

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
May 2, 2022 – 7:00 p.m.

CALL TO ORDER

Vice-Chairman Tom LeCuyer called the Zoning Board of Appeals meeting to order at 7:05 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Dick Thompson, Anne Vickery, and Dick Whitfield

Members Absent: Randy Mohr

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Dan Kramer and Dustin Walzer

PETITIONS

The Zoning Board of Appeals started their review of Petition 21-49 at 7:06 p.m.

Petition 21 – 49 – Irma Loya Quezada

Request: Map Amendment Rezoning the Subject Property from A-1 Agricultural District to R-1 One Family Residential District
PINs: 09-18-300-018 (Part) and 09-18-300-019 (Part)
Location: On the East Side of Brisbin Road Across from 14859 and 14975 Brisbin Road, Seward Township
Purpose: Petitioner Wants to Rezone the Property in Order to Divide the Property and Construct Two Homes

Mr. Asselmeier summarized the request.

The Petitioner is requesting a map amendment rezoning two (2) approximately three point two-four (3.24) acre parcels from A-1 Agricultural District to R-1 One Family Residential District in order to construct one (1) house on each parcel.

The Petitioner plans to use Plat Act exemptions to divide the subject areas proposed for rezoning from the larger parcels.

The agricultural building permits for the parcels were used in 2003 and 2004. The only way houses can be constructed on the subject parcels is by obtaining the requested map amendment.

The application materials, plat of survey and aerial of the property were provided.

On December 4, 2021, five (5) neighbors submitted a written objection to the map amendment. These objections were provided. On January 24, 2022, one (1) additional neighbor submitted an objection. This objection was provided.

On December 7, 2021, the Petitioner's Attorney submitted a request to continue the Petition from the December Kendall County Regional Planning Commission meeting and Kendall County Zoning Board of Appeals hearing. This email was provided.

The properties are on the east side of Brisbin Road across from 14859 and 14975 Brisbin Road.

The current land use is Agricultural.

The future land use is Rural Estate Residential (Max 0.45 Du/Acre).

Brisbin Road is a Township Maintained Major Collector. There are no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural, Farmstead, and Hogan's Market.

The adjacent properties and properties within one half (1/2) of a mile were zoned A-1 and A-1 SU.

The Kendall County Future Land Use Map called for the to be Rural Estate Residential. The Plattville Future Land Use Map called for the property to the north of the subject property to be Low Density Residential.

The A-1 special use to the west is for the sale of agricultural products, art, pottery, and home décor not produced on the premises (Hogan's Market).

EcoCat submitted on November 11, 2021, and consultation was terminated.

NRI application submitted on October 18, 2021. The draft LESA Score was 199 indicating a low level of protection.

Seward Township was emailed information on November 16, 2021. The Seward Township Planning Commission reviewed this proposal on December 7, 2021. Discussion occurred regarding the Land Resource Management Plan in relation to Seward Township and protecting farmland. Discussion also occurred regarding drainage and illegal dumping on the property. The Seward Township Planning Commission issued a negative recommendation by a vote of four (4) against the proposal and zero (0) in favor of the proposal with one (1) member absent. The minutes were provided. On December 27, 2021, the Petitioner's Attorney submitted a response to the actions of the Seward Township Planning Commission; this letter was provided. On January 11, 2022, the Seward Township Board voted to submit a formal objection to the map amendment. Per State law, the objection must be submitted within thirty (30) days after the zoning hearing; Staff anticipates the objection will be filed in February 2022. The objection will require a positive vote of at least eight (8) County Board members in order to approve the requested map amendment.

The Village of Plattville was emailed information on December 16, 2021. No comments received.

The Lisbon-Seward Fire Protection District was emailed information on November 16, 2021. No comments received.

ZPAC reviewed this proposal at their meeting on December 7, 2021. The Petitioner's Attorney indicated the Petitioner only wanted to build two (2) houses at this time. The Highway Department requested a voluntary right-of-way dedication; the Petitioner's Attorney was agreeable to the request. ZPAC recommended approval of the requested map amendment by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission did not have quorum for their meeting on January 26, 2022. The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 27, 2022. Member Wilson asked why the Petitioners were rezoning only the center portion of the lot and leaving a U-shaped area zoned A-1. The Petitioners, responded that the proposed rezoned portions of the property were the best locations for houses because of drainage, per the engineer, Phil Young, that examined the property. They said the second home would be for their son. They will lease the land to farm and they also plan to have horses on the property. Dan Kramer, Attorney for the Petitioner, explained that the Petitioner still desired to farm a portion of the property. No other business would be run at the property; no landscaping business has been run at the property and no construction or landscaping debris has been placed on the property. The request is consistent with the County's Land Resource Management Plan; Mr. Kramer noted that Seward Township allowed similar rezoning requests recently. He felt that some of the objectors had an implicit bias against the Petitioner. He hoped Seward Township would follow the proper procedures regarding updating a comprehensive plan. Mr. Kramer discussed the LaSalle Factors. He also discussed the *Village of Richton Park v. Sinclair Pipeline* case. He felt the proposed use would be consistent with the neighboring uses because other single-family homes on similar sized lots are located in the area. Donald and Jo Beth Larkin expressed concerns about drainage, potential damage to field tile, and the construction of more homes on smaller parcels in the area. A drain tile survey will be required in order to build a house; the owners have to repair damaged tile by law. Also, a homeowner would not want broken tile on their property because the water would damage their house. Drainage Law is enforced civilly in Illinois. The property is not in a federal designated floodplain. The Larkins were encouraged to work with the Petitioners to maintain the tile; this will be an opportunity to locate and examine the tile. Tim O'Brien, Seward Township Supervisor, explained that the Seward Township Planning Commission was concerned about water issues. The Kendall County Regional Planning Commission recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals started a public hearing on this proposal on December 13, 2021. At the Petitioner's request the hearing was continued to January 31, 2022. The hearing was continued again to February 28, 2022. The minutes of the December 13, 2021, meeting were provided. The minutes of the January 31, 2022, meeting were provided. On February 14, 2022, the Petitioner's

Attorney submitted a request that the hearing be continued to May 2, 2022. This email was provided. The minutes of the February 28, 2022, hearing were provided.

The Petitioner desires to rezone the subject property in order to build one (1) house on each of the two (2) new parcels created for a total of two (2) new houses.

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

No public or private utilities are onsite.

The property fronts Brisbin Road. Staff has no concerns regarding the ability of Brisbin Road to support the proposed map amendment.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors were foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise was anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or A-1 SU for the sale of agricultural products, art, pottery, and home décor not produced on the premises.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. The agricultural housing allocations for the subject property have already been used and no new single-family homes can be constructed on the subject property without a map amendment.

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

classification. The trend of development in the area is a mix of agricultural and single-family residential uses found in rural settings.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

Staff recommended approval of the proposed map amendment because the proposal is consistent with the Land Resource Management Plan.

Member Vickery said the Township was not bias against the Petitioner. She was upset about the messes and illegal businesses in the Township.

Member Vickery made a motion, seconded by Member Cherry, to approve the request.

Vice-Chairman LeCuyer swore in Dan Kramer.

Vice-Chairman LeCuyer opened the public hearing at 7:14.

Dan Kramer, Attorney for the Petitioner, said that he did not accuse anyone associated with the Seward Township Planning Commission or the Seward Township Board of implied bias. He stated that the circulated objection letters had implied bias. The Petitioners had run a landscaping business. He noted that Fran Klaas asked him about landscaping material, but these materials were located on a neighboring property to the north. He identified the parcels that the Petitioners own and the neighboring properties where landscaping debris was dumped. He also noted the proposed rezoned areas were the best places to construct houses on the parcels because of drainage. Twelve to thirteen (12-13) acres will remain in crops.

Member Vickery said that the Seward Township Planning Commission was under the impression that the two (2) twenty (20) acre parcels would each have a housing permit and not that the twenty (20) acres would be split into two (2). Mr. Kramer agreed with Member Vickery.

Mr. Kramer said Tim O'Brien, Seward Township Supervisor, told him that neighbors were concerned about drainage. Mr. Kramer said the drain tile would be located and the home would not be near the tile.

Member Fox asked who was responsible for finding the tiles. Mr. Asselmeier said the property would have a footings inspection. At that time, the inspector would note if the tiles were impacted by the footings. Mr. Kramer said water would be in the hole if the tiles were damaged. Mr. Asselmeier said, in such a case, the house would have water problems.

Member Cherry asked why the rezoning was necessary. Mr. Asselmeier explained that the housing allocations for this farm were already used. Member Vickery provided a history of the sale of land in the area. The minimum lot size for R-1 is two point nine-nine (2.99) acres.

Member Vickery discussed the planning history of the area and noted that a neighboring property owner was advertising property for sale with the ability to construct a house. She also discussed the need for a moratorium to update the Seward Township Plan.

Mr. Kramer discussed the LaSalle factors and related court cases.

Vice-Chairman LeCuyer closed the public hearing at 7:28 p.m.

Member Whitfield made a motion, seconded by Member Thompson, to approve the Findings of Fact.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Thompson, Vickery, and Whitfield

Nays (0): None

Abstain (0): None

Absent (1): Mohr

The motion passed.

Member Vickery acknowledged that Seward Township could not stop this proposal because the moratorium was not in place and because of the LaSalle factors.

The votes were as follows on the original motion to recommend approval:

Ayes (6): Cherry, Fox, LeCuyer, Thompson, Vickery, and Whitfield

Nays (0): None

Abstain (0): None

Absent (1): Mohr

The motion passed.

Seward Township and the Village of Plattville will be notified of the results of the public hearing and will be given thirty (30) days to file their objection. The proposal will go to the Kendall County Planning, Building and Zoning Committee on Monday, June 13, 2022.

The Zoning Board of Appeals completed their review of Petition 21-49 at 7:31 p.m.

PUBLIC COMMENTS

Mr. Asselmeier reported that, for the May 31st hearing, there will be a Petition requesting a special use permit for a landscaping business on the north side of Route 52 west of Arbeiter Road in Seward Township.

Mr. Asselmeier also reported that he was recently elected President of the Illinois Association of County Zoning Officials.

Mr. Asselmeier also reported that Hide-A-Way Lakes was annexed in the Village of Oswego.

The County received a price quote from Teska Associates to update the Land Resource Management Plan. This will quote will be reviewed by the Regional Planning Commission at their May meeting.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Whitfield made a motion, seconded by Member Thompson, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:12 p.m.

The next hearing/meeting will be on May 31, 2022.

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

Exhibits

1. Memo on Petition 21-49 Dated April 28, 2022
2. Certificate of Publication and Certified Mail Receipts for Petition 21-49 (Not Included with Report but on file in Planning, Building and Zoning Office)

[illegible]



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-49**Irma Loya Quezada****Map Amendment Rezoning Property from A-1 to R-1****INTRODUCTION**

The Petitioner is requesting a map amendment rezoning two (2) approximately three point two-four (3.24) acre parcels from A-1 Agricultural District to R-1 One Family Residential District in order to construct one (1) house on each parcel.

The Petitioner plans to use Plat Act exemptions to divide the subject areas proposed for rezoning from the larger parcels.

The agricultural building permits for the parcels were used in 2003 and 2004. The only way houses can be constructed on the subject parcels is by obtaining the requested map amendment.

The application materials are included as Attachment 1. The plat of survey is included as Attachment 2. The aerial of the property is included as Attachment 3.

On December 4, 2021, five (5) neighbors submitted a written objection to the map amendment. On January 24, 2022, one (1) additional neighbor submitted an objection. These objections were included as Attachment 4.

On December 7, 2021, the Petitioner's Attorney submitted a request to continue the Petition from the December Kendall County Regional Planning Commission meeting and Kendall County Zoning Board of Appeals hearing. This email was included as Attachment 5.

SITE INFORMATION

PETITIONER Irma Loya Quezada

ADDRESS Across from 14859 and 14975 Brisbin Road

LOCATION East Side of Brisbin Road Approximately 0.5 Miles South of Route 52



TOWNSHIP Seward

PARCEL #s 09-18-300-018 and 09-18-300-019

LOT SIZE 20.7 Acres-Total of Both Parcels; 6.48 Acres-Total Proposed Rezoned Area

EXISTING LAND
USE Agricultural

ZONING A-1 Agricultural District

LRMP	Current Land Use	Agricultural
	Future Land Use	Rural Estate Residential (Max 0.45 Du/Acre)
	Roads	Brisbin Road is a Township Maintained Major Collector.
	Trails	None
	Floodplain/ Wetlands	None

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

APPLICABLE
REGULATIONS Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Estate Residential (Max 0.45 DU/Acre)	A-1

			(County) Low Density Residential (Plattville)	
South	Agricultural	A-1	Rural Estate Residential and Agricultural	A-1
East	Agricultural	A-1	Rural Estate Residential	A-1
West	Agricultural/Farmstead/Hogan's Market	A-1 and A-1 SU	Rural Estate Residential	A-1 and A-1 SU

The A-1 special use to the west is for the sale of agricultural products, art, pottery, and home décor not produced on the premises (Hogan's Market).

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on November 11, 2021, and consultation was terminated (see Attachment 1, Page 9).

NATURAL RESOURCES INVENTORY

NRI application submitted on October 18, 2021 (see Attachment 1, Page 8). The LESA Score was 199 indicating a low level of protection. The NRI Report was included as Attachment 6.

ACTION SUMMARY

SEWARD TOWNSHIP

Seward Township was emailed information on November 16, 2021. The Seward Township Planning Commission reviewed this proposal on December 7, 2021. Discussion occurred regarding the Land Resource Management Plan in relation to Seward Township and protecting farmland. Discussion also occurred regarding drainage and illegal dumping on the property. The Seward Township Planning Commission issued a negative recommendation by a vote of four (4) against the proposal and zero (0) in favor of the proposal with one (1) member absent. The minutes were included Attachment 7. On December 27, 2021, the Petitioner's Attorney submitted a response to the actions of the Seward Township Planning Commission; this letter was included as Attachment 8. On January 11, 2022, the Seward Township Board voted to submit a formal objection to the map amendment. Per State law, the objection must be submitted within thirty (30) days after the zoning hearing; Staff anticipates the objection will be filed in May. The objection will require a positive vote of at least eight (8) County Board members in order to approve the requested map amendment.

VILLAGE OF PLATTVILLE

The Village of Plattville was emailed information on December 16, 2021.

LISBON-SEWARD FIRE PROTECTION DISTRICT

The Lisbon-Seward Fire Protection District was emailed information on November 16, 2021.

ZPAC

ZPAC reviewed this proposal at their meeting on December 7, 2021. The Petitioner's Attorney indicated the Petitioner only wanted to build two (2) houses at this time. The Highway Department requested a voluntary right-of-way dedication; the Petitioner's Attorney was agreeable to the request. ZPAC recommended approval of the requested map amendment by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were included as Attachment 9.

RPC

The Kendall County Regional Planning Commission did not have quorum for their meeting on January 26, 2022. Prior to the February 23, 2022, meeting, the Petitioner requested the proposal be laid over to April 27, 2022. The minutes of the February 23, 2022, meeting are included as Attachment 13.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 27, 2022. Member Wilson asked why the Petitioners were rezoning only the center portion of the lot and leaving a U-shaped area zoned A-1. The Petitioners, responded that the proposed rezoned portions of the property were the best locations for houses because of drainage, per the engineer, Phil Young, that examined the property. They said the second home would be for their son. They will lease the land to farm and they also plan to have horses on the property. Dan Kramer, Attorney for the Petitioner, explained that the Petitioner still desired to farm a portion of the property. No other business would be run at the property; no landscaping business has been run at the property and no construction or landscaping debris has been placed on the property. The request is consistent with the County's Land Resource Management Plan; Mr. Kramer noted that Seward Township allowed similar rezoning requests recently. He felt that some of the objectors had an implicit bias against the Petitioner. He hoped Seward Township would follow the proper procedures regarding updating a comprehensive plan. Mr. Kramer discussed the LaSalle Factors. He also discussed the *Village of Richton Park v. Sinclair Pipeline* case. He felt the proposed use would be consistent with the neighboring uses because other single-family homes on similar sized lots are located in the area. Donald and Jo Beth Larkin expressed concerns about drainage, potential damage to field tile, and the construction of more homes on smaller parcels in the area. A drain tile survey will be required in order to build a house; the owners have to repair damaged tile by law. Also, a homeowner would not want broken tile on their property because the water would damage their house. Drainage Law is enforced civilly in Illinois. The property is not in a federal designated floodplain. The Larkins were encouraged to work with the Petitioners to maintain the tile; this will be an opportunity to locate and examine the tile. Tim O'Brien, Seward Township Supervisor, explained that the Seward Township Planning Commission was concerned about water issues. The Kendall County Regional Planning Commission recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are included as Attachment 15.

ZBA

The Kendall County Zoning Board of Appeals started a public hearing on this proposal on December 13, 2021. At the Petitioner's request the hearing was continued to January 31, 2022. The hearing was continued again to February 28, 2022. The minutes of the December 13, 2021, meeting are included as Attachment 10. The minutes of the January 31, 2022, meeting are included as Attachment 11. On February 14, 2022, the Petitioner's Attorney submitted a request that the hearing be continued to May 2, 2022. This email is included as Attachment 12. The minutes of the February 28, 2022, hearing are included as Attachment 14.

