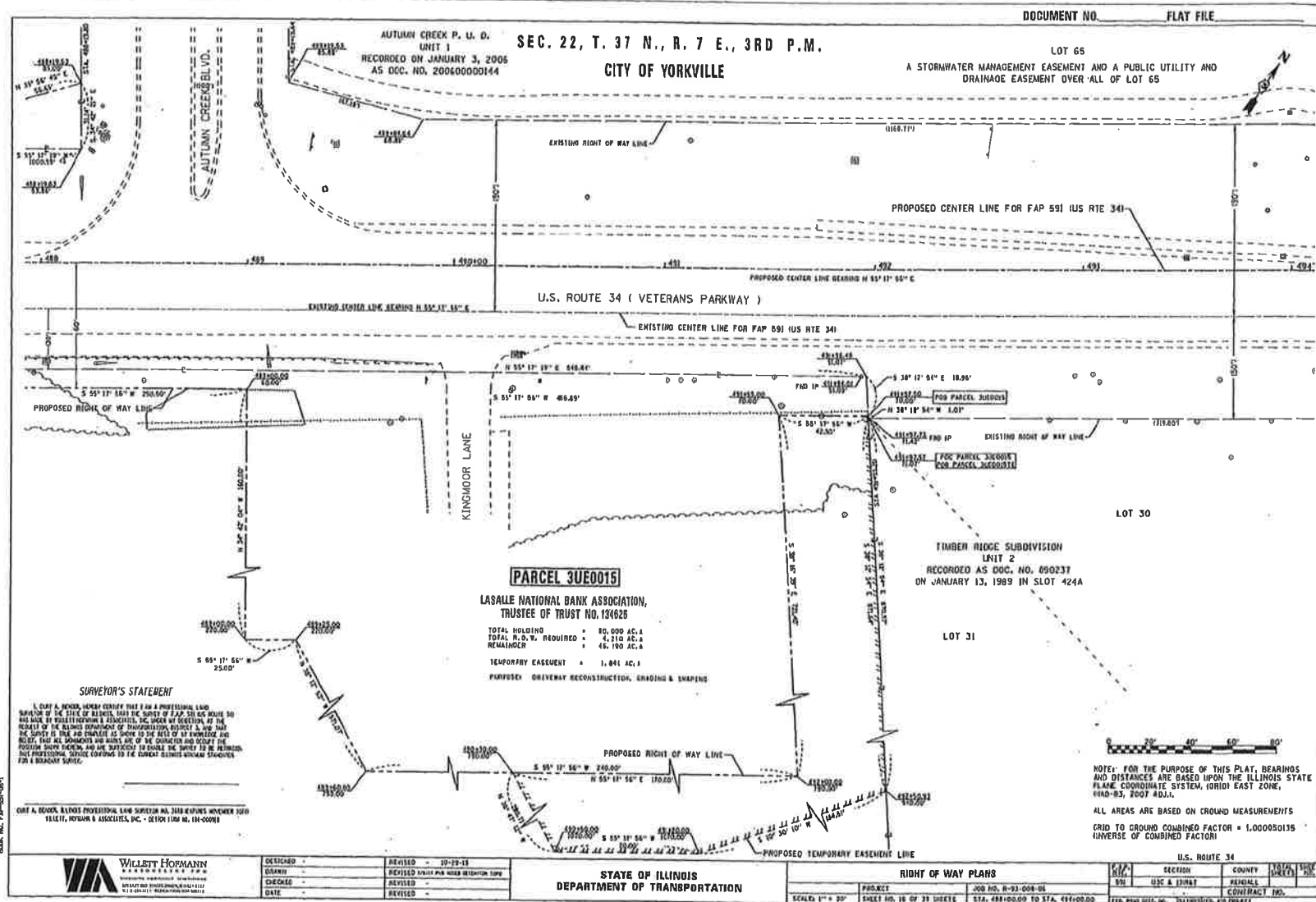






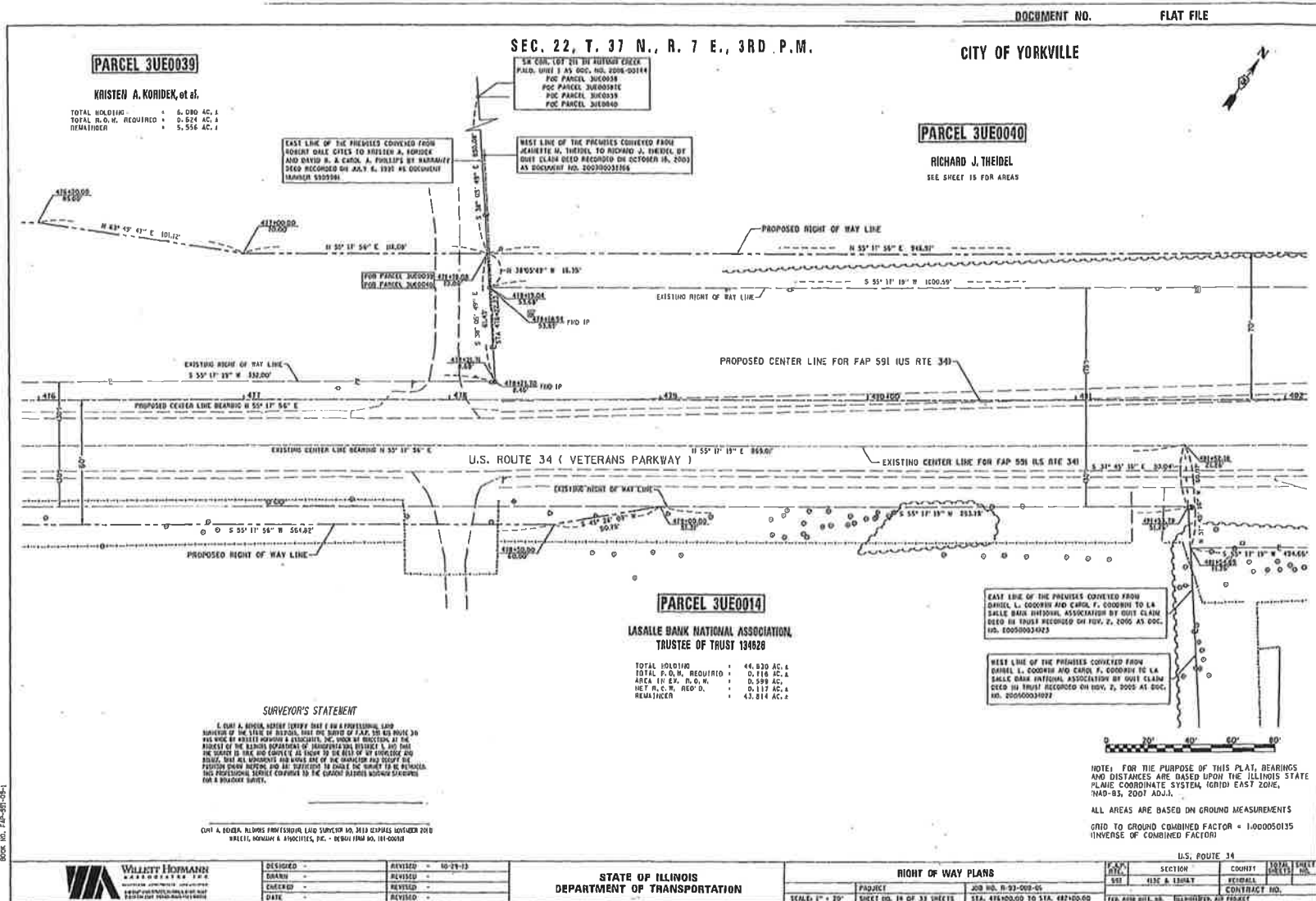


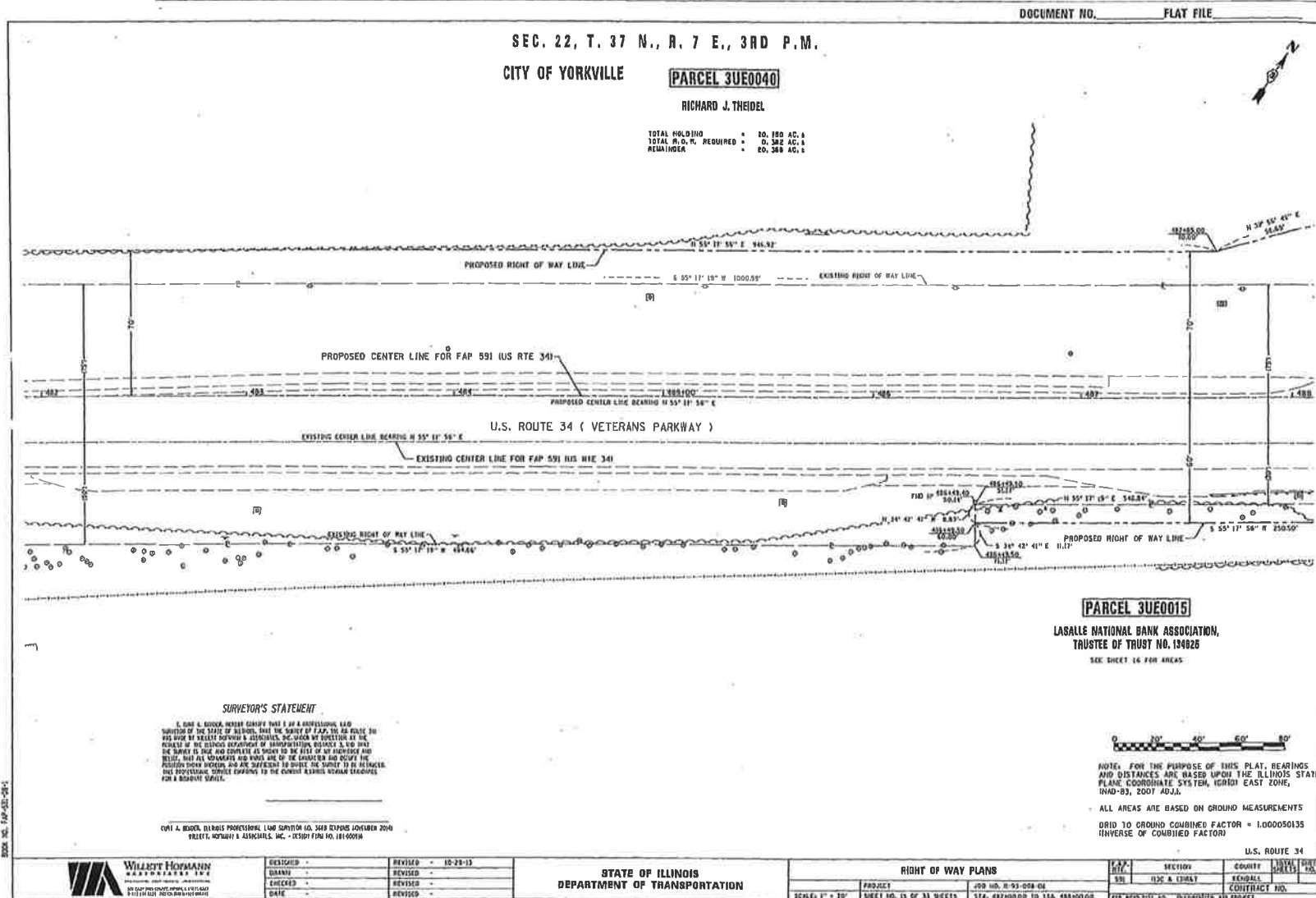














2300 Cabot Drive Suite 455 Lisle, IL 60532-4613

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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  $\pm 45.73$  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.