GENERAL INFORMATION

The Petitioner desires to rezone the subject property in order to build one (1) house on each of the two (2) new parcels created for a total of two (2) new houses.

BUILDING CODES

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

UTILITIES

No public or private utilities are onsite.

ACCESS

The property fronts Brisbin Road. Staff has no concerns regarding the ability of Brisbin Road to support the proposed map amendment.

PARKING AND INTERNAL TRAFFIC CIRCULATION

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only.

LANDSCAPING AND SCREENING

Any fencing, landscaping, or screening would be for residential purposes.

SIGNAGE

Any signage would be residential in nature.

NOISE CONTROL

No noise is anticipated.

STORMWATER

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

FINDINGS OF FACT

§13:07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on map amendment applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or A-1 SU for the sale of agricultural products, art, pottery, and home décor not produced on the premises.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. The agricultural housing allocations for the subject property have already been used and no new single-family homes can be constructed on the subject property without a map amendment.

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

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

RECOMMENDATION

Staff recommends approval of the proposed map amendment because the proposal is consistent with the Land Resource Management Plan.

ATTACHMENTS

1. Application Materials
2. Plat of Survey
3. Aerial
4. Objections of Neighbors (Updated January 24, 2022)

5. December 7, 2021 Dan Kramer Continuation Email
6. NRI Report
7. December 7, 2021 Seward Township Minutes
8. December 27, 2021 Dan Kramer Letter
9. December 7, 2021 ZPAC Meeting Minutes (This Petition Only)
10. December 13, 2021 Kendall County Zoning Board of Appeals Minutes (This Petition Only)
11. January 31, 2022 Kendall County Zoning Board of Appeals Minutes
12. February 14, 2022 Dan Kramer Email
13. February 23, 2022 Kendall County Regional Planning Commission Minutes (This Petition Only)
14. February 28, 2022 Kendall County Zoning Board of Appeals Minutes (This Petition Only)
15. April 27, 2022 Kendall County Regional Planning Commission Minutes (This Petition Only)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME _____

FILE #: _____

NAME OF APPLICANT Irma Loya Quezada		
CURRENT LANDOWNER/NAME(s) Irma Loya Quezada		
SITE INFORMATION ACRES 10	SITE ADDRESS OR LOCATION Brisbin Road Minooka, IL 60447	ASSESSOR'S ID NUMBER (PIN) part of 09-18-300-018 & 09-18-300-019
EXISTING LAND USE farmland	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
☐ SPECIAL USE	☒ MAP AMENDMENT (Rezoned to <u>B-1</u>)	☐ VARIANCE
☐ ADMINISTRATIVE VARIANCE	☐ A-1 CONDITIONAL USE for:	☐ SITE PLAN REVIEW
☐ TEXT AMENDMENT	☐ RPD (☐ Concept; ☐ Preliminary; ☐ Final)	☐ ADMINISTRATIVE APPEAL
☐ PRELIMINARY PLAT	☐ FINAL PLAT	☐ OTHER PLAT (Vacation, Dedication, etc.)
☐ AMENDMENT TO A SPECIAL USE (☐ Major; ☐ Minor)		
1 PRIMARY CONTACT Daniel J. Kramer	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.)
2 ENGINEER CONTACT none	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE 10/18/2011
FEE PAID:\$ _____		
CHECK #: _____		

¹Primary Contact will receive all correspondence from County

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

Quezada Zoning Project

Please fill out the following findings of fact to the best of your capabilities. § 13:07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

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

There is a mix of exiting uses of real property in the subject area of the Petitioner. They consist of A1 Agricultural Use, A1 Special Use and various residential classifications. The actual usesages in the area are a combination of Single Family large Lot Residential under Kendall County R-1 Zoning and Building Permits issued under various County Agricultural Ordinances including Farm Allocations.

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

Same answer as to existing uses.

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

The subject property is suitable for pasture, or low denisty agricultural uses, but because of its smaller size is not considered a prime agricultural use with the modern farm machinery where fields are desired to be of much greater size. The property is perfect for construction of two residential units as well as having low density agricultural uses such as pasture for horses.

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.

There is a moderate trend for development of large lot rural single family residential in the area.

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

The proposed use of 2 Residential R-1 Building lots is consistent with the Lane Resource Management Plan of Kendall County in that the Land Resource Management Plan calls for low density Single Family Country Residential District type development.

REspectfully Submitted,

Daniel J. Kramer, 11/12/21

Legal Descriptions

Parcel 1A

That Part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 2100.30 feet for the point of beginning; thence Northerly along said West Line, 302.08 feet; thence Easterly, perpendicular to said West Line, 470.00 feet; thence Southerly, perpendicular to the last ascribed course 298.98 feet to a line drawn Easterly from the point of beginning which is parallel to said North Line; thence Westerly parallel with said North Line, 470.01 feet to the point of beginning in Seward Township, Kendall County, Illinois.

Parcel 2A

That Part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 2100.30 feet for the point of beginning; thence Southerly, along said West Line 298.75 feet; thence Easterly, perpendicular to said West Line, 470.0 feet; thence Northerly, perpendicular to the last described course, 301.85 feet to a line drawn Easterly from the point of beginning, which is parallel with the North Line of said Southwest Fractional Quarter; thence Westerly, parallel with said North Line, 470.01 feet to the point of beginning, in Seward Township, Kendall County, Illinois.

202100012771

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL
RECORDED: 5/18/2021 3:47 PM
REC FEE: 57.00 RHSPS: 10.00
STATE TAX: 200.00
COUNTY TAX: 100.00
PAGES: 4

21LS0184842 1001
WARRANTY DEED

Chicago Title
THIS INDENTURE WITNESSETH,
That the Grantor,

ERB PROPERTIES, LLC, an
Illinois Limited Liability Company, as
to an undivided 70.45% interest, and
Mark Brummel, as to an undivided
29.55% interest,

of the Village of Minooka in the
County of Kendall and State of Illinois
for and in consideration of the sum of
One Dollar and other good and valuable
considerations, the receipt of which is
hereby acknowledged, CONVEY and
WARRANT to:

IRMA LOYA QUEZADA, A Single person

whose address is

the following described real estate to-wit:

PARCEL 1: THAT PART OF THE WEST HALF OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST FRACTION QUARTER; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID SOUTHWEST FRACTIONAL QUARTER, 1548.37 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHERLY, ALONG SAID WEST LINE, 551.93 FEET; THENCE EASTERLY, PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER, 817.41 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE NORTHERLY, ALONG SAID EAST LINE, 551.95 FEET TO A LINE DRAWN EASTERLY FROM THE POINT OF BEGINNING WHICH IS PARALLEL WITH SAID NORTH LINE; THENCE WESTERLY, PARALLEL WITH SAID NORTH LINE, 819.55 FEET TO THE POINT OF BEGINNING IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF THE WEST HALF OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST FRACTION QUARTER; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID SOUTHWEST FRACTIONAL QUARTER, 2100.30 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHERLY, ALONG SAID WEST LINE, 551.93 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER, 815.23 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE NORTHERLY, ALONG THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST FRACTIONAL QUARTER, 558.79 FEET TO A LINE DRAWN EASTERLY FROM THE POINT OF BEGINNING WHICH IS PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE WESTERLY, PARALLEL WITH SAID NORTH LINE, 817.41 FEET TO THE POINT OF BEGINNING IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS.

SUBJECT TO covenants, conditions and restrictions of record, public and utility easements, general taxes for the tax year 2020 and 2021.

PIN #: 09-18-300-018 & 09-18-300-019

COMMON ADDRESS: 21 acres, Brisbon Road, Minooka, IL 60447

*and Illinois Route #52

situated in Kendall County, Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Dated this 4 day of May, 2021.

ERB PROPERTIES, LLC

BY:

EDWARD J. BALTZ

ITS: MANAGER and as Trustee of the EDWARD J. BALTZ DESCENDANT TRUST

BY:

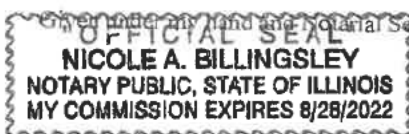
ROBERT D. BALTZ

MANAGER and as Trustee of the ROBERT D. BALTZ DESCENDANT TRUST

MARK BRUMMEL

STATE OF ILLINOIS)
COUNTY OF GRUNDY)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY THAT EDWARD J. BALTZ, MANAGER OF ERB PROPERTIES, LLC AND TRUSTEE OF THE EDWARD J. BALTZ DESCENDANT TRUST, personally known to me to be the same person whose name is subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

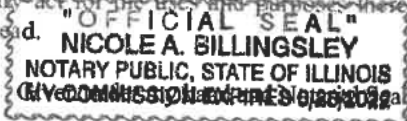


Witnessed my hand and the Notary Seal this 4 day of May, 2021.

NOTARY PUBLIC

STATE OF ILLINOIS)
COUNTY OF GRUNDY)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY THAT ROBERT D. BALTZ, MANAGER OF ERB PROPERTIES, LLC AND TRUSTEE OF THE ROBERT D. BALTZ DESCENDANT TRUST, personally known to me to be the same person whose name is subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.



Witnessed my hand and the Notary Seal this 4 day of May, 2021.

NOTARY PUBLIC

STATE OF ILLINOIS)
COUNTY OF GRUNDY)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY THAT **MARK BRUMMEL**, personally known to me to be the same person whose name is subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial Seal this 4 day of May, 2021.



FUTURE TAXES TO:

IRMA LOYA QUEZADA

RETURN THIS DOCUMENT TO:

DANIEL J. KRAMER

PREPARED BY:

CORTINA MUELLER FROBISH

RECORDER OF DEEDS
AFFIDAVIT - METES AND BOUNDS

STATE OF ILLINOIS)
) SS.
COUNTY OF KENDALL)

ERB PROPERTIES, LLC being duly sworn on oath, states that he is the property owner of the real estate whose legal description is attached. The attached deed is not in violation of Section 1 of Chapter 109 of the Illinois Revised Statutes for one of the following reasons:

1. The division of subdivision of land is into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
2. The division is of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
3. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
4. The conveyance is of parcels of land or interest therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
5. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
6. The conveyance is of land for highway or other public purposes or grants of conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
7. The conveyance is made to correct descriptions in prior conveyances.
8. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing in July 17, 1959 and not involving any new streets or easements of access.
9. The sale is of a single lot of less than five acres from a large tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973, and no sale prior to this sale, or any lot or lots from said larger tract having taken place since October 1, 1973 and a survey of said single lot having been made by a registered land surveyor.
10. The conveyance is of land described in the same manner as title was taken by grantor(s).

THE APPLICABLE STATEMENT OR STATEMENTS ABOVE ARE CIRCLED.

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

ERB PROPERTIES, LLC

SUBSCRIBED AND SWORN TO

before me this 4 day of March, 2021

"OFFICIAL SEAL"
NICOLE A. BILLINGSLEY
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 8/28/2022



**Kendall County Soil & Water
Conservation District**

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

 www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Irma Loya Quezada

Contact Person: Daniel J. Kramer

Address: [REDACTED]

City, State, Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

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

Site Location & Proposed Use

Township Name Seward Township 35 N, Range 8 E, Section(s) 18

Parcel Index Number(s) part of pins 09-18-300-018 ad 09-18-300-019

Project or Subdivision Name _____ Number of Acres 10

Current Use of Site farmland Proposed Use 2 single family homes

Proposed Number of Lots 2 Proposed Number of Structures 2

Proposed Water Supply well Proposed type of Wastewater Treatment septic

Proposed type of Storm Water Management _____

Type of Request

☒ Change in Zoning from A-1 to R-1 to build 2 single family homes

☐ Variance (Please describe fully on separate page)

☐ Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: Kendall County Planning, Building, & Zoning

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

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

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

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

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

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

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

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

Fee for first five acres and under	\$ 375.00
<u>5</u> Additional Acres at \$18.00 each	\$ 90.00
Total NRI Fee	\$ 465.00

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

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

[Signature]
Petitioner or Authorized Agent

10/18/2021
Date

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

FOR OFFICE USE ONLY

NRI# _____ Date Initially rec'd _____ Date all rec'd _____ Board Meeting _____
Fee Due \$ _____ Fee Paid \$ _____ Check # _____ Over/Under Payment _____ Refund Due _____



Applicant: Irma Loya Quezada

Contact: DANIEL J. Kramer

Address:



Project: Quezada

Address: Brisbin Road, Minooka

IDNR Project Number: 2206967

Date: 11/11/2021

Description: Rezone property to build two single family homes

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

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

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kendall

Township, Range, Section:

35N, 8E, 18



IL Department of Natural Resources

Contact

Kyle Burkwald

217-785-5500

Division of Ecosystems & Environment

Government Jurisdiction

Kendall County Planning, Building, & Zoning

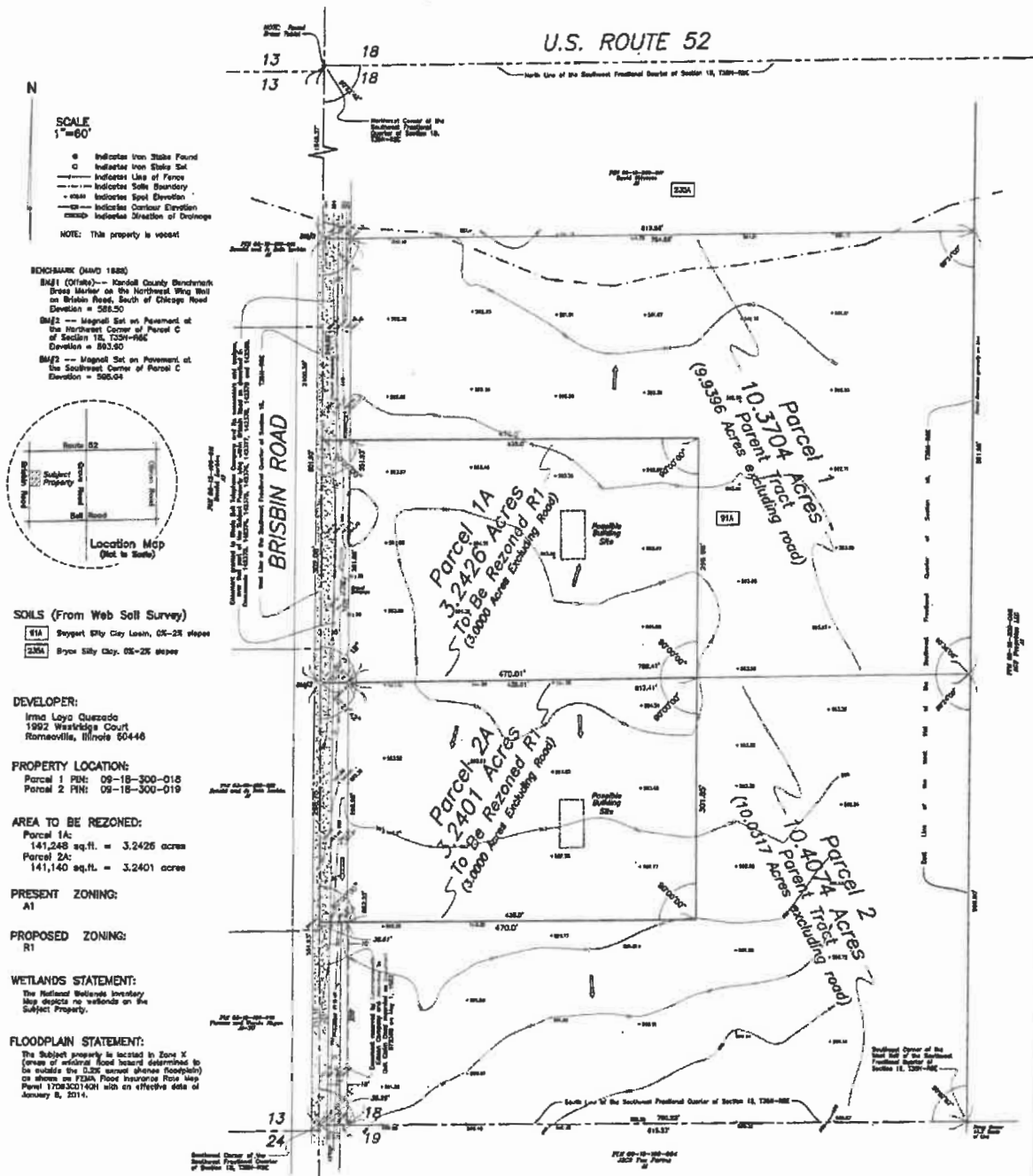
Matt Asselmeier

111 W Fox Street

Yorkville, Illinois 60560

Disclaimer

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



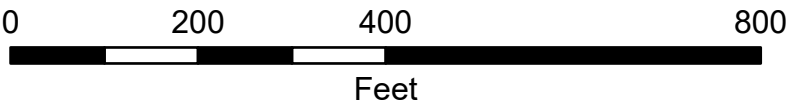
The Part of the West Half of the Southeast Fractional Quarter of Section 18, Township 35 North, Range 5 East of the Third Principal Meridian described as follows: Commencing at the Northwest Corner of said Southwest Fractional Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 210.00 feet to the point of beginning; thence Southerly, along said West Line, 288.75 feet; thence Easterly, along said West Line, 100.00 feet; thence Northerly, perpendicular to the West Line described, 301.95 feet to the line due Easterly from the point of beginning, which line bears S 47° 02' 10" W the North Line of said Southwest Fractional Quarter; thence Westerly, parallel with said North Line, 470.21 feet to the point of beginning. In Seward Township, Kandlak County, Minnesota.

11078 South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580



Legend

- Legal Descriptions
- Parcels



Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560
630.553.4212

December 4, 2021

To Whom It May Concern:

To the chairpersons concerning the public hearing Dec. 8th, 2021 and Dec. 13th, 2021. The people on Brisbin Road are voicing our disapproval to change the zoning from A1 to R1. This zoning change is in regards to properties bought by Irma Loya Quezada.

This property has been agricultural for at least a hundred plus years. Let's keep it so. NO, NO, NO to change. We are writing this letter, because some of us may not be able to attend the meetings. This letter should be just as good as being in person.

We are concerned these parcels will be used for bringing landscaping debris. Don Schuck has been dealing with Brian Holdiman from zoning board for four plus years over Nely Landscaping illegally working off his property. He has hauled in landscape material off jobs and has dumped, buried, and burned debris on his property.

We would like signed receipts of this letter to each person who signed it, by the chairperson of the committees.

Thank you for your time and listening to our concerns.



Signature

Amy White Amy White

Print

14625 Brisbin Rd Miroka IL 60147

Address

December 4, 2021

To Whom It May Concern:

To the chairpersons concerning the public hearing Dec. 8th, 2021 and Dec. 13th, 2021. The people on Brisbin Road are voicing our disapproval to change the zoning from A1 to R1. This zoning change is in regards to properties bought by Irma Loya Quezada.

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We would like signed receipts of this letter to each person who signed it, by the chairperson of the committees.

Thank you for your time and listening to our concerns.

Signature

DONALD SCHUCK SR
Print JACQUELINE SCHUCK

14525 BRISBIN RD
14525 Brisbin Rd.

MINOOKA, ILL. 60447
Address minooka, IL. 60447

December 4, 2021

To Whom It May Concern:

To the chairpersons concerning the public hearing Dec. 8th, 2021 and Dec. 13th, 2021. The people on Brisbin Road are voicing our disapproval to change the zoning from A1 to R1. This zoning change is in regards to properties bought by Irma Loya Quezada.

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Thank you for your time and listening to our concerns.



Signature

JENNIFER E MILLER

Print

3700 US HWY 52MINDOKA, IC 60447

Address

December 4, 2021

To Whom It May Concern:

To the chairpersons concerning the public hearing Dec. 8th, 2021 and Dec. 13th, 2021. The people on Brisbin Road are voicing our disapproval to change the zoning from A1 to R1. This zoning change is in regards to properties bought by Irma Loya Quezada.

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We would like signed receipts of this letter to each person who signed it, by the chairperson of the committees.

Thank you for your time and listening to our concerns.



Signature

Bruce O. Knudson

Print

5765 US Hwy. 52

Minoke, IL. 60447-9672

Address

December 4, 2021

To Whom It May Concern:

To the chairpersons concerning the public hearing Dec. 8th, 2021 and Dec. 13th, 2021. The people on Brisbin Road are voicing our disapproval to change the zoning from A1 to R1. This zoning change is in regards to properties bought by Irma Loya Quezada.

This property has been agricultural for at least a hundred plus years. Let's keep it so. NO, NO, NO to change. We are writing this letter, because some of us may not be able to attend the meetings. This letter should be just as good as being in person.

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We would like signed receipts of this letter to each person who signed it, by the chairperson of the committees.

Thank you for your time and listening to our concerns.


Signature

Dustin Walzer

Print

14550 Brisbin Rd

Minooka IL 60447

Address

1-25-22

Hi Matt:

Sorry Due to Weather
I CAN'T get out of my
Driveway, Hope this is
OK! I thought it wouldn't
get there by 26 via mail!

Thank you
Wanda H.

TO: Kendall County planning commission

Jan. 21, 2022

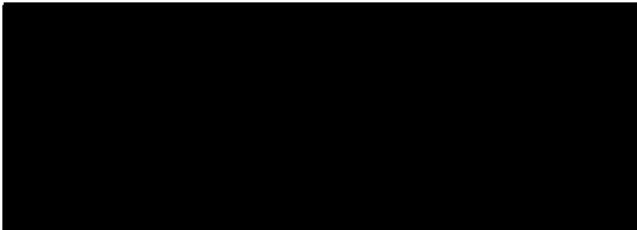
Re: Petition #21-49

As a neighbor on Brisbin Rd. - across the road from said property.

I stand with my neighbors to ask that this petition be denied...we would like A1 to stay A1.

We hope the zoning board will take our wishes into consideration when making their decision.

Sincerely Yours

A large black rectangular redaction box covering the signature area.

Thomas & Wanda Hogan

14975 Brisbin Rd.

Minooka, IL 60447

Matt Asselmeier

From: Real estate <realestate@dankramerlaw.com>
Sent: Tuesday, December 7, 2021 11:28 AM
To: Matt Asselmeier
Subject: [External]Quezada Zoning Petition

Dear Matt:

Can you please continue the Quezada Petition from the December RPC and ZBA to the January RPC and ZBA? [REDACTED]

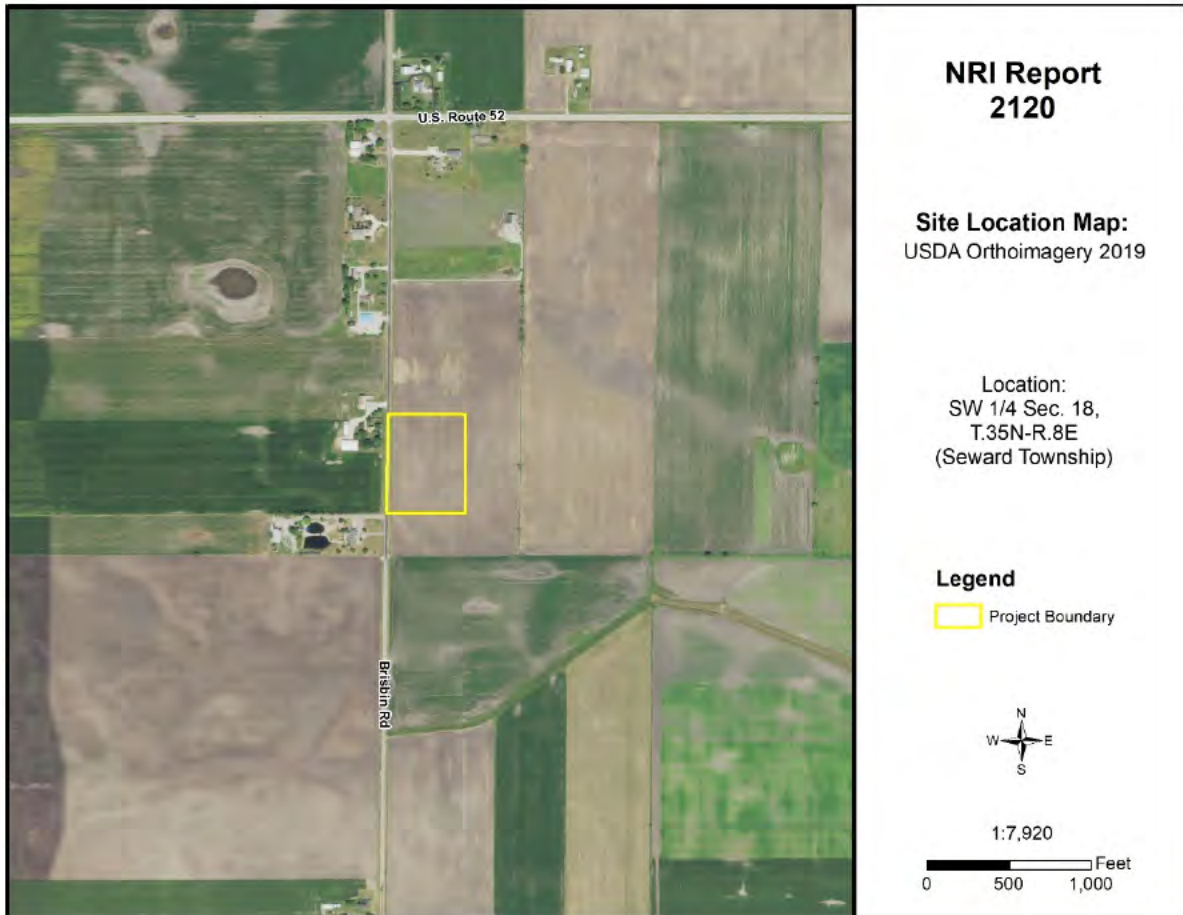
DO NOT RESPOND TO THIS EMAIL PLEASE SEND DIRECT TO: dkramer@dankramerlaw.com

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
Yorkville, IL. 60560
Phone-630.553.9500
Fax-630.553.5764

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NATURAL RESOURCE INFORMATION (NRI) REPORT: #2120



Dec.
2021

Petitioner: Irma Loya Quezada
Contact: Attorney Daniel J. Kramer

Prepared By:


**Kendall County Soil & Water
Conservation District**

7775A Route 47
Yorkville, Illinois 60560
Phone: (630) 553-5821 x3
www.kendallswcd.org

KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT NATURAL RESOURCE INFORMATION (NRI) REPORT

Natural Resource Information Report Number	2120
Date District Board Reviews Application	December 2021
Applicant's Name	Irma Loya Quezada
Size of Parcel	6.5 acres
Current Zoning & Use	A-1 Agricultural; Cropland
Proposed Zoning & Use	R-1 Residential; Two Single-Family Homes
Parcel Index Number(s)	09-18-300-018 & 09-18-300-019
Contact Person	Attorney Daniel J. Kramer

Copies of this report or notification of the proposed land-use change was provided to:	Yes	No
The Applicant	X	
The Applicant's Legal Representation	X	
The Local/Township Planning Commission	X	
The Village/City/County Planning and Zoning Department or Appropriate Agency	X	
The Kendall County Soil and Water Conservation District Files	X	

Report Prepared By: *Alyse Olson* Position: *Resource Conservationist*

PURPOSE AND INTENT

The purpose of this report is to provide officials of the local governing body and other decision-makers with natural resource information. This information may be useful when undertaking land use decisions concerning variations, amendments or relief of local zoning ordinances, proposed subdivision of vacant or agricultural lands and the subsequent development of these lands. This report is a requirement under Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

The intent of this report is to present the most current natural resource information available in a readily understandable manner. It contains a description of the present site conditions, the present resources, and the potential impacts that the proposed change may have on the site and its resources. The natural resource information was gathered from standardized data, on-site investigations and information furnished by the petitioner. This report must be read in its entirety so that the relationship between the natural resource factors and the proposed land use change can be fully understood.

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

This report, when used properly, will provide the basis for proper land use change decisions and development while protecting the natural resource base of the county. It should not be used in place of detailed environmental and/or engineering studies that are warranted under most circumstances, but in conjunction with those studies.

The conclusions of this report in no way indicate that a certain land use is not possible, but it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Any questions on the technical data supplied in this report or if anyone feels that they would like to see more additional specific information to make the report more effective, please contact:

Kendall County Soil and Water Conservation District
7775A Route 47, Yorkville, IL 60560
Phone: (630) 553-5821 ext. 3
E-mail: Alyse.Olson@il.nacdnet.net

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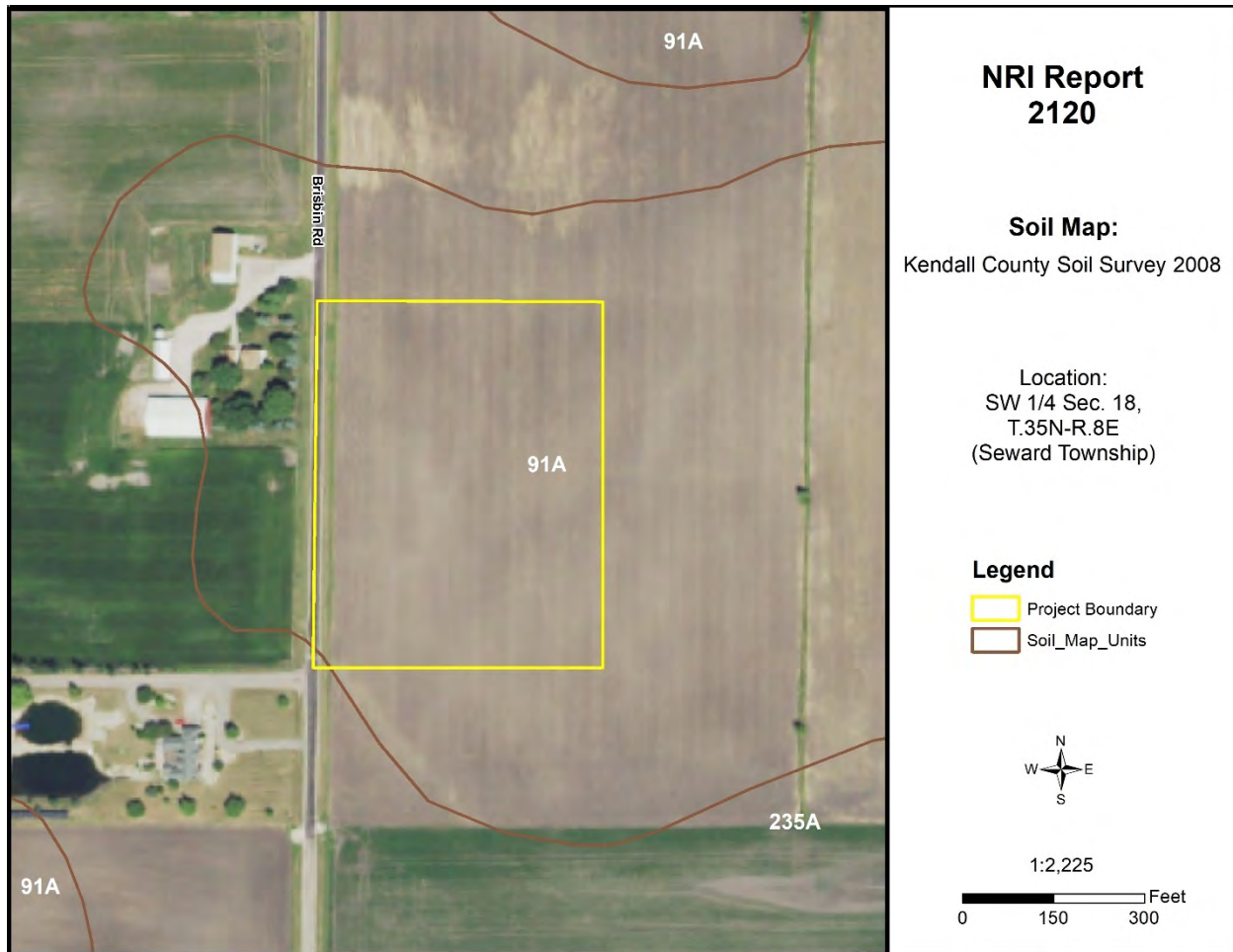
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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2120
Petitioner	Irma Loya Quezada
Contact Person	Attorney Daniel J. Kramer
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SW ¼ of Section 18, Township 35 North, Range 8 East (Seward Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Loya Quezada Re-Zoning
Existing Zoning & Land Use	A-1 Agricultural; Cropland
Proposed Zoning & Land Use	R-1 Residential; Two Single-Family Homes
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	N/A
Size of Site	6.5 acres
Land Evaluation Site Assessment Score	199 (Land Evaluation: 79; Site Assessment: 120)

NATURAL RESOURCE CONSIDERATIONS**Figure 1: Soil Map****SOIL INFORMATION**

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

Table 1: Soils Information

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
91A	Swygert silty clay loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric	Prime Farmland
235A	Bryce silty clay, 0-2% slopes	Poorly Drained	C/D	Hydric	Prime Farmland if drained

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

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

Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as hydric soil (235A Bryce silty clay), and the remaining soil is classified as a non-hydric soil with hydric inclusions likely (91A Swygert silty clay loam).