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF  
MILLBROOK AND THE COUNTY OF KENDALL**

THIS AGREEMENT, made this ~~20<sup>th</sup>~~ \_\_\_\_ day of ~~March~~~~October~~, 201~~7~~~~5~~ by and between the VILLAGE OF MILLBROOK, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic, WITNESSETH:

WHEREAS, the Village of Millbrook was incorporated by act of the voters on November 5<sup>th</sup>, 2002, and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves, and

WHEREAS, the Village of Millbrook and County of Kendall are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement, and

WHEREAS, the Village of Millbrook adopted a Comprehensive Plan on August 22, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Millbrook have been heretofore subject to the building and zoning codes of the County of Kendall, and to the County Flood Plain, Soil Erosion and Stormwater Management Ordinances, and

WHEREAS, the parties desire to continue that relationship,

NOW, THEREFORE, it is hereby agreed as follows:

- 1) The above recitals are incorporated by reference as if fully set forth herein.
- 2) That the Village of Millbrook has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide



Stormwater Management Ordinances as its own and further agrees that any subsequent text amendments to said ordinances and plans as may be adopted by Kendall County from time to time shall be adopted and incorporated by the Village of Millbrook as its own.

3) That for the consideration of \$1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for the Village of Millbrook as described in Paragraph (2) above and in accordance with the procedures attached hereto as Exhibit A, and incorporated herein by reference, all of which have been duly adopted by the Village of Millbrook, and apply them to all properties located within the municipal boundaries of the Village of Millbrook.

4) In addition to the consideration addressed in Paragraph 3 above, the Village of Millbrook shall be responsible for all costs associated with the enforcement of the Zoning Ordinance of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, and the Countywide Stormwater Management Ordinance for cases within the boundaries of the Village of Millbrook. At the written request of the Village of Millbrook, Kendall County shall provide an estimated cost for investigating individual alleged violations. Upon approval of the cost estimate by the Village of Millbrook, Kendall County will conduct the necessary investigation and bill the Village of Millbrook accordingly. That the Village of Millbrook shall reimburse the County of Kendall for any actual costs incurred acting on behalf of the Village of Millbrook as provided herein. The Village of Millbrook will not be required to directly reimburse the County of Kendall for employee salaries or benefits.

**Comment [DB1]:** Do we expect them to pay salaries and benefits?

5) The Village of Millbrook shall defend with counsel of the County's own choosing, indemnify and hold harmless the County of Kendall, its past, present, and future board members, elected officials, insurers, employees and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto including, but not limited to, attorney's fees and other legal expenses which the County, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the County's performance or alleged failure to perform its obligations pursuant to the Agreement.

6) That the Village of Millbrook shall secure, pay for and maintain throughout the period during which services are provided under this Agreement, auto liability and general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's auto liability and general liability coverage shall be primary coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees, arising out of the County's performance or alleged failure to perform its obligations pursuant to this Agreement. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement



shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

7) That this Agreement shall be for a term of one (1) year, commencing on the date of execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary date each year, said renewal to be in writing.

8) This Agreement may be terminated by either party upon 30 days' written notice to the other party.

9) This Agreement represents the entire Agreement between the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

10) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

11) The County of Kendall and the Village of Millbrook each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

12) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision. Any legal proceeding related to enforcement of this Agreement shall be brought in the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit.

13) This Agreement and the rights of the parties hereunder may not be assigned (except by operation of law), and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto. Nothing in this Agreement, express or implied, is intended to confer upon any party, other than the parties and their respective successors and assigns, any rights, remedies, obligations or liabilities under or by reason of such agreements.

14) Nothing contained in this Agreement, nor any act of Kendall County or the Village pursuant to this Agreement, shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving Kendall County and the

Village. Further, nothing in this agreement should be interpreted to give Kendall County or the Village any control over the other's employees or imply a power to direct the employees of the other government body, which neither entity may exercise.

15) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator  
111 West Fox Street  
Yorkville, Illinois 60560

Village of Millbrook  
PO Box 51  
Millbrook, Illinois 60536

16) Nothing in this agreement shall be deemed to change or alter the jurisdiction of either the Village or Kendall County in any respect beyond the matters agreed upon in this agreement, including, but not limited to their powers and duties.

VILLAGE OF MILLBROOK

COUNTY OF KENDALL

BY: \_\_\_\_\_  
Village President- Jackie Lemmerhirt

BY: \_\_\_\_\_  
Chairman of Kendall County Board

ATTEST: \_\_\_\_\_  
Village Clerk

ATTEST: \_\_\_\_\_  
Kendall County Clerk

# **Exhibit A**

## **Procedure for Processing Zoning & Subdivision Cases For The Village Of Millbrook Under County/Municipal Intergovernmental Agreement**

Under the terms of the intergovernmental Agreements executed between the Village of Millbrook and Kendall County, the County PBZ staff as well as the Kendall County ZPAC, Concept Review Committee, Regional Planning Commission, Zoning Board of Appeals, and Hearing Officer will serve as the municipal staff and the municipal recommending bodies in providing the Village Board with recommendations on applications for zoning map amendments, Special Uses, subdivision plat approvals and zoning variance requests involving properties within the corporate boundaries or proposed for annexation into the corporate boundaries of these two municipalities. In each instance, the Village Board of the municipality shall be responsible for acting on the recommendations supplied and adopting any related ordinances approving such requests. The following outline shall be followed when filing and processing such applications:

1. Pre-Application Meeting:

Prior to the submission of any applications, the petitioner shall schedule a joint “pre-application” meeting with County staff and representatives of the affected municipality to review the proposed request and provide preliminary feedback as well as guidance regarding the steps involved in the processing of the application.

2. Filing of an Application:

- a.) Using the applicable application forms and handouts provided by the County, the petitioner will submit the requisite number of copies of application and supporting documents and plans along with all required fees to the Kendall County Planning Building and Zoning Department (PBZ).
- b.) Simultaneous to that filing, the applicant shall forward an original copy of the application forms along with a copy of all related plans and supporting documents to the Village Clerk of the affected municipality for creation of the Village’s Official file on the matter.

3. Review and Processing of Zoning Map Amendments and Special Uses:

- a.) Zoning Map Amendments and Special Uses, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County’s ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the affected Village Clerk for

## **Exhibit A**

filing of the report and posting of the agenda in an approved municipal location.

- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- f.) The County shall forward copies of the agenda, staff report and minutes of the ZPAC meeting to KCRPC as well as the Clerk of the affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village Clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the Regional Plan Commission, petitions involving a zoning map amendment shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the zoning matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action..
- j.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- k.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- l.) The County shall forward copies of the agenda, staff report and copy of the minutes of the KCRPC meeting to the ZBA as well as to the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- m.) The County shall post copies of the ZBA agenda as required per County policies. The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- n.) If the application involves a request for a Special Use, the petition shall be forwarded to the next available meeting of the Kendall County

## **Exhibit A**

Special Use Hearing Officer (SU/HO) for the conduct of the formal Public Hearing on the Special Use as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.

- o.) All required notices required per State Statute and the County Zoning Ordinance shall be mailed and posted prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- p.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- q.) The County shall forward copies of the agenda, staff report and minutes of the KCRPC meeting to SU/HO as well as the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- r.) The County shall post copies of the agenda as required per County policies.
- s.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- t.) Following review and recommendation by the ZBA and/or the SU/HO, PBZ staff will forward to the appropriate Village Board a report summarizing all of the recommendations and actions taken by each of the review and recommending bodies along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- u.) Along with the report, PBZ staff will prepare a draft ordinance approving the requested map amendment or Special Use for action by the Village Board. The summary report and draft ordinance in addition to a copy of the minutes of the ZBA and/or SU/HO meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- v.) In the event a related annexation hearing is required, the Clerk shall coordinate with the applicant to insure proper notice has been supplied and shall be responsible for the preparation and posting of Board's Agenda.
- w.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- x.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

#### **4. Review and Processing of Preliminary and Final Subdivision Plats:**

## Exhibit A

- a.) Preliminary and/or Final Plats, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County's ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the ZPAC members and the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All required notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner.
- f.) The County shall forward copies of the agenda, staff report and a copy of the minutes of the ZPAC meeting to the KCRPC as well as the Clerk of affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the KCRPC, PBZ staff will prepare a report to the appropriate Village Board summarizing all of the recommendations and actions taken by each of the review and recommending bodies.
- j.) In addition to the summary the report, PBZ staff will prepare a draft ordinance approving the requested Preliminary and/or Final Plat for action by the Village Board. The summary report and draft ordinance **shall NOT be forwarded** to the appropriate Village Clerk for scheduling of the matter for action by the Village Board **until such time as formal approval of the related preliminary and/or final engineering plans and or other supporting documents or agreements has been granted.**
- k.) Once these approvals are received, PBZ staff will forward the summary report and draft ordinance in addition to a copy of the minutes of the KCRPC meeting to the appropriate Village Clerk along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- l.) The Village Clerk shall then schedule the matter for action by the Village Board and prepare the related agendas for posting.

## **Exhibit A**

- m.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- n.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

### **5. Review and Processing of Zoning Variance:**

- a.) Zoning Variances shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- b.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- c.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- d.) The County shall prepare and forward copies of the agenda and staff report to the ZBA as well as the Clerk of affected municipality for filing along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application.
- e.) The County shall post copies of the agenda as required per County policies.
- f.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- g.) Following review and recommendation by the ZBA, the PBZ staff will forward a report summarizing the findings and recommendations made by ZBA along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application. Along with the report, PBZ staff will prepare a draft ordinance approving the variance for action by the Village Board.
- h.) The summary report, draft ordinance and minutes of the ZBA meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- i.) The Village Clerk shall be responsible for the preparation and posting of Board's Agenda.
- j.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- k.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.



**INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF  
PLATTVILLE AND THE COUNTY OF KENDALL**

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THIS AGREEMENT, made this ~~49<sup>th</sup>~~ day \_\_\_\_ of ~~March~~~~January~~, 201~~7~~~~6~~ by and between the VILLAGE OF PLATTVILLE, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic; WITNESSETH:

WHEREAS, the Village of Plattville was incorporated by act of the voters on March 21<sup>st</sup>, 2006; and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves; and

WHEREAS, the Village of Plattville and County of Kendall are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement; and

WHEREAS; the Village of Plattville adopted a Comprehensive Plan on July 27, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Plattville have been heretofore subject to the building and zoning codes of the County of Kendall, and to the Countywide Stormwater Management Ordinances; and

WHEREAS, the parties desire to continue that relationship.

NOW, THEREFORE, it is hereby agreed as follows:

1) The above recitals are incorporated by reference as if fully set forth herein.

2) That the Village of Plattville has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text

amendments to said ordinances and plans, as may be adopted by Kendall County from time to time, shall be adopted and incorporated by the Village of Plattville as its own.

3) That for the consideration of \$1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for the Village of Plattville as described in Paragraph (2) above and in accordance with the procedures attached hereto as Exhibit A and incorporated herein by reference all of which have been duly adopted by the Village of Plattville, and apply them to all properties located within the municipal boundaries of the Village of Plattville.

4) In addition to the consideration addressed in Paragraph 3 above, the Village of Plattville shall be responsible for all costs associated with the enforcement of the Zoning Ordinance of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, and the Countywide Stormwater Ordinance for cases within the boundaries of the Village of Plattville. At the written request of the Village of Plattville, Kendall County shall provide an estimated cost for investigating individual alleged violations. Upon approval of the cost estimate by the Village of Plattville, Kendall County will conduct the necessary investigation and bill the Village of Plattville accordingly. That the Village of Plattville shall reimburse the County of Kendall for any actual costs incurred acting on behalf of the Village of Plattville as provided herein. The Village of Plattville will not be required to reimburse the County of Kendall for employee salaries or benefits.

**Comment [DB1]:** Do we expect them to pay salaries and benefits?

5) The Village of Plattville shall defend with counsel of the County's own choosing, indemnify and hold harmless the County of Kendall, its past, present, and future board members, elected officials, insurers, employees and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, expenses, and costs relating thereto, including, but not limited to, attorney's fees and other legal expenses, which the County, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the County's performance or alleged failure to perform its obligations pursuant to the Agreement.