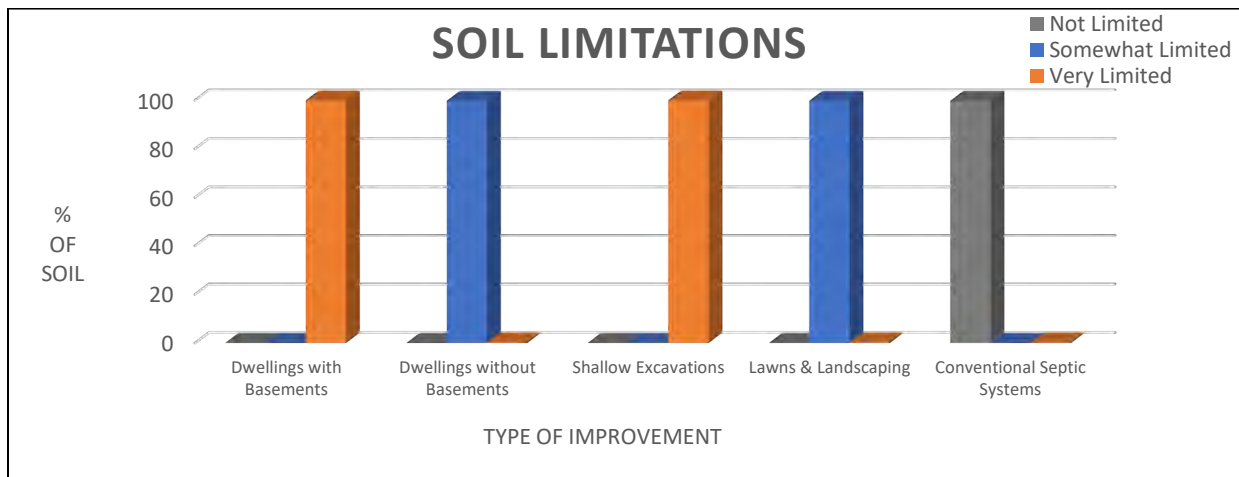
Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, both are designated as prime farmland (91A Swygert silty clay loam and 235A Bryce silty clay). The 235A Bryce silty clay is considered prime farmland if drained.

Soil Limitations – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings with basements, dwellings without basements, small commercial buildings, shallow excavations, lawns/landscaping, and local roads and streets. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are Somewhat Limited are moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

Table 2: Soil Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Shallow Excavations	Lawns/Landscaping	Conventional Septic Systems
91A	Very Limited	Somewhat Limited	Very Limited	Somewhat Limited	Suitable/Not Limited
235A	Very Limited	Very Limited	Very Limited	Very Limited	Unsuitable/Very Limited

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).

**Figure 2:** Soil Limitations

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - The Land Evaluation score for this site is **79**, indicating that this site is **not well suited** for agricultural uses.

- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - The Site Assessment score for this site is **120**.

The **LESA Score for this site is 199 out of a possible 300, 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. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

The U.S. Fish & Wildlife Service's National Wetlands Inventory map **does not indicate** the presence of a wetland(s) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0140H (effective date January 8, 2014) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel is **not located within** the floodplain or floodway.

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* (<https://illinoisurbanmanual.org/>) for appropriate best management practices.

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Irma Loya Quezada for the proposed change in zoning from A-1 Agricultural to R-1 Single-Family Residential to construct two single-family homes on parts of two parcels (Parcel Index Numbers 09-18-300-018 & 09-18-300-019) within Seward Township of Kendall County located in the SW ¼ of Section 18, Township 35N, and Range 8E of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 100% are classified as prime farmland or prime farmland if drained. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored a 79 out of a possible 100 points indicating that the soils are not well suited for agricultural uses. The total LESA Score for this site is 199 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for dwellings with basements and shallow excavations and 0.2% are very limited for dwellings without basements and lawns/landscaping. The remaining land is considered somewhat limited for these types of developments/uses. Additionally, 0.2% of the soils are considered unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

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

For intense use, it is recommended that a drainage tile survey be completed on the parcel to locate the subsurface drainage tile and should 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 that 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 Board Representative


 Date

PARCEL LOCATION

Location Map for Natural Resources Information Report #2120

SW ¼ of Section 18, Township 35 North, Range 8 East (Seward Township) on 6.5 acres. This parcel is located on the east side of Brisbin Road, west of Grove Road, north of Bell Road, and south of U.S. Route 52 in Minooka, IL. The parcel is part of unincorporated Kendall County.

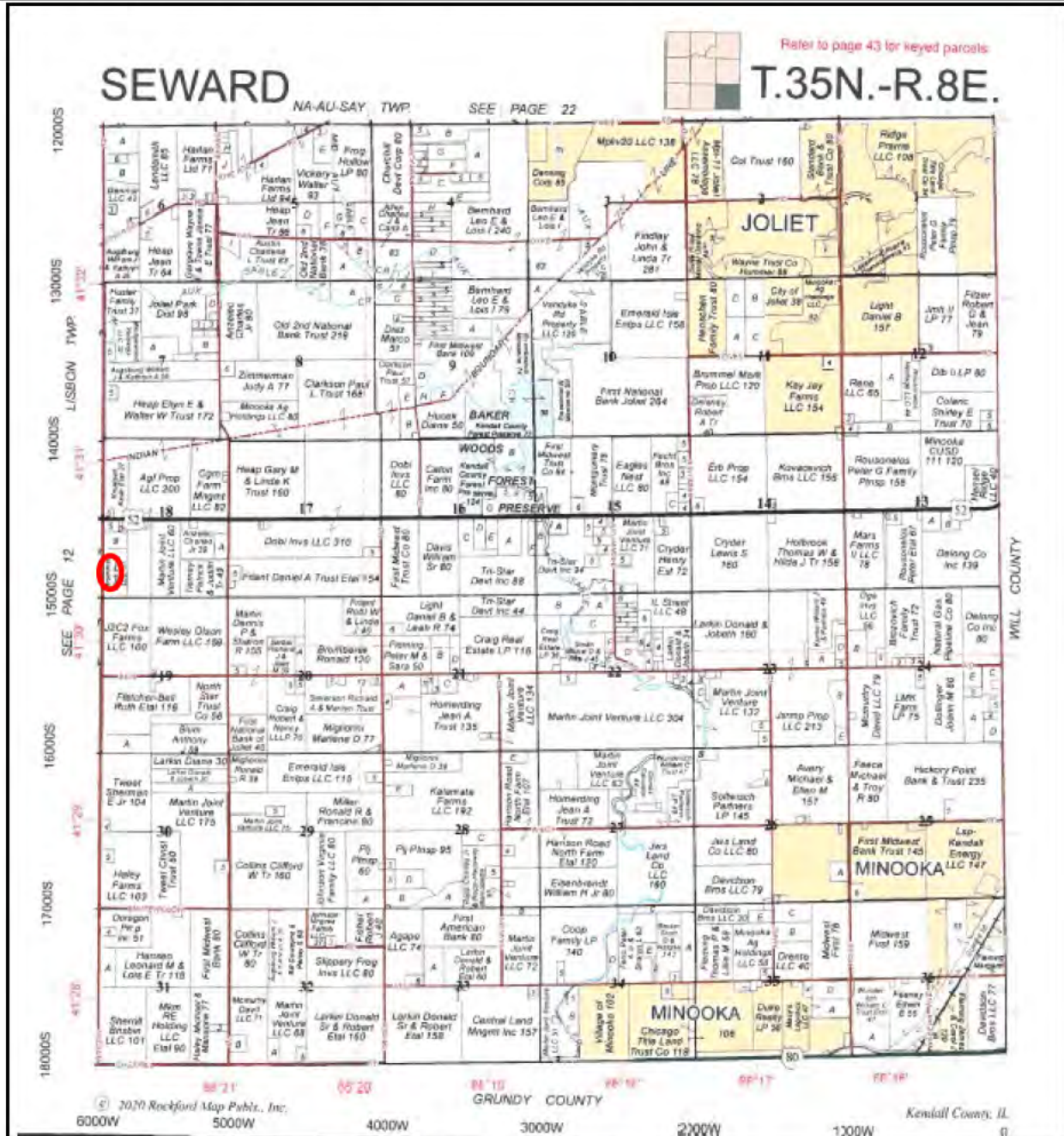


Figure 3: 2021 Plat Map

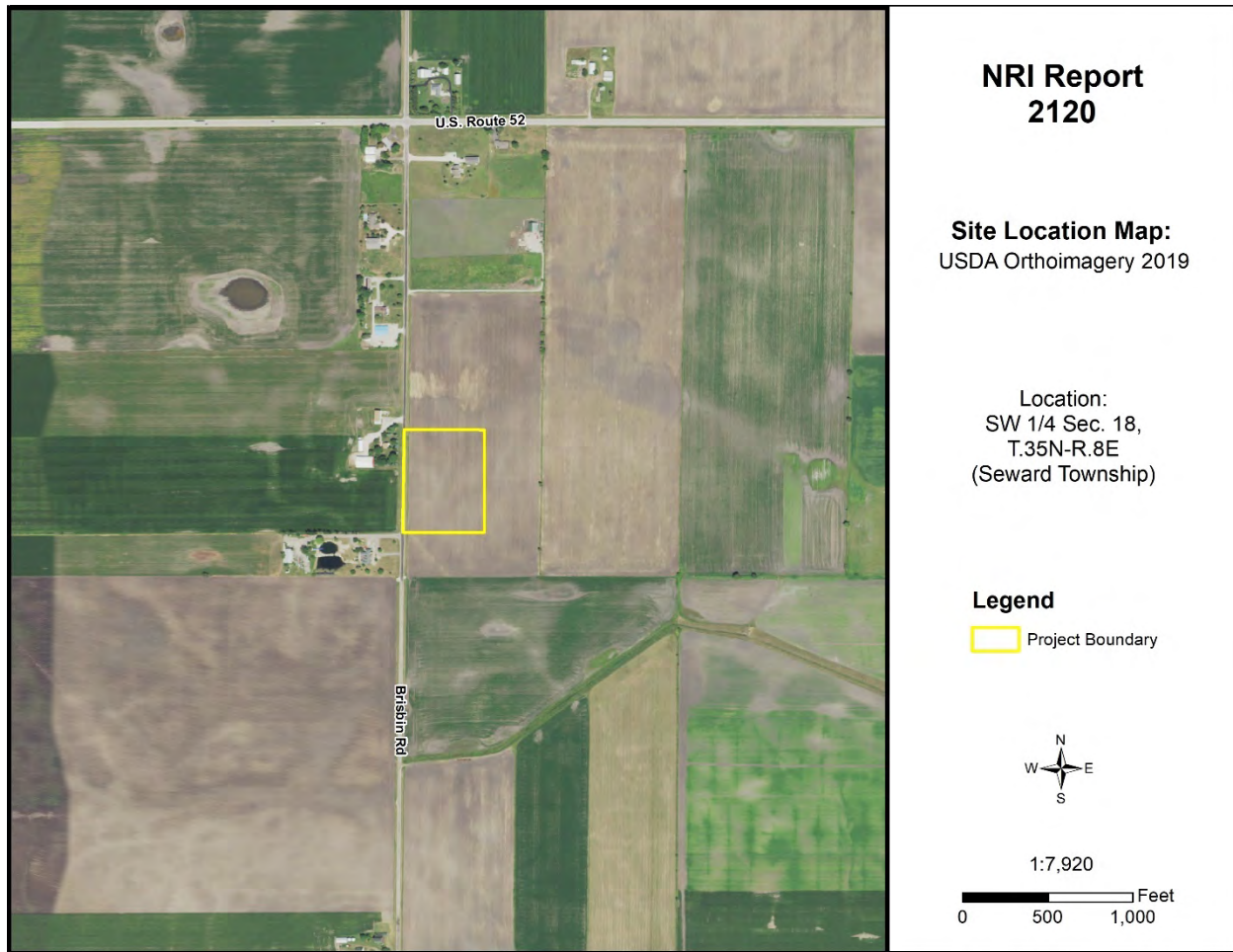


Figure 4: 2019 Aerial Map with NRI Site Boundary

ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION

Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions.

The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

The Illinois Historic Preservation Agency has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact the IHPA according to current Illinois law.

ECOLOGICALLY SENSITIVE AREAS

WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?¹

Biological diversity, or biodiversity, is the range of life on our planet. A more thorough definition is presented by botanist Peter H. Raven: “At the simplest level, biodiversity is the sum total of all the plants, animals, fungi and microorganisms in the world, or in a particular area; all of their individual variation; and all of the interactions between them. It is the set of living organisms that make up the fabric of the planet Earth and allow it to function as it does, by capturing energy from the sun and using it to drive all of life’s processes; by forming communities of organisms that have, through the several billion years of life’s history on Earth, altered the nature of the atmosphere, the soil and the water of our Planet; and by making possible the sustainability of our planet through their life activities now” (Raven 1994).

It is not known how many species occur on our planet. Presently, about 1.4 million species have been named. It has been estimated that there are perhaps 9 million more that have not been identified. What is known is that they are vanishing at an unprecedented rate. Reliable estimates show extinction occurring at a rate several orders of magnitude above “background” in some ecological systems (Wilson 1992, Hoose 1981).

The reasons for protecting biological diversity are complex, but they fall into four major categories. First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s (Roush 1982).

Simplified ecosystems are almost always expensive to maintain. For example, when synthetic chemicals are relied upon to control pests, the target species are not the only ones affected. Their predators are almost always killed or driven away, exasperating the pest problem. In the meantime, people are unintentionally breeding pesticide-resistant pests. A process has begun where people become perpetual guardians of the affected area, which requires the expenditure of financial resources and human ingenuity to keep the system going.

A second reason for protecting biological diversity is that it represents one of our greatest untapped resources. Great benefits can be reaped from a single species. About 20 species provide 90% of the world’s food. Of these 20, just three, wheat, maize, and rice supply over one half of that food. American wheat farmers need new varieties every five to 15 years to compete with pests and diseases. Wild strains of wheat are critical genetic reservoirs for these new varieties.

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of

chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds (Hoose 1981).

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and wellbeing, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

Historically, the lack of attention to biological diversity, and the ecological processes it supports, has resulted in economic hardships for segments of the basin’s human population.

The final reason for protecting biological diversity is that species and natural systems are intrinsically valuable. The above reasons have focused on the benefits of the natural world to humans. All things possess intrinsic value simply because they exist.

BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL

As part of the Natural Resources Information Report, staff checks office maps to determine if any nature preserves or ecologically sensitive areas are in the general vicinity of the parcel in question. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include, but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

Office maps indicate that ecologically sensitive area(s) are not located on or near the parcel in question (PIQ).

¹Taken from *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

Soils information comes from the Natural Resources Conservation Service Soil Maps and Descriptions for Kendall County. This information is important to all parties involved in determining the suitability of the proposed land use change.

Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and buildings without basements. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.

The limitation categories (not limited, somewhat limited, or very limited) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with to complete the proposed activity successfully. Very limited indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a somewhat limited or not limited rating.

Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. They are based on the soil properties that directly influence the specified use of the soil. Soil survey interpretations allow users of soil surveys to plan reasonable alternatives for the use and management of soils.

Soil interpretations do not eliminate the need for on-site study and testing of specific sites for the design and construction for specific uses. They can be used as a guide for planning more detailed investigations and for avoiding undesirable sites for an intended use. The scale of the maps and the range of error limit the use of the soil delineation.

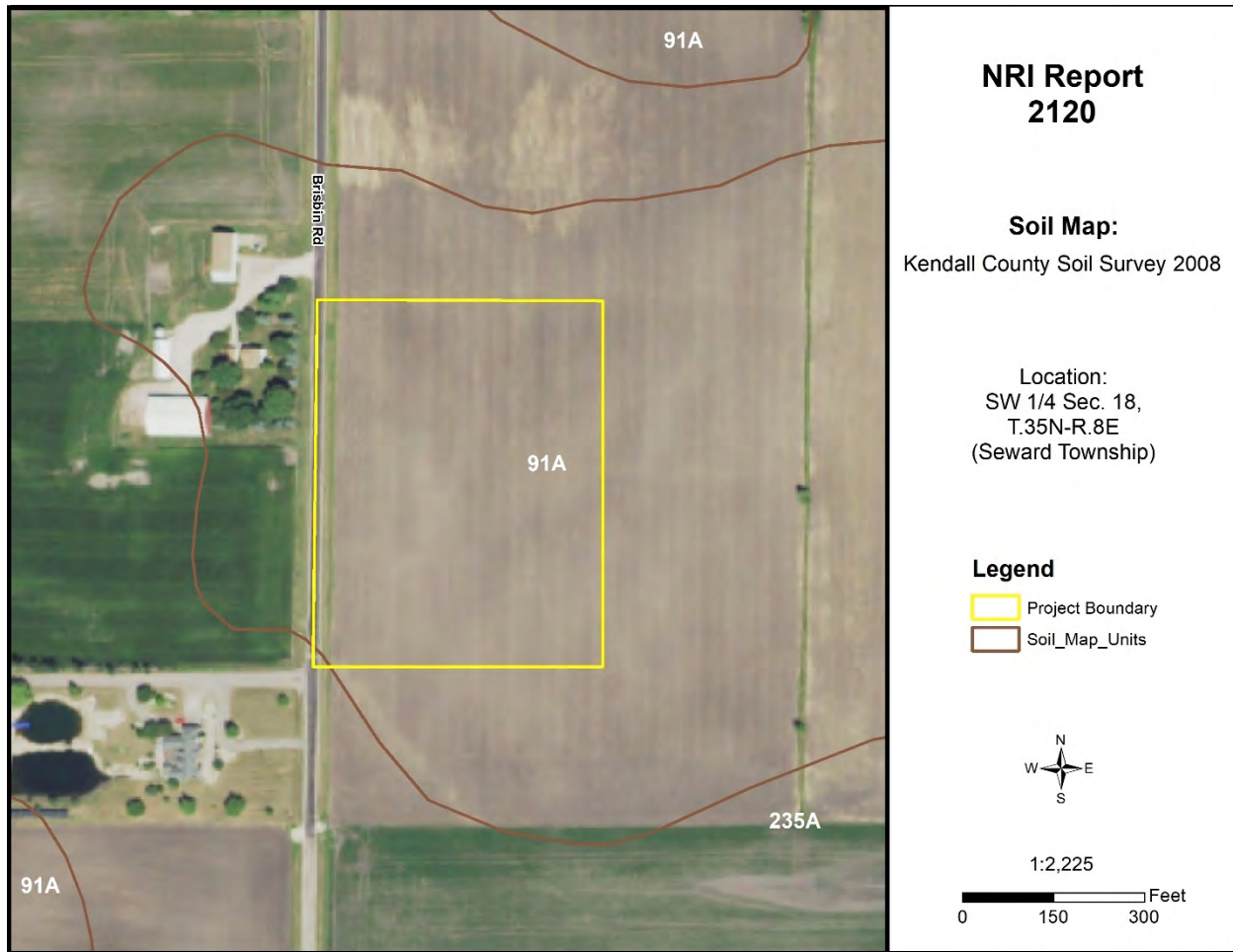


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
91A	Swygert silty clay loam, 0-2% slopes	6.5	99.8%
235A	Bryce silty clay, 0-2% slopes	0.0	0.2%

Source: National Cooperative Soil Survey – USDA-NRCS

SOILS INTERPRETATIONS EXPLANATION

GENERAL – NONAGRICULTURAL

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features.

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of not limited, somewhat limited, and very limited are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered unsuitable for all types of construction.

LIMITATIONS RATINGS

- **Not Limited:** This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
- **Somewhat Limited:** This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
- **Very Limited:** This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

BUILDING LIMITATIONS

BUILDING ON POORLY SUITED OR UNSUITABLE SOILS

Building on poorly suited or unsuitable soils can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of the Kendall County SWCD strongly urges scrutiny by the plat reviewers when granting parcels with these soils exclusively.

Dwellings with Basements – Ratings are for undisturbed soil for a building structure of less than 3 stories with a basement. The foundation is assumed to be spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Dwellings without Basements – Ratings are for undisturbed soil for a house of three stories or less than 3 stories without a basement. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Shallow Excavations – Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches, or other purposes. Ratings are based on soil properties that influence the ease of digging and the resistance to sloughing.

Lawns and Landscaping – Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established.

Onsite Sewage Disposal – The factors considered 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. The table below indicates soils that 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 – Environmental Health at (630) 553-9100 x8026.

Table 4: Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Systems	Acres	%
91A	Very Limited: Depth to saturated zone; Shrink-swell	Somewhat Limited: Depth to saturated zone; Shrink-swell	Very Limited: Depth to saturated zone; Too clayey; Dusty; Unstable excavation walls	Somewhat Limited: Depth to saturated zone; Dusty	Suitable/Not Limited	6.5	99.8%
235A	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Too clayey; Unstable excavation walls; Dusty	Very Limited: Ponding; Depth to saturated zone; Too clayey; Dusty	Unsuitable/Very Limited: Wet	0.0	0.2%
% Very Limited	100%	0.2%	100%	0.2%	0.2%		

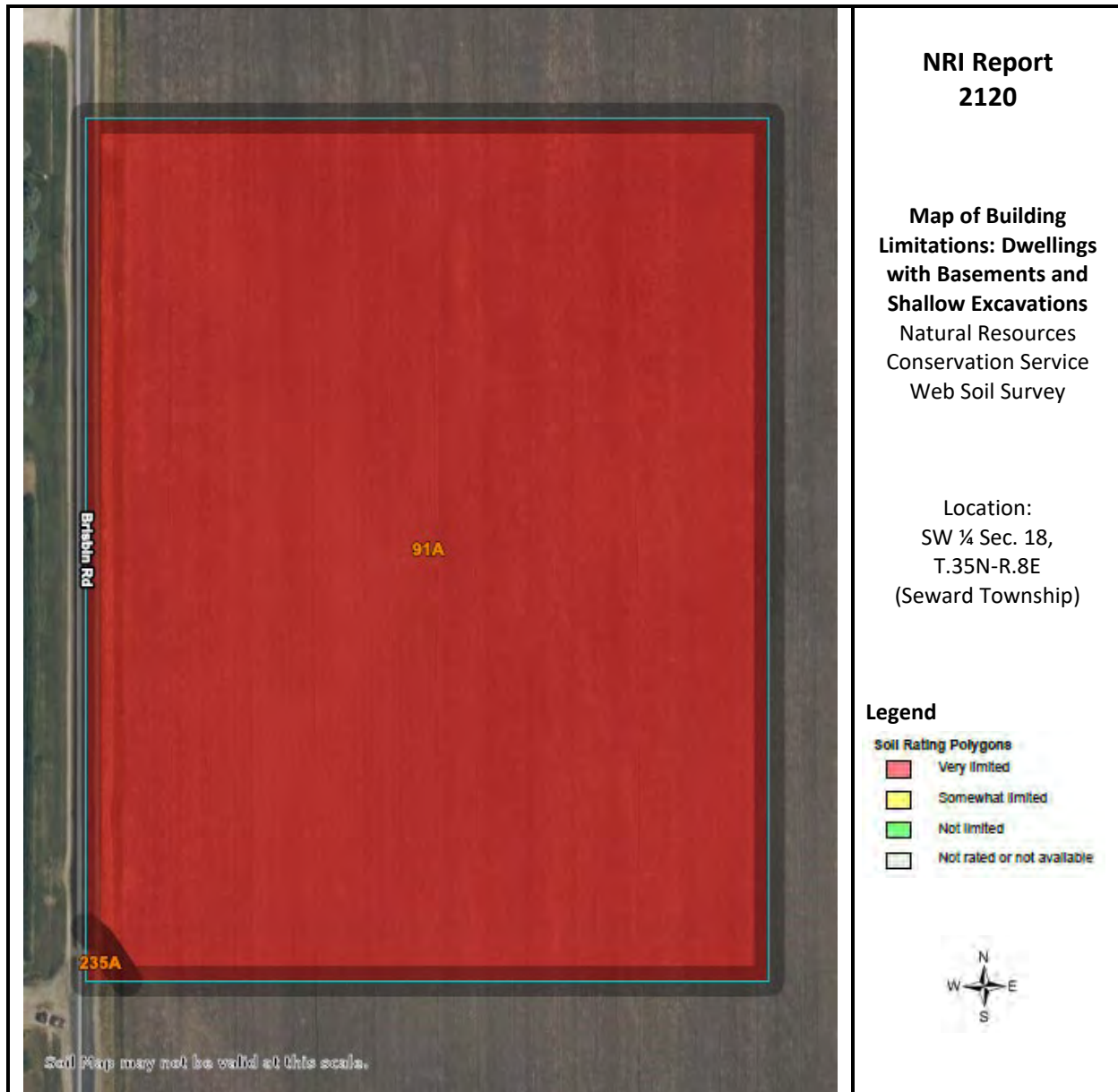


Figure 6A: Map of Building Limitations – Dwellings with Basements and Shallow Excavations

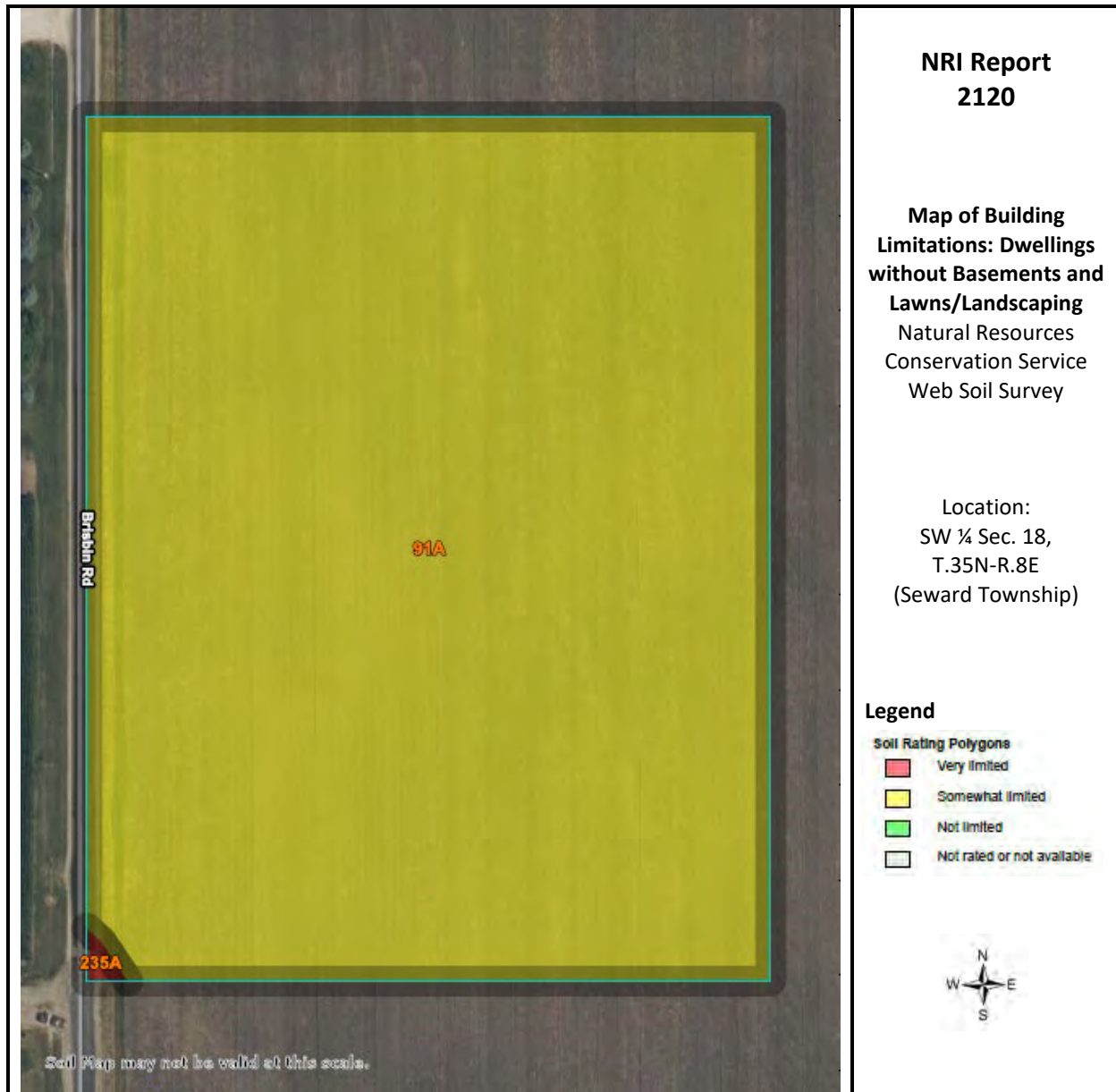


Figure 6B: Map of Building Limitations – Dwellings without Basements and Lawns/Landscaping

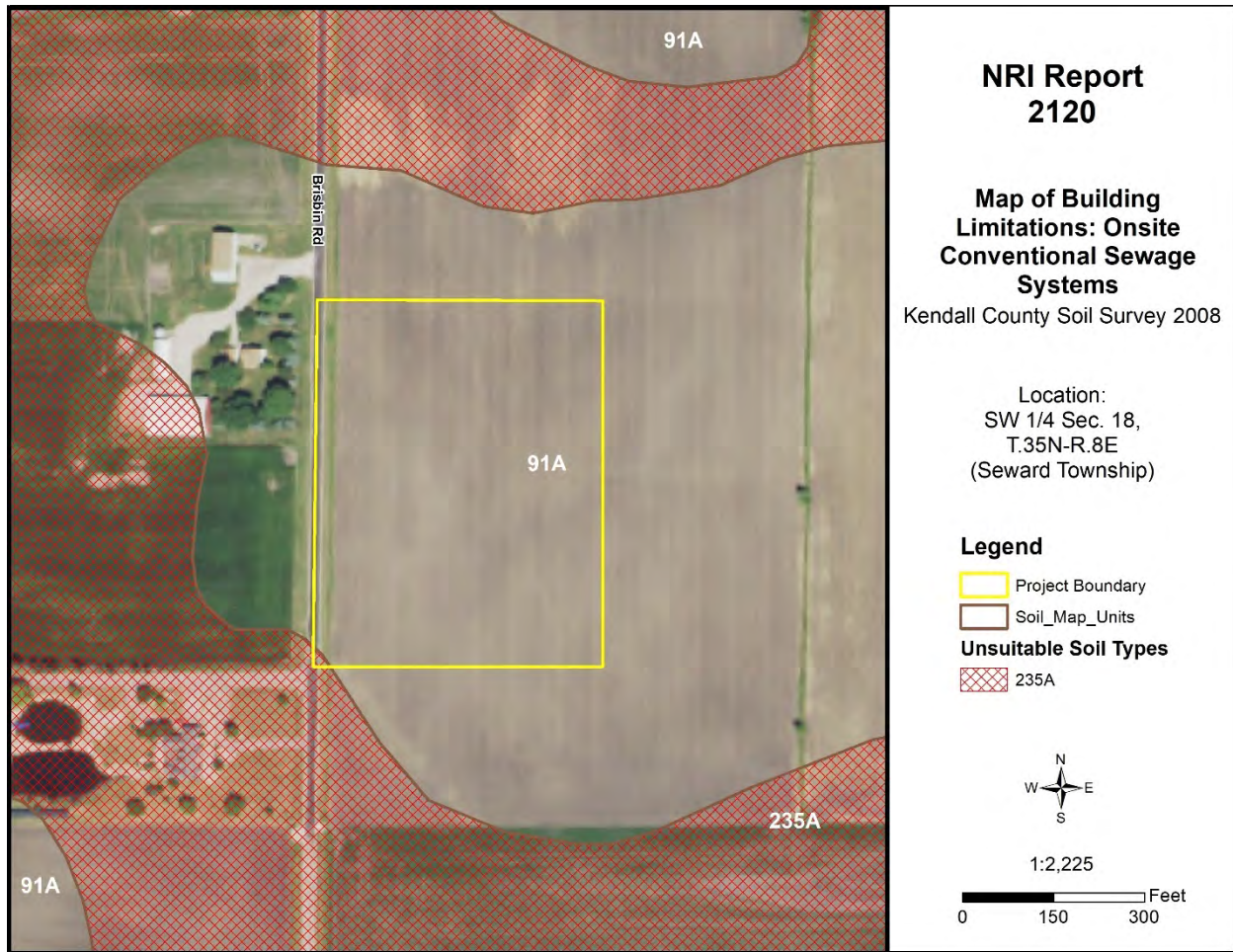


Figure 6C: Map of Building Limitations – Onsite Conventional Sewage System

SOIL WATER FEATURES

Table 5, below, gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

HYDROLOGIC SOIL GROUPS (HSGs) – The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

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

Note: 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 is for undrained areas.

SURFACE RUNOFF – 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 and 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). The classes are negligible, very low, low, medium, high, and very high.

MONTHS – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

WATER TABLE – Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

PONDING – Ponding refers to standing water in a closed depression, and the data indicates surface water depth, duration, and frequency of ponding.

- **Duration:** Expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and frequent means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

FLOODING – The 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: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

Note: The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 5: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
91A	C/D	Medium	<u>January – May</u> Upper Limit: 1.0'-2.0' Lower Limit: 2.9'-4.8' <u>December</u> Upper Limit: -- Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
235A	C/D	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June – December</u> Upper Limit: -- Lower Limit: --	<u>January – May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None

SOIL EROSION AND SEDIMENT CONTROL

Erosion is the wearing away of the soil by water, wind, and other forces. Soil erosion threatens the Nation's soil productivity and contributes the most pollutants in our waterways. Water causes about two thirds of erosion on agricultural land. Four properties, mainly, determine a soil's erodibility: texture, slope, structure, and organic matter content.

Slope has the most influence on soil erosion potential when the site is under construction. Erosivity and runoff increase as slope grade increases. The runoff then exerts more force on the particles, breaking their bonds more readily and carrying them farther before deposition. The longer water flows along a slope before reaching a major waterway, the greater the potential for erosion.

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches, and storm sewers and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- Reducing or diverting flow from exposed areas, storing flows, or limiting runoff from exposed areas
- Staging construction to keep disturbed areas to a minimum
- Establishing or maintaining temporary or permanent groundcover
- Retaining sediment on site
- Properly installing, inspecting, and maintaining control measures

Erosion control practices are useful controls only if they are properly located, installed, inspected, and maintained.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby.