6) That the Village of Plattville shall secure, pay for, and maintain throughout the period during which services are provided under this Agreement, auto liability and general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's auto liability and general liability coverage shall be primary coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of

such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

7) That this Agreement shall be for a term of one (1) year, commencing on the date of execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary date each year, said renewal to be in writing.

8) This Agreement may be terminated by either party upon 30 days written notice to the other party.

9) This Agreement represents the entire Agreement between the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

10) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

11) The County of Kendall and the Village of Plattville each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

12) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision. Any legal proceeding related to enforcement of this Agreement shall be brought in the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit.

13) This Agreement and the rights of the parties hereunder may not be assigned (except by operation of law), and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto. Nothing in this Agreement, express or implied, is intended to confer upon any party, other than the parties and their respective successors and assigns, any rights, remedies, obligations or liabilities under or by reason of such agreements.

14) Nothing contained in this Agreement, nor any act of Kendall County or the Village pursuant to this Agreement, shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving Kendall County and the Village. Further, nothing in this agreement should be interpreted to give Kendall County or the Village any control over the other's employees or imply a power to direct the employees of the other

government body, which neither entity may exercise.

15) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Formatted: Indent: First line: 0.5"

Kendall County Administrator  
111 West Fox Street  
Yorkville, Illinois 60560

Village of Plattville  
P.O. Box 1173  
Yorkville, Illinois 60560

16) Nothing in this agreement shall be deemed to change or alter the jurisdiction of either the Village or Kendall County in any respect beyond the matters agreed upon in this agreement, including, but not limited to their powers and duties.

VILLAGE OF PLATTVILLE \_\_\_\_\_ COUNTY OF KENDALL

BY: \_\_\_\_\_  
Village President

BY: \_\_\_\_\_  
Chairman of Kendall County Board

ATTEST: \_\_\_\_\_  
Village Clerk

ATTEST: \_\_\_\_\_  
Kendall County Clerk

# **Exhibit A**

## **Procedure for Processing Zoning & Subdivision Cases For The Village Of Plattville Under County/Municipal Intergovernmental Agreement**

Under the terms of the intergovernmental Agreements executed between the Village of Plattville and Kendall County, the County PBZ staff as well as the Kendall County ZPAC, Concept Review Committee, Regional Planning Commission, Zoning Board of Appeals, and Hearing Officer will serve as the municipal staff and the municipal recommending bodies in providing the Village Board with recommendations on applications for zoning map amendments, Special Uses, subdivision plat approvals and zoning variance requests involving properties within the corporate boundaries or proposed for annexation into the corporate boundaries of these two municipalities. In each instance, the Village Board of the municipality shall be responsible for acting on the recommendations supplied and adopting any related ordinances approving such requests. The following outline shall be followed when filing and processing such applications:

**1. Pre-Application Meeting:**

Prior to the submission of any applications, the petitioner shall schedule a joint “pre-application” meeting with County staff and representatives of the affected municipality to review the proposed request and provide preliminary feedback as well as guidance regarding the steps involved in the processing of the application.

**2. Filing of an Application:**

- a.) Using the applicable application forms and handouts provided by the County, the petitioner will submit the requisite number of copies of application and supporting documents and plans along with all required fees to the Kendall County Planning Building and Zoning Department (PBZ).
- b.) Simultaneous to that filing, the applicant shall forward an original copy of the application forms along with a copy of all related plans and supporting documents to the Village Clerk of the affected municipality for creation of the Village’s Official file on the matter.

**3. Review and Processing of Zoning Map Amendments and Special Uses:**

- a.) Zoning Map Amendments and Special Uses, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County’s ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the affected Village Clerk for



## **Exhibit A**

filing of the report and posting of the agenda in an approved municipal location.

- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- f.) The County shall forward copies of the agenda, staff report and minutes of the ZPAC meeting to KCRPC as well as the Clerk of the affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village Clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the Regional Plan Commission, petitions involving a zoning map amendment shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the zoning matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action..
- j.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- k.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- l.) The County shall forward copies of the agenda, staff report and copy of the minutes of the KCRPC meeting to the ZBA as well as to the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- m.) The County shall post copies of the ZBA agenda as required per County policies. The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- n.) If the application involves a request for a Special Use, the petition shall be forwarded to the next available meeting of the Kendall County

## **Exhibit A**

Special Use Hearing Officer (SU/HO) for the conduct of the formal Public Hearing on the Special Use as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.

- o.) All required notices required per State Statute and the County Zoning Ordinance shall be mailed and posted prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- p.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- q.) The County shall forward copies of the agenda, staff report and minutes of the KCRPC meeting to SU/HO as well as the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- r.) The County shall post copies of the agenda as required per County policies.
- s.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- t.) Following review and recommendation by the ZBA and/or the SU/HO, PBZ staff will forward to the appropriate Village Board a report summarizing all of the recommendations and actions taken by each of the review and recommending bodies along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- u.) Along with the report, PBZ staff will prepare a draft ordinance approving the requested map amendment or Special Use for action by the Village Board. The summary report and draft ordinance in addition to a copy of the minutes of the ZBA and/or SU/HO meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- v.) In the event a related annexation hearing is required, the Clerk shall coordinate with the applicant to insure proper notice has been supplied and shall be responsible for the preparation and posting of Board's Agenda.
- w.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- x.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

#### 4. Review and Processing of Preliminary and Final Subdivision Plats:

## Exhibit A

- a.) Preliminary and/or Final Plats, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County's ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the ZPAC members and the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All required notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner.
- f.) The County shall forward copies of the agenda, staff report and a copy of the minutes of the ZPAC meeting to the KCRPC as well as the Clerk of affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the KCRPC, PBZ staff will prepare a report to the appropriate Village Board summarizing all of the recommendations and actions taken by each of the review and recommending bodies.
- j.) In addition to the summary the report, PBZ staff will prepare a draft ordinance approving the requested Preliminary and/or Final Plat for action by the Village Board. The summary report and draft ordinance **shall NOT be forwarded** to the appropriate Village Clerk for scheduling of the matter for action by the Village Board **until such time as formal approval of the related preliminary and/or final engineering plans and or other supporting documents or agreements has been granted.**
- k.) Once these approvals are received, PBZ staff will forward the summary report and draft ordinance in addition to a copy of the minutes of the KCRPC meeting to the appropriate Village Clerk along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- l.) The Village Clerk shall then schedule the matter for action by the Village Board and prepare the related agendas for posting.