Table 6: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
91A	0-2%	Slight	6.5	99.8%
235A	0-2%	Slight	0.0	0.2%

PRIME FARMLAND SOILS

Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soils map units on the parcel reflect the determination that urban or built up land on prime farmland soils is not prime farmland.

Table 7: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
91A	Prime Farmland	6.5	99.8%
235A	Prime Farmland if drained	0.0	0.2%
% Prime Farmland	100%		

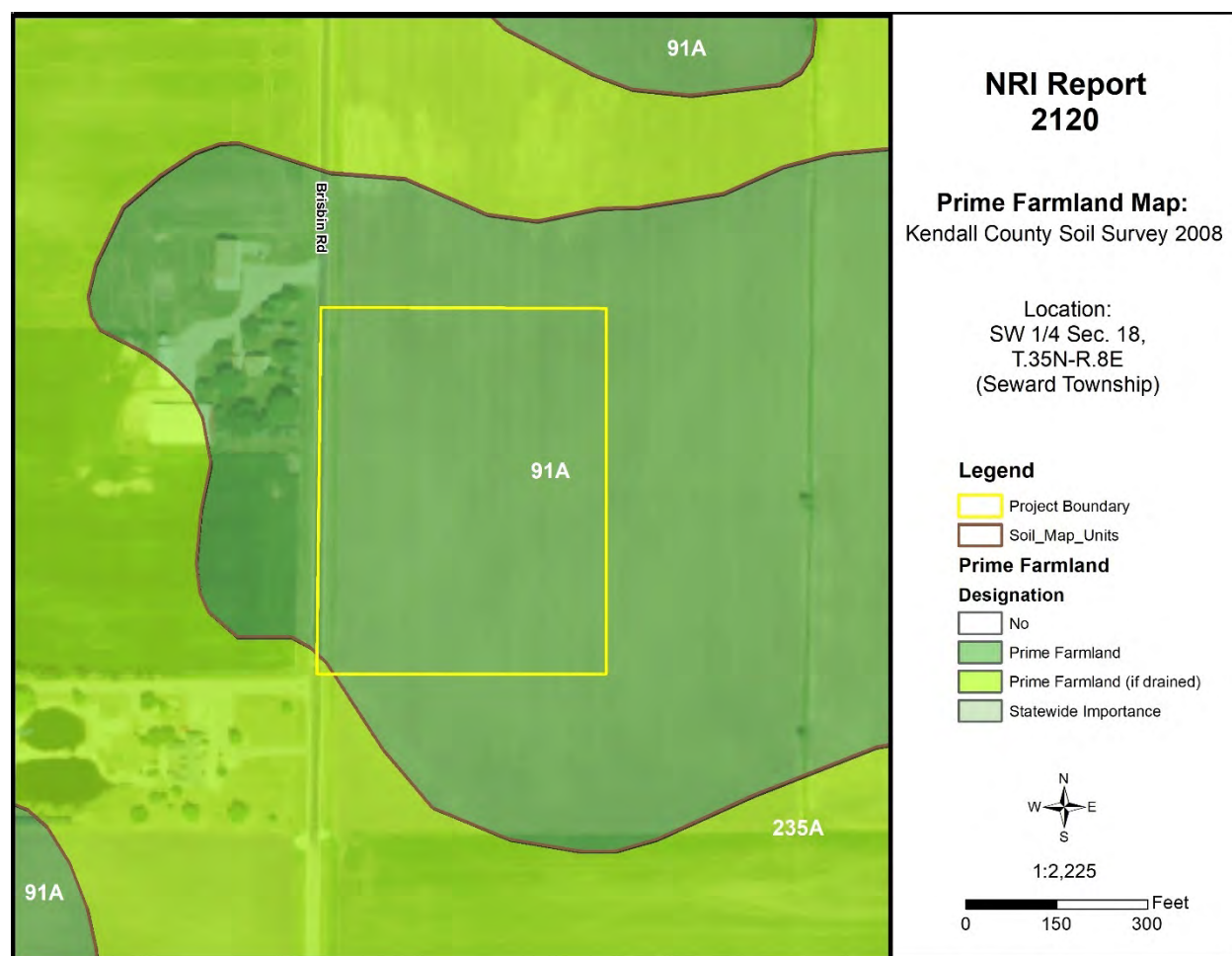


Figure 7: Map of Prime Farmland Soils

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 LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site. 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 value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Please Note: A land evaluation (LE) score will be compiled for every project parcel. However, when a parcel is located within municipal planning boundaries, a site assessment (SA) score is not compiled as the scoring factors are not applicable. As a result, only the LE score is available, and a full LESA score is unavailable for the parcel.

Table 8A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
91A	4	79	6.5	513.5
235A	3	87	0.0	0
Totals			6.5	513.5
LE Calculation			(Product of relative value / Total Acres) 513.5 / 6.5 = 79	
LE Score			LE = 79	

The Land Evaluation score for this site is 79, indicating that this site is not well suited for agricultural uses considering the Land Evaluation score is below 80.

Table 8B: 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)	20
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	10
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	15
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	120

The Site Assessment score for this site is 120. The Land Evaluation value (79) is added to the Site Assessment value (120) to obtain a LESA Score of 199. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 9: LESA Score Summary

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

Land Evaluation Value: 79 + Site Assessment Value: 120 = LESA Score: 199

The LESA Score for this site is 199 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. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

LAND USE PLANS

Many counties, municipalities, villages, and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given community. Please contact the Kendall County Planning, Building & Zoning for information regarding the County's comprehensive land use plan and map.

DRAINAGE, RUNOFF, AND FLOOD INFORMATION

U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information.

Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources.

Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

WHAT IS A WATERSHED?

Simply stated, a watershed is the area of land that contributes water to a certain point. The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or planimeter.

Using regional storm event information, and site-specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event) and is measured in cubic feet per second (CFS).

When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system

should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

IMPORTANCE OF FLOOD INFORMATION

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions which affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency (FEMA). These maps define flood elevation adjacent to tributaries and major bodies of water and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and floodplain location.) The FIRM map has three (3) zones. Zone A includes the 100-year flood, Zone B or Zone X (shaded) is the 100 to 500-year flood, and Zone C or Zone X (unshaded) is outside the floodplain.

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps show the areas of flood for various years. Both maps stress that the recurrence of flooding is merely statistical. A 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner, and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDOT-OWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county, and local regulations will need to be reflected in the site plans.

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. Development on hydric soils can contribute to the loss of water storage within the soil and the potential for increased flooding in the area.

This parcel is located on minimal topography (slopes 0 to 2%) with an elevation of approximately 594' above sea level. According to the FIRM map, the parcel in question does not contain floodway or floodplain. The parcel drains predominantly south/southeast.

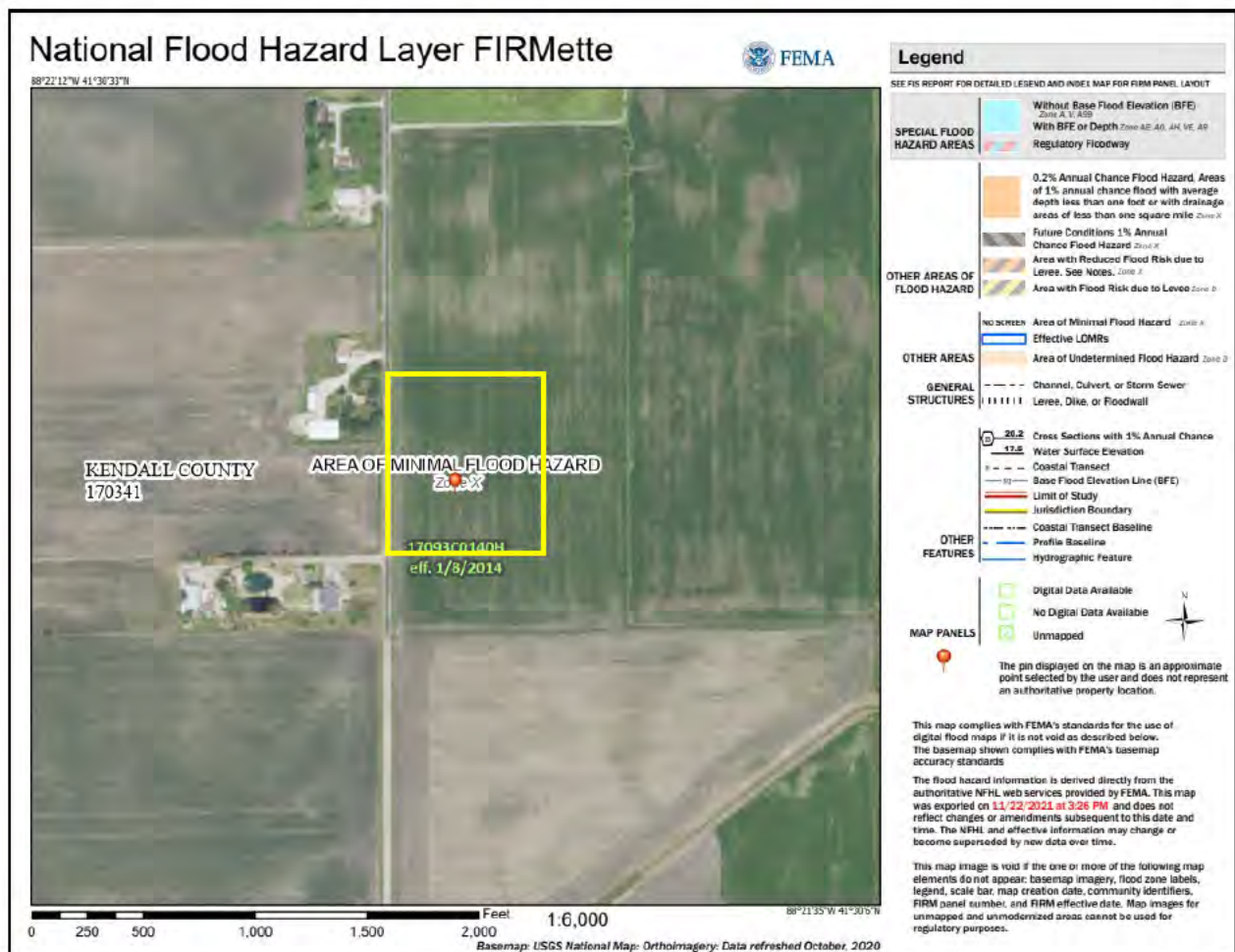
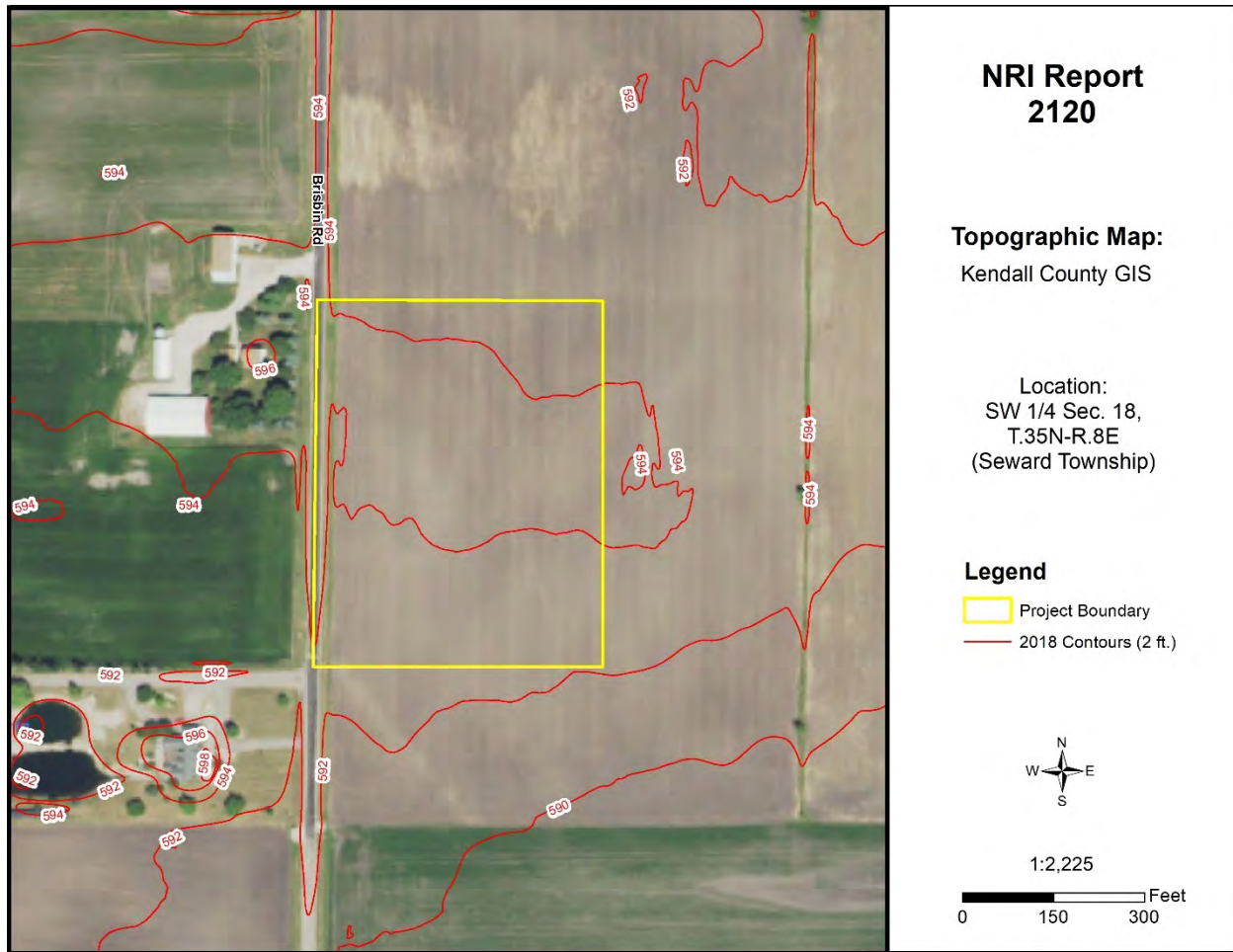


Figure 8: FEMA Floodplain Map

**Figure 9: Topographic Map**

WATERSHED PLANS

WATERSHED AND SUB WATERSHED INFORMATION

A watershed is the area of land that drains into a specific point including a stream, lake, or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries pollutants such as oils, pesticides, and soil.

Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and the implications of their activities, implementing practices recommended in watershed plans, and educating others about their watershed.

The following are recommendations to developers for protection of this watershed:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving a construction site
- Protect subsurface drainage
- Use native vegetation
- Retain natural features
- Mix housing styles and types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Shrink lot size and create more open space
- Maintain historical and cultural resources
- Treat water where it falls
- Preserve views
- Establish and link trails

This parcel is located within the Upper Illinois River Watershed and the Minooka Branch Aux Sable Creek Sub Watershed.
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WETLAND INFORMATION

IMPORTANCE OF WETLAND INFORMATION

Wetlands function in many ways to provide numerous benefits to society. They control flooding by offering a slow release of excess water downstream or through the soil. They cleanse water by filtering out sediment and some pollutants and can function as rechargers of our valuable groundwater. They also are essential breeding, rearing, and feeding grounds for many species of wildlife.

These benefits are particularly valuable in urbanizing areas as development activity typically adversely affects water quality, increases the volume of stormwater runoff, and increases the demand for groundwater. In an area where many individual homes rely on shallow groundwater wells for domestic water supplies, activities that threaten potential groundwater recharge areas are contrary to the public good. The conversion of wetlands, with their sediment trapping and nutrient absorbing vegetation, to biologically barren stormwater detention ponds can cause additional degradation of water quality in downstream or adjacent areas.

It has been estimated that over 95% of the wetlands that were historically present in Illinois have been destroyed while only recently has the true environmental significance of wetlands been fully recognized. America is losing 100,000 acres of wetland a year and has saved 5 million acres total (since 1934). One acre of wetland can filter 7.3 million gallons of water a year. These are reasons why our wetlands are high quality and important.

This section contains the NRCS (Natural Resources Conservation Service) Wetlands Inventory, which is the most comprehensive inventory to date. The NRCS Wetlands Inventory is reproduced from an aerial photo at a scale of 1" equals 660 feet. The NRCS developed these maps in cooperation with U.S. EPA (Environmental Protection Agency,) and the U.S. Fish and Wildlife Service, using the National Food Security Act Manual, 3rd Edition. The main purpose of these maps is to determine wetland areas on agricultural fields and areas that may be wetlands but are in a non-agriculture setting.

The NRCS Wetlands Inventory in no way gives an exact delineation of the wetlands, but merely an outline, or the determination that there is a wetland within the outline. For the final, most accurate wetland **determination** of a specific wetland, a wetland **delineation** must be certified by NRCS staff using the National Food Security Act Manual (on agricultural land.) On urban land, a certified wetland delineator must perform the delineation using the ACOE 1987 Manual. *See the glossary section for the definitions of "delineation" and "determination."*

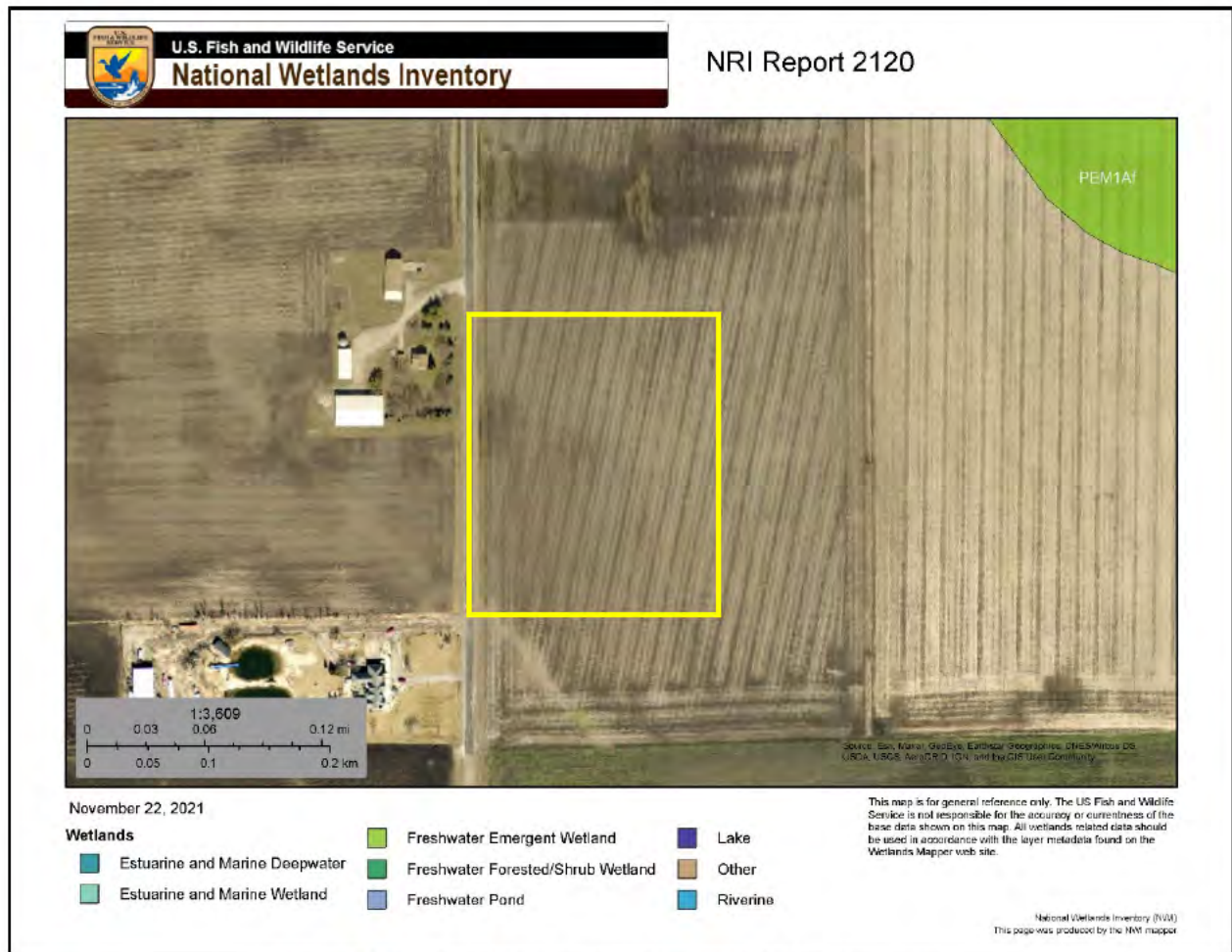


Figure 10: Wetland Map – USFWS National Wetland Inventory

Office maps indicate that mapped wetlands are not present on the parcel in question (PIQ).

HYDRIC SOILS

Soils information gives another indication of flooding potential. The soils map on the following page indicates the soil(s) on the parcel that the Natural Resources Conservation Service indicates as hydric. Hydric soils, by definition, have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table but also their subsidence problems.

It is important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. A damaged subsurface drainage tile may return original hydrologic conditions to all the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, such as a subdivision, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions, and a drainage tile survey on the area to locate the tiles that must be preserved to maintain subsurface drainage.

Table 10: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
91A	Somewhat Poorly Drained	Non-Hydric	Yes	6.5	99.8%
235A	Poorly Drained	Hydric	No	0.0	0.2%

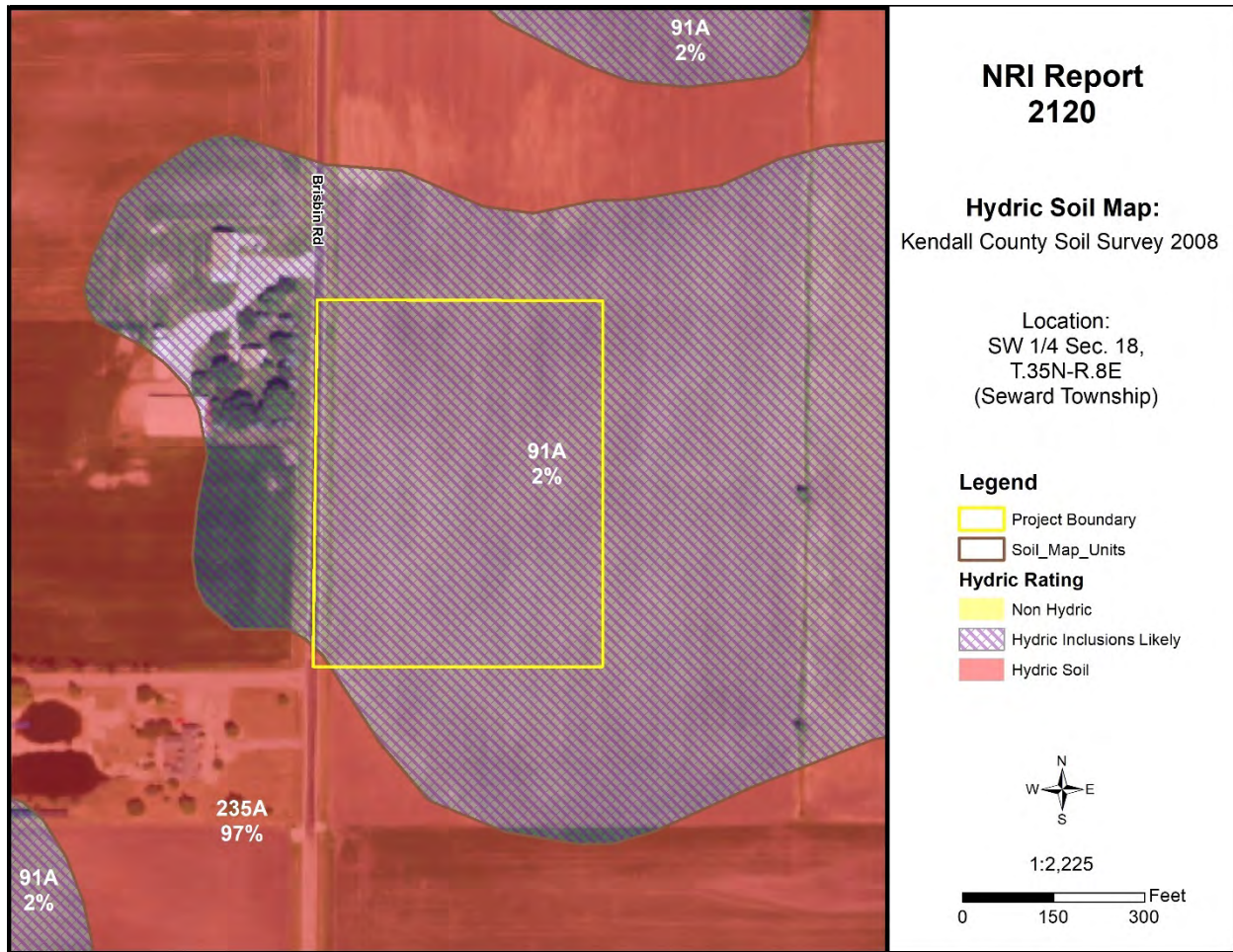


Figure 11: Hydric Soil Map

WETLAND AND FLOODPLAIN REGULATIONS

PLEASE READ THE FOLLOWING IF YOU ARE PLANNING TO DO ANY WORK NEAR A STREAM (THIS INCLUDES SMALL UNNAMED STREAMS), LAKE, WETLAND OR FLOODWAY.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against floodway encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

WHO MUST APPLY?

Anyone proposing to dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals.

REGULATORY AGENCIES

- **Wetland or U.S. Waters:** U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building, Rock Island, IL
- **Floodplains:** Illinois Department of Natural Resources/Office of Water Resources, One Natural Resources Way, Springfield, IL 62702-1270.
- **Water Quality/Erosion Control:** Illinois Environmental Protection Agency, Springfield, IL

COORDINATION

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

CAUTION: Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a Waters of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River and Harbor Act of 1899 or Section 404 of the Federal Water Pollution Control Act are subject to fines ranging up to \$27,500 per day of violation and imprisonment for up to one year or both.

GLOSSARY

AGRICULTURAL PROTECTION AREAS (AG AREAS) - Allowed by P.A. 81-1173. An AG AREA consists of a minimum of 350 acres of farmland, as contiguous and compact as possible. Petitioned by landowners, AG AREAS protect for a period of ten years initially, then reviewed every eight years thereafter. AG AREA establishment exempts landowners from local nuisance ordinances directed at farming operations, and designated land cannot receive special tax assessments on public improvements that do not benefit the land, e.g. water and sewer lines.

AGRICULTURE - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

B.G. - Below Grade. Under the surface of the Earth.

BEDROCK - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

FLOODING - Indicates frequency, duration, and period during year when floods are likely to occur.

HIGH LEVEL MANAGEMENT - The application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high-quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses -- within limits imposed by weather.

HIGH WATERTABLE - A seasonal high watertable is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

- **Watertable, Apparent:** A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.
- **Watertable, Artesian:** A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.
- **Watertable, Perched:** A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

DELINEATION - For Wetlands: A series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

DETERMINATION - A polygon drawn on a map using map information that gives an outline of a wetland.

HYDRIC SOIL - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987).

INTENSIVE SOIL MAPPING - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

LAND EVALUATION AND SITE ASSESSMENT (L.E.S.A.) - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

MODERN SOIL SURVEY - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different used and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

PALUSTRINE - Name given to inland freshwater wetlands.

PERMEABILITY - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

PIQ - Parcel in question

POTENTIAL FROST ACTION - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

PRIME FARMLAND - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources and farming the land results in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated

with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent (USDA Natural Resources Conservation Service).

PRODUCTIVITY INDEXES - Productivity indexes for grain crops express the estimated yields of the major grain crops grown in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state. This group of soils is composed of the Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn and Joy soils. Each of the 425 soils found in Illinois are found in Circular 1156 from the Illinois Cooperative Extension Service.

SEASONAL - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

SHRINK-SWELL POTENTIAL - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

SOIL MAPPING UNIT - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

SOIL SERIES - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

SUBSIDENCE - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

TERRAIN - The area or surface over which a particular rock or group of rocks is prevalent.

TOPSOIL - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

WATERSHED - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

WETLAND - An area that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient enough to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

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Potential For Contamination of Shallow Aquifers from Land Burial of Municipal Wastes. Illinois State Geological Survey.

Natural Resources Conservation Service National Wetland Inventory Map. United States Department of Agriculture.

Geologic Road Map of Illinois. Department of Natural Resources, Illinois State Geological Survey, Natural Resources Building, 615 East Peabody, Champaign IL 61820-6964.

Wetlands - The Corps of Engineers' Administration of the Section 404 Program (GAO/RCED-88-110).

Soil Erosion by Water - United States Department of Agriculture Natural Resources Conservation Service. Agriculture Information Bulletin 513.

The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

SEWARD TOWNSHIP PLAN COMMISSION MINUTES

December 7, 2021

The Seward Township Plan Commission met on December 7, 2021 at 6:00 p.m. at the Seward Town Hall. Members present included Jessica Nelsen, Anne Vickery, Joan Soltwisch, and Suzanne Casey. Jill Prodehl was unable to attend, but sent a prepared statement to be read on her behalf. Tim O'Brien, Seward Township Board was present, as well as Tom Casey, Regional Plan Commission. Following the pledge to the flag, the minutes of the September 7, 2021 were read aloud by Suzanne Casey, and approved.

Under new business, Dan Kramer was present to represent Irma Quezada/Loya's Petition 21-49 on Parcels 09-18-300-018 and -019, requesting rezoning from A-1 to R-1. Dan described the petitioner's request to build two single family lots on a 40 acre parcel on the east side of Brisbin Road, just south of Route 52. He stated there is no intent to operate any business from the property, and the request is for residential purposes. Audience members included residents surrounding this property, as well as residents of Seward Township at large, who stated concerns about the future of that property, as well as Seward Township property going forward. Dan noted that ZPAC had unanimously passed the petition earlier that day.

Discussion included references to the Land Resource Management Plan for Seward/Lisbon Township. Statements from both the audience members, as well as the Plan Commission membership, expressed great concern about the future of Seward Township. Suzanne Casey read a statement from Jill Prodehl referencing the Kendall County Land Use Management Plan, expressing concern for the protection of farmland going forward in the township, as well as the requirement for 1 home per 40 acres. Joan Soltwisch commented on the poor quality of the soils on the parcel and drainage concerns that would be present. Following an active audience participation, a vote was taken of the Plan Commission members present. Following considerable discussion, Jessica Nelsen moved approval and Joan Soltwisch seconded the motion. All Plan Commission members voting "no" to approval. Dan Kramer announced that due to his health and long Regional Plan Commission agenda on Wednesday, December 8, he would be rescheduling the request to the RPC meeting in January at the 26th meeting.

Ongoing discussion within the Commission, as well as with and from the audience ensued. Residents present expressed their gratitude more than once for the considerable consideration given to the future of Seward Township. In other expressed matters, comments were made about the rezoning process, including the presence of large utility structures throughout the township, and property clarification regarding those.

Finally, several strategies were considered for future petitions coming forward, as well as the future planning for Seward Township. These included legal action, moratorium requests, and incorporating. The Plan Commission had, in fact, held a planning session last summer to begin work on a Vision and Mission statement for the future of Seward Township. This was and is felt to be critical for future planning, as well as development of this Township. A planning process

will continue by the Plan Commission over the winter, with the goal of completing this work by Spring, so that going forward, the Township will have a clear template against which to compare future requests. To allow this work to be completed and perhaps the Land Resource Plan to be updated, if necessary, the Seward Commission would request a moratorium on requests until Spring, 2022.

The strong recommendation from this Commission is that our Township Board look carefully at this proposal, as well as the future of our Township. The Seward Plan Commission does not recommend approval of this request.

Suzanne moved adjournment at 7:20, and Joan Soltwisch seconded the motion.

Minutes submitted by Suzanne Casey

December 8, 2021

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

December 27, 2021

Matt Asselmeier
Hand Delivered

RE: Loya Quezada Residential Zoning Request

Dear Matt:

Following up what were really painful meetings at Seward Township who are normally on the mark, I wanted to get these photographs to you.

I remember you said you had gotten a letter from surrounding neighbors complaining about the fact that they had burned construction and landscaping materials on the subject property which is being sought to be rezoned by Mrs. Quezada, and that they were objecting to the rezoning purely for that reason.

I am enclosing color panoramic drawings of her entire holding on Brisbin road which show that the entire property had corn stubble and a crop on during the 2021 growing season which was just concluded.

She has owned the property for less than a year and there has never been any burning of landscape or construction materials, nor has there any concrete construction debris on the site, nor has there been any.

One of the neighbors got up at the Plan Commission at Seward Township and again renewed that objection for that reason. We then contacted our Client who assured us that it was not case. She did inform us that the parcel immediately to the North of hers has in fact had construction debris and burning taking place ever since she bought the property and when she had looked at buying her property. So it is obviously a case of mistaken identity.

The Township failed to recognize, I believe, both the Plan Commission and the Township Board meeting even though we tried to gently point it out to them that the prevailing law under the Village of Sinclair Pipeline v. Village of Richton Park that the Illinois Supreme Court has grafted two very important elements on the older LaSalle six factor case. That is does the Governmental body have a plan, and if the Governmental has a plan and they don't follow it then the Courts will no longer be bound by that Plan. Those two elements are crucial to the Township in my view in that they

said they want to create a new Comprehensive Plan embodying their Township vision of the future development of Seward Township, but they have not enacted any plan as of this date. I told them that they risk a real danger, not just on this particular zoning, but if a future user came in with a use that the Township really didn't like the courts will hammer them for not following their plan in the past via this particular Zoning Petition.

Obviously it was to no avail Susan Casey who is the Chairman of that Plan Commission got in touch with me after the meeting and frankly was quite distraught at the failure of the Township to follow the Law as she understood it, but likewise indicated she is only one vote that could not convince the Board or the Plan Commission otherwise.