## **Exhibit A**

- m.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- n.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

### **5. Review and Processing of Zoning Variance:**

- a.) Zoning Variances shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- b.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- c.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- d.) The County shall prepare and forward copies of the agenda and staff report to the ZBA as well as the Clerk of affected municipality for filing along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application.
- e.) The County shall post copies of the agenda as required per County policies.
- f.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- g.) Following review and recommendation by the ZBA, the PBZ staff will forward a report summarizing the findings and recommendations made by ZBA along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application. Along with the report, PBZ staff will prepare a draft ordinance approving the variance for action by the Village Board.
- h.) The summary report, draft ordinance and minutes of the ZBA meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- i.) The Village Clerk shall be responsible for the preparation and posting of Board's Agenda.
- j.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- k.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

## Matt Asselmeier

---

**From:** Brian Holdiman  
**Sent:** Wednesday, April 05, 2017 9:10 AM  
**To:** Matt Asselmeier; Jeff Wilkins; Judy Gilmour; Lynn Cullick; Matt Kellogg; Robert Davidson; Scott R. Gryder  
**Cc:** Jeff Wilkins  
**Subject:** RE: Follow-Up from PBZ Meeting  
**Attachments:** Billboards of Unincorporated Kendall County.pdf

Good Morning,

An inspection of Hideaway Lakes is scheduled April 25<sup>th</sup>.

Attached is a PDF of current inventory of billboards within Unincorporated Kendall County.

*Respectfully,*

**Brian Holdiman**

*Code Official - The County of Kendall - Planning, Building & Zoning - 111 West Fox Street room 203 Yorkville IL 60560  
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

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**From:** Matt Asselmeier  
**Sent:** Tuesday, March 14, 2017 11:25 AM  
**To:** Brian Holdiman; Jeff Wilkins; Judy Gilmour; Lynn Cullick; Matt Kellogg; Robert Davidson; Scott R. Gryder  
**Subject:** Follow-Up from PBZ Meeting

Member of the PBZ Committee:

Below is a follow-up on several of the items that were discussed at the meeting last night:

1. Randy Erickson's fee is a pass through fee. The County charges a \$150 fee for plumbing inspections; Randy Erickson receives \$140 and the County receives \$10.
2. Brian Holdiman has a meeting with the owner of Hideaway Lakes near the end of April.
3. The Merchants National Bank sign was a 24 square foot sign located on a strip center. The space had previously been vacant, but a new tenant moved in and requested signage.
4. Brian Holdiman will review the status of the billboards on the east side of the County.
5. PBZ received the letter from Fox Metro noting their error in their resolution. The resolution approving the floodplain storage easement grant will be placed on the next County Board meeting agenda.

If you have any questions, please let me know.

Thanks,

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

**585 Route 31 Oswego, IL 60543**

**Parcel #: 03-05-301-005**

**Billboard 1 and M-1 SU**



03/28/2017 10:05



280 Route 31 Oswego, IL 60543

Parcel #: 03-05-151-001

Billboard 2 and M-1



03/28/2017 10:04

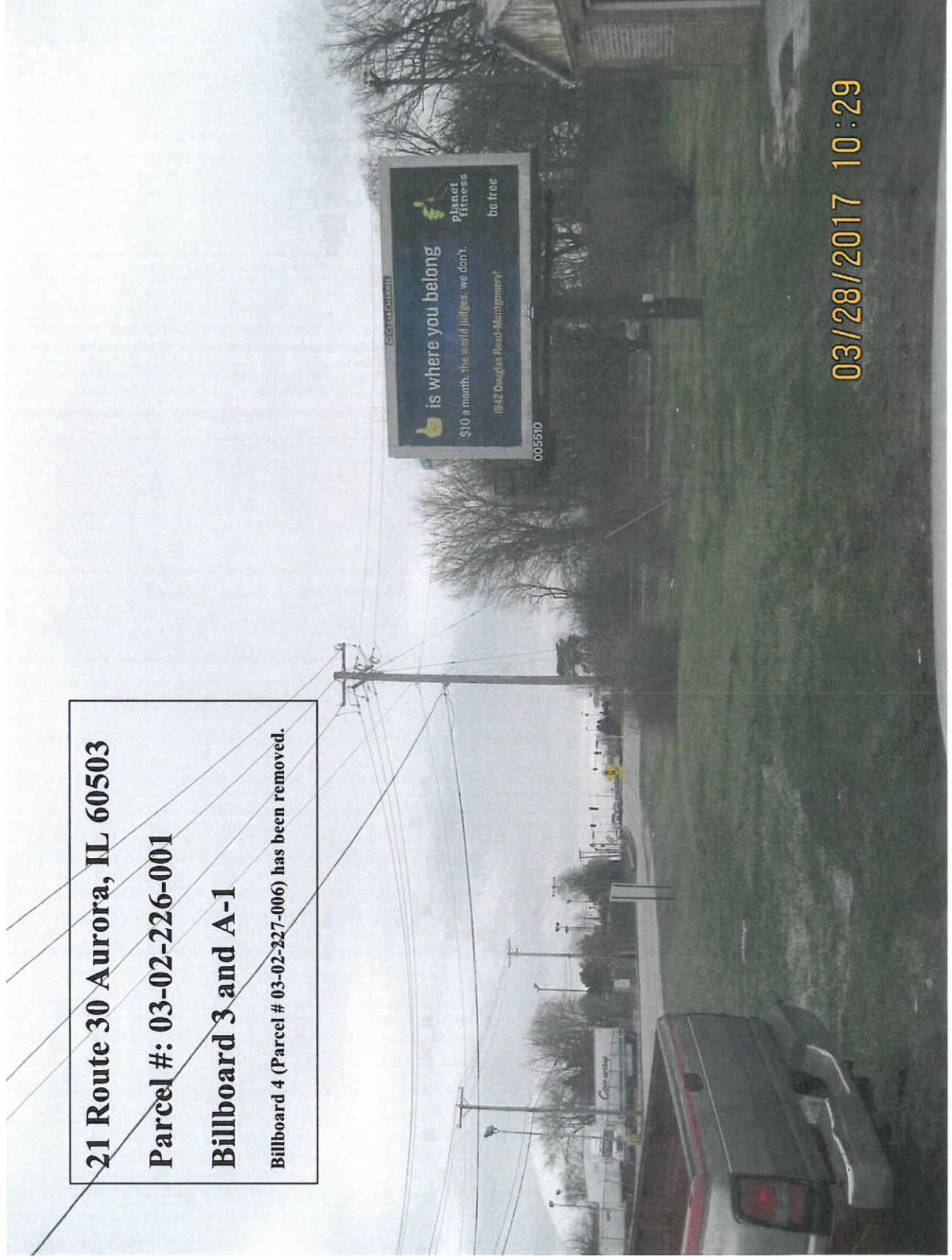


**21 Route 30 Aurora, IL 60503**

**Parcel #: 03-02-226-001**

**Billboard 3 and A-1**

**Billboard 4 (Parcel # 03-02-227-006) has been removed.**



03/28/2017 10:29



Parcel #: 03-01-127-004

Billboard 5 and M-2 SU



**ACREAGE**  
AVAILABLE  
630-537-1278

Planet Fitness Franchise  
www.planetfitness.com

03/28/2017 10:35



**Parcel #: 03-12-276-019**

**Billboard 6 and A-1**



03/28/2017 10:42



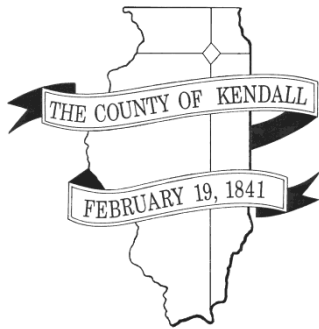
**Parcel #: 03-12-276-019**

**Billboard 7 and A-1**



03/28/2017 10:42





## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

### MEMORANDUM

To: PBZ Committee  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: April 3, 2017  
Re: 2016 Single-Family Residential Building Permit Information

At the March 13<sup>th</sup> meeting, the PBZ Committee requested Staff to contact the municipalities located within Kendall County to obtain their single-family building permit information for 2016. A table with this information is attached to this memorandum. For those municipalities located in more than one county, only the Kendall County information is provided.

MHA

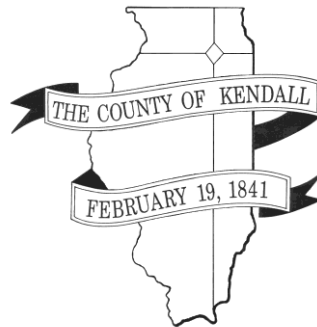
Enc: Municipal Single-Family Residential Construction Information 2016

#### Municipal Single-Family Residential Construction Information 2016

Municipality	New Construction
Aurora	15 (\$5,553,832)
Joliet	147 (\$28,614,153)
Lisbon	0 (\$0)
Millbrook	0 (\$0)
Millington	0 (\$0)
Minooka	0 (\$0)
Montgomery	4 (\$639,000)
Newark	Not Reported
Oswego	52 (\$11,408,882)
Plainfield	24 (\$7,062,886)
Plano	2 (\$180,000)
Plattville	0 (\$0)
Sandwich	1 (\$265,000)
Yorkville	152 (\$25,831,440)
Unincorporated	19 (\$5,897,228)
Total	416 (\$85,452,421)

**A PROCLAMATION**  
**Declaring Historic Preservation Month in Kendall County, Illinois**

\_\_\_\_\_ - \_\_\_\_\_



WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, “*This Place Matters*” is the theme for National Preservation Month 2017, cosponsored by Kendall County and the National Trust for Historic Preservation.

THEREFORE, the Board of Kendall County do proclaim May as National Preservation Month, and call upon the people of Kendall County to join their fellow citizens across the United States in recognizing and participating in this special observance.

ADOPTED BY THE COUNTY BOARD THIS 2<sup>ND</sup> DAY OF May, 2017.

Attest:

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

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

# Permit Summary by Category by Month

## Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	5	1	2	2	0	0	0	0	0	0	0	0	0
Garage	1	0	0	1	0	0	0	0	0	0	0	0	0
Accessory Buildings	12	0	8	4	0	0	0	0	0	0	0	0	0
Additions	1	0	0	1	0	0	0	0	0	0	0	0	0
Remodeling	3	0	2	1	0	0	0	0	0	0	0	0	0
Barns/Farm Buildings	2	0	2	0	0	0	0	0	0	0	0	0	0
Signs	1	1	0	0	0	0	0	0	0	0	0	0	0
Swimming Pools	5	0	0	5	0	0	0	0	0	0	0	0	0
Decks	1	1	0	0	0	0	0	0	0	0	0	0	0
Demolitions	2	1	1	0	0	0	0	0	0	0	0	0	0
Electrical Upgrades	2	0	1	1	0	0	0	0	0	0	0	0	0
Driveway	1	0	0	1	0	0	0	0	0	0	0	0	0
Fire Restoration	2	1	0	1	0	0	0	0	0	0	0	0	0
Patio	1	0	0	1	0	0	0	0	0	0	0	0	0
Wind Turbine	1	0	1	0	0	0	0	0	0	0	0	0	0
	40	5	17	18	0	0	0	0	0	0	0	0	0



**Permit Summary by Category  
Kendall County**

<b>Permit Category</b>	<b>Count</b>	<b>Estimated Cost</b>	<b>Permit Fees</b>	<b>Land Cash</b>
House	2	\$525,000	\$626	\$0
Garage	1	\$24,000	\$0	\$0
Accessory Buildings	4	\$63,560	\$600	\$0
Additions	1	\$70,000	\$0	\$0
Remodeling	1	\$73,233	\$510	\$0
Swimming Pools	5	\$122,784	\$600	\$0
Electrical Upgrades	1	\$1,500	\$160	\$0
Driveway	1	\$10,000	\$200	\$0
Fire Restoration	1	\$97,000	\$638	\$0
Patio	1	\$12,000	\$0	\$0
	18	\$999,077	\$3,334	\$0

# Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
3/3/2017	012017028	01 House	0605301001 CHRIS AND LORI BAILEY	4811 CHERRY ROAD OSWEGO, IL 60543	HENNEBERRY WOODS UNIT 4	CL DESIGN/CHERYL LEE
3/24/2017	012017036	01 House	0417300002 DICKSON VALLEY MINISTRIES	8250 FINNIE RD NEWARK, IL 60541-		Same
3/3/2017	012017032	01 House	0420226005 GOODLET TIMOTHY J	16077 S STONEWALL DR NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 4	Self
3/3/2017	032017035	03 Accessory Buildings	0216228007 SCHOON RICHARD W & BARBARA A	43 HUNTER LN BRISTOL, IL 60512-	BRISTOL WOODS UNIT 2	WILLMAN & GROESCH
3/14/2017	032017043	03 Accessory Buildings	0615100008 ODONOVAN-MAYA SUSAN	2884 ROUTE 126 PLAINFIELD, IL 60544-		
3/8/2017	032017038	03 Accessory Buildings	0416129001 ANDERSON BRUCE	8 N HUDSON ST MILLBROOK, IL 60536-		
3/1/2017	032017027	03 Accessory Buildings	0219100003 CAMACHO MIGUEL & SANDRA E	11728 FAXON RD PLANO, IL 60545-		FBI BUILDINGS INC.
3/9/2017	032017039	03 Accessory Buildings	0502102003 SIOK CLIFFORD & KIMBERLY	322 EMILY CT YORKVILLE, IL 60560-		Everlast Portable Buildings
3/2/2017	032017034	03 Accessory Buildings	0508101001 JAMES MICHAEL STOCCHERO	10925 ROUTE 71 YORKVILLE, IL 60560-		
3/13/2017	032017042	03 Accessory Buildings	0508176008 BASTIAN JOHN C & DONNA K	86 MAPLE LN YORKVILLE, IL 60560-	WOODLAND ACRES	WILLMAN & GROESCH G.C.
3/31/2017	052017051	05 Remodeling	0318378007 PECHETTE BRANDON B & JESSICA L	60 S WEST DR OSWEGO, IL 60543-	RIVERVIEW HEIGHTS	Home Mobility Solutions, Inc.

# Permit Approval Date Report

## Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
3/3/2017	082017029	08 Barns/Farm Buildings	0819100008 GONZALEZ RAULA	15390 ROUTE 52 NEWARK, IL 60541-		
3/13/2017	122017041	12 Swimming Pools	0508376016 FEDANZO-DUDLEY AARON & MARYBETH	43 RONHILL RD YORKVILLE, IL 60560-	RONHILL ESTATES	THE GREAT ESCAPE
3/9/2017	122017040	12 Swimming Pools	0502102003 SIOK CLIFFORD & KIMBERLY	322 EMILY CT YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 1	SUNDOWN POOLS
3/6/2017	122017037	12 Swimming Pools	0234226006 SPIESS ERNST M & FELICIA A	8051 VAN EMMON RD YORKVILLE, IL 60560-		
3/31/2017	122017049	12 Swimming Pools	0605395003 FORSELL DON E & AMY K	4806 CHERRY RD OSWEGO, IL 60543-	HENNEBERRY WOODS UNIT 2 SWIM SHACK, INC.	
3/22/2017	122017046	12 Swimming Pools	0221301014 WARD JAMES J & BETH A	3531 B ROUTE 47 YORKVILLE, IL 60560-		
3/22/2017	152017044	15 Electrical Upgrades	0304429002 MORITZ BLAKE & DEBRA	25 SONORA DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 26	DCI Electric Corp
3/23/2017	182017047	18 Driveway	0213476025 OJEDA SERGIO	2774 ARBOR LN OSWEGO, IL 60543-		SELF
3/28/2017	192017048	19 Fire Restoration	0304327005 HENTHORN DENNIS	25 SURREY RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 10	SERVPRO OF LAGRANGE PARK/NO.



# **PLANNING BUILDING & ZONING RECEIPTS 2017**

DATE	BUILDING FEES	ZONING FEES	LAND- CASH	OFFSITE ROADWAY	MONTHLY FY 17	TOTAL FY17	MONTHLY FY 16	TOTAL FY16
December	\$2,119.28	\$925.00	\$0.00	\$0.00	\$3,044.28	\$3,044.28	\$3,516.58	\$3,516.58
January	\$1,977.24	\$100.00	\$1,814.10	\$0.00	\$3,791.34	\$6,835.62	\$7,881.78	\$11,398.36
February	\$3,151.44	\$1,425.00	\$6,413.08	\$0.00	\$10,989.52	\$17,825.14	\$6,108.07	\$17,506.43
March	\$4,667.84	\$25.00	\$2,438.05	\$1,000.00	\$8,130.89	\$25,956.03	\$17,363.99	\$34,870.42
April	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,956.06	\$48,826.48
May	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,876.24	\$53,702.72
June	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$22,581.26	\$76,283.98
July	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,472.64	\$85,756.62
August	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,083.93	\$95,840.55
September	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,846.29	\$104,686.84
October	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23,856.91	\$128,543.75
November	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20,553.25	\$149,097.00
<b>TOTAL</b>	<b>\$11,915.80</b>	<b>\$2,475.00</b>	<b>\$10,665.23</b>	<b>\$1,000.00</b>	<b>\$25,956.03</b>	<b>\$25,956.03</b>	<b>\$149,097.00</b>	