I thought it important to point out the reasoning for their vote, and the fact that there has never been any violations reported or not reported for debris or burning on my Clients site.

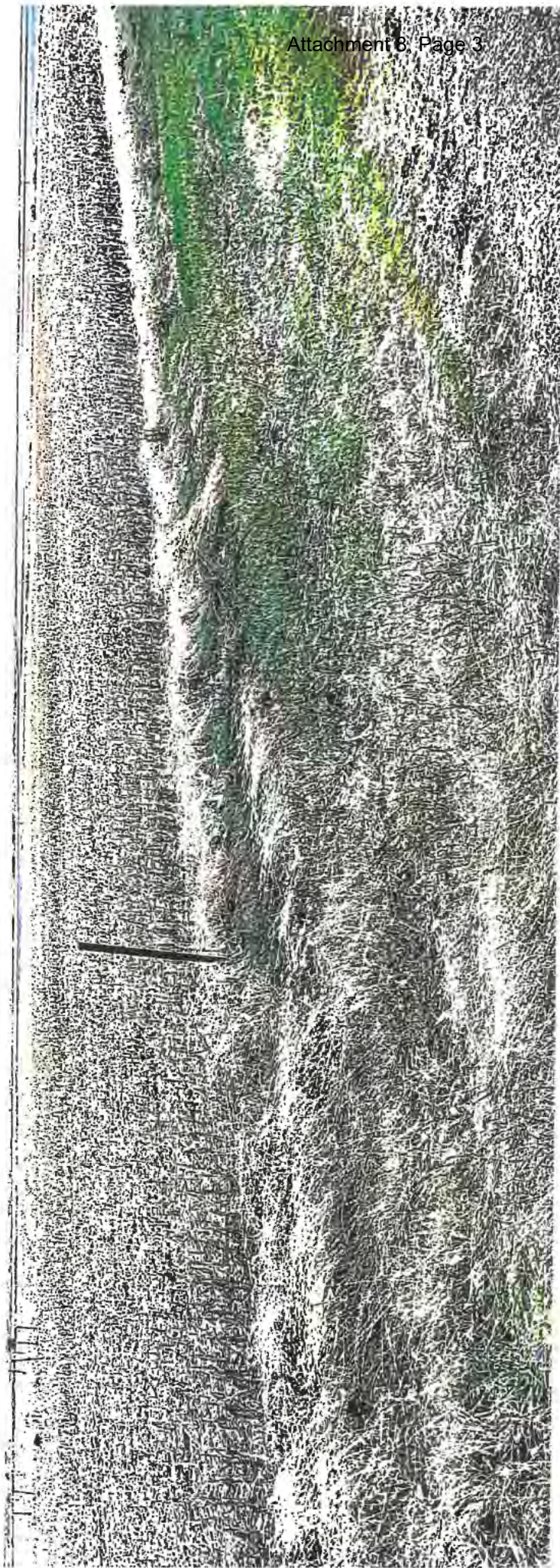
Frankly I got the impression that the underlying reason was some bias thinking that because she was Hispanic it was going to turn into a Landscaping business. She does not own or operate any business and solely wants to use the two lots for she and an adult son who is full time employed to build a home just like the neighbors who are objecting and surrounding her.

Very truly yours

A black rectangular redaction box covering the signature of Daniel J. Kramer.

Daniel J. Kramer
Attorney at Law

DJK:rg
Enclosures

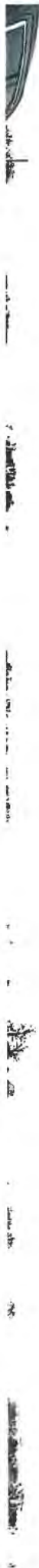


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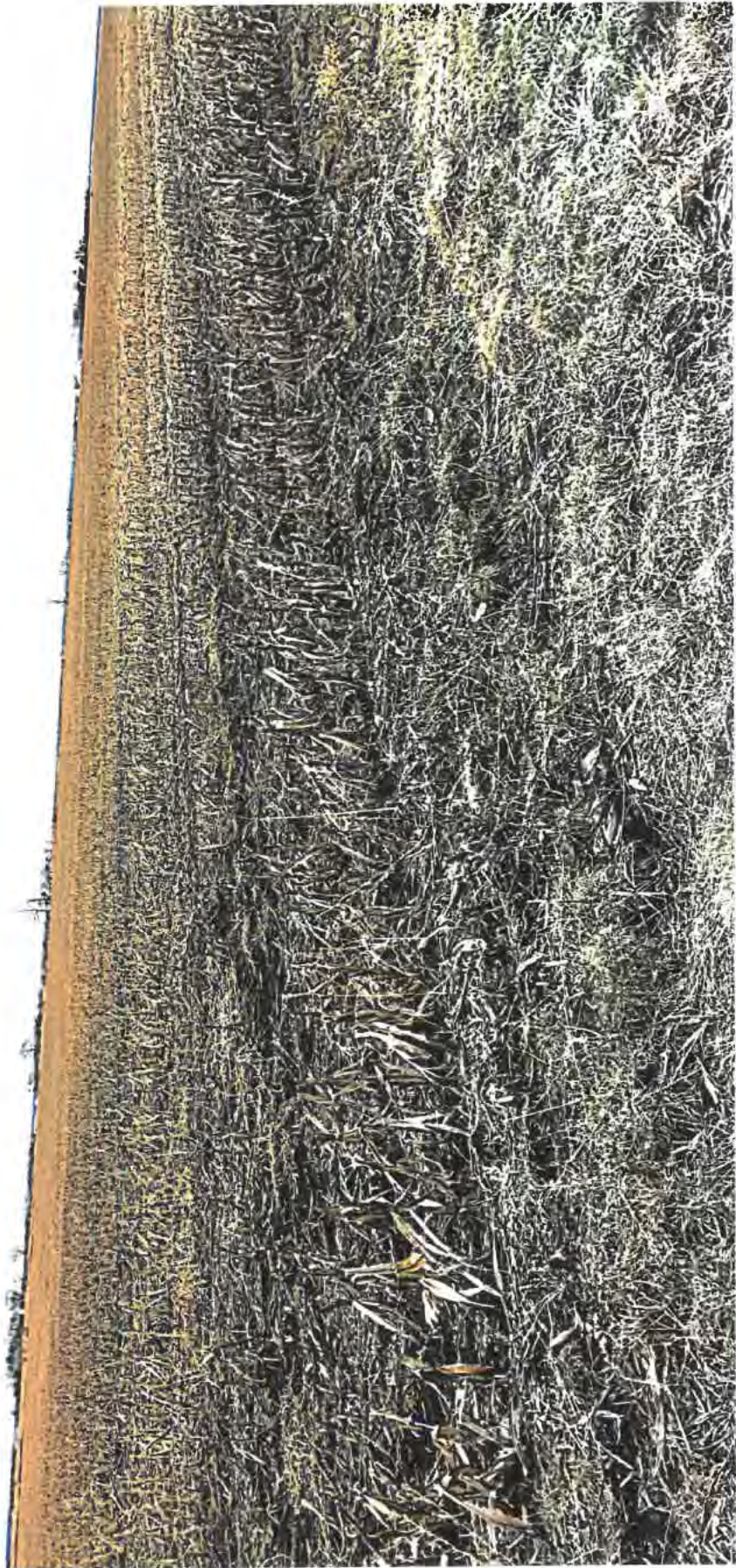
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**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 7, 2021 – Approved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve
Fran Klaas – Highway Department

Undersheriff Bobby Richardson – Sheriff's Department
Aaron Rybski – Health Department

Absent:

Brian Holdiman – PBZ Department
Alyse Olson – Soil and Water Conservation District

Audience:

Rick Porter, Chris Lannert, James Kohoot, Dan Morgan, JoAnn Willingham, Shabbir Shamsuddin, Gerald Chase, DM Studler, Boyd Ingemunson, Scott Koeppel, Dan Kramer, and John Tebrugge

PETITIONS

Petition 21-49 Irma Loya Quezada

Mr. Asselmeier summarized the request.

The Petitioner is requesting a map amendment rezoning two (2) approximately three point two-four (3.24) acre parcels from A-1 Agricultural District to R-1 One Family Residential District in order to construct one (1) house on each parcel.

The Petitioner plans to use Plat Act exemptions to divide the subject areas proposed for rezoning from the larger parcels.

The agricultural building permits for the parcels were used in 2003 and 2004. The only way houses can be constructed on the subject parcels is by obtaining the requested map amendment.

The application materials, plat of survey and aerial of the property were provided.

The properties are on the east side of Brisbin Road across from 14859 and 14975 Brisbin Road.

The current land use is Agricultural.

The future land use is Rural Estate Residential (Max 0.45 Du/Acre).

Brisbin Road is a Township Maintained Major Collector. There are no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural, Farmstead, and Hogan's Market.

The adjacent properties and properties within one half (1/2) of a mile were zoned A-1 and A-1 SU.

The Kendall County Future Land Use Map called for the to be Rural Estate Residential. The Plattville Future Land Use Map called for the property to the north of the subject property to be Low Density Residential.

The A-1 special use to the west is for the sale of agricultural products, art, pottery, and home décor not produced on the premises (Hogan's Market).

EcoCat submitted on November 11, 2021, and consultation was terminated.

NRI application submitted on October 18, 2021. The draft LESA Score was 199 indicating a low level of protection.

Seward Township was emailed information on November 16, 2021.

The Village of Plattville was emailed information on November 16, 2021.

The Lisbon-Seward Fire Protection District was emailed information on November 16, 2021.

The Petitioner desires to rezone the subject properties in order to build one (1) house on each of the two (2) new parcels created for a total of two (2) new houses.

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

No public or private utilities are onsite.

The property fronts Brisbin Road. Staff has no concerns regarding the ability of Brisbin Road to support the proposed map amendment.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors are foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise is anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or A-1 SU for the sale of agricultural products, art, pottery, and home décor not produced on the premises.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. The agricultural housing allocations for the subject property have already been used and no new single-family homes can be constructed on the subject property without a map amendment.

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

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

Mr. Asselmeier read the neighbors' opposition letters.

Staff recommended approval of the proposed map amendment because the proposal is consistent with the Land Resource Management Plan.

Chairman Gengler asked if the remaining portions of the property would be used for farmland. Mr. Asselmeier responded yes.

Mr. Guritz asked about the landscape waste. Dan Kramer, Attorney for the Petitioner, said the Petitioner bought the property in the summer of 2021. His client does not run a landscaping business. He noted that the trend in the area was low density residential.

Mr. Klaas asked if the Petitioner might seek to rezone additional portions of the property in the future. Mr. Kramer responded that the Petitioner knew when she bought the property that no allocations were available. His clients' plan was to build just the two (2) homes.

Mr. Klaas noted that the division was not a formal subdivision. He requested land for a right-of-way dedication. Mr. Kramer agreed. It was noted that the right-of-way dedication could not be made a condition of the map amendment.

Chairman Gengler made a motion, seconded by Mr. Guritz, to recommend approval of the map amendment.

The votes were follows

Ayes (8):	Asselmeier, Briganti, Chismark, Gengler, Guritz, Klaas, Richardson, and Rybski
Nays (0):	None
Abstain (0):	None
Absent (2):	Holdiman and Olson

The motion carried.

Mr. Kramer requested that the proposal be continued to the January Regional Planning Commission meeting; he will submit a formal letter stating that request.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Undersheriff Richardson, to adjourn.

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 10:35 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

Encs

KENDALL COUNTY ZONING & PLATTING ADVISORY COMMITTEE DECEMBER 7, 2021

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
RICK PORTER		R Porter @ Hines/Han-Ken, Co.
JAMES KAHOO-		James Kahoot
Dan Moya		
JOHN WILLINGHAM		
SHABIR SHAMSUDIN		
Gerald Chaul		
DM Stutler		
Don K...		

JOHN TEBUGGE

Matt Asselmeier

From: Alyse Olson <aolson.kcswcd@gmail.com>
Sent: Friday, December 3, 2021 9:32 AM
To: Matt Asselmeier
Subject: [External]Re: December 7 ZPAC Packet

Hi Matt,

I will not be able to attend Tuesday's ZPAC meeting. I have prepared comments for each petition. They are listed below.

Petition 21-48: Brian Henrichs on Behalf of Baka Properties, LLC (NRI Report 2119)

- A draft of the NRI report is complete but still needs to be approved by the Kendall County Soil & Water Conservation (SWCD) Board. Once approved it will be sent to the petitioner, township, & county.
- The site does not contain mapped wetlands or floodplain. The Fox River, however, is located a few hundred feet south of the parcel. The petitioner should consult with the Illinois Department of Natural Resources Office of Water Resources (IDNR OWR) and the U.S. Army Corps of Engineers to determine if any permits are needed prior to construction.
- The SWCD recommends having a soil erosion and sediment control plan in place for protecting nearby waters/wetlands during construction. If construction is an acre or more in size, the petitioner should obtain the proper NPDES permit from the Illinois Environmental Protection Agency (IEPA) for construction activities.
- About 93% of the parcel contains hydric soils, which can lead to building limitations. Most of the site is classified as very limited for dwellings with basements, dwellings without basements, shallow excavations, and lawns/landscaping. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support the development.

Petition 21-49: Irma Loya Quezada (NRI Report 2120)

- A draft of the NRI report is complete but still needs to be approved by the Kendall County Soil & Water Conservation (SWCD) Board. Once approved it will be sent to the petitioner, township, & county.
- The SWCD recommends having a soil erosion and sediment control plan in place for protecting nearby waters/wetlands during construction. If construction is an acre or more in size, the petitioner should obtain the proper NPDES permit from the IEPA for construction activities.
- The whole site contains soils that are classified as very limited for constructing dwellings with basements and for shallow excavations. This does not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support the development.

Petition 21-50: Tim Raymond on Behalf of TMF Plastic Solutions, LLC

- The site does not contain mapped wetlands or floodplain. Big Rock Creek, however, is located a couple hundred feet west of the parcel. The petitioner should consult with the Illinois Department of Natural Resources Office of Water Resources (IDNR OWR) and the U.S. Army Corps of Engineers to determine if any permits are needed.
- The SWCD recommends having a soil erosion and sediment control plan in place for protecting nearby waters/wetlands during construction.

December 4, 2021

To Whom It May Concern:

To the chairpersons concerning the public hearing Dec. 8th, 2021 and Dec. 13th, 2021. The people on Brisbin Road are voicing our disapproval to change the zoning from A1 to R1. This zoning change is in regards to properties bought by Irma Loya Quezada.

This property has been agricultural for at least a hundred plus years. Let's keep it so. NO, NO, NO to change. We are writing this letter, because some of us may not be able to attend the meetings. This letter should be just as good as being in person.

We are concerned these parcels will be used for bringing landscaping debris. Don Schuck has been dealing with Brian Holdiman from zoning board for four plus years over Nely Landscaping illegally working off his property. He has hauled in landscape material off jobs and has dumped, buried, and burned debris on his property.

We would like signed receipts of this letter to each person who signed it, by the chairperson of the committees.

Thank you for your time and listening to our concerns.



Signature

AA Roy White Amy White

Print

14625 Brisbin Rd Moline IL 60447

Address

December 4, 2021

To Whom It May Concern:

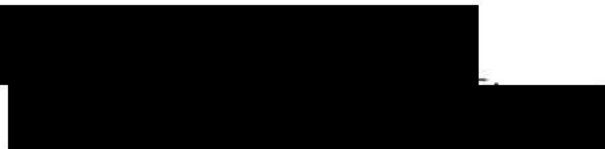
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Thank you for your time and listening to our concerns.

Signature 

DONALD SCHUCK SR

Print JACQUELINE SCHUCK

14525 BRISBIN RD

14525 BRISBIN RD.

MINOOKA, ILL. 60447

Address

MINOOKA, IL. 60447

December 4, 2021

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Thank you for your time and listening to our concerns.



Signature

JENNIFER E MILLER

Print

3700 US HWY 52MINDOKA, IC 60447

Address

December 4, 2021

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Thank you for your time and listening to our concerns.



Signature

Bruce O. Knudson

Print

5765 US Hwy. 52Minoke, IL 60447-9672

Address

December 4, 2021

To Whom It May Concern:

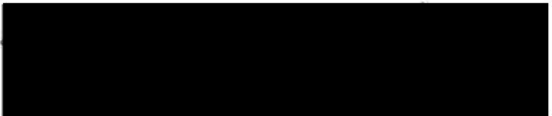
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We would like signed receipts of this letter to each person who signed it, by the chairperson of the committees.

Thank you for your time and listening to our concerns.


Signature

Dustin Walzer

Print

14550 Brisbin Rd

Minooka IL 60447

Address

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
December 13, 2021 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, Anne Vickery, and Dick Whitfield

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Gregg Ingemunson, Dan Koukol, Brian Henrichs, and Rick Porter

Chairman Mohr requested that the agenda be amended by moving Petition 21-37 to after Petition 21-48. He also announced that Petition 21-49 would be continued to the January 31, 2022, hearing. Member Vickery made a motion, seconded by Member LeCuyer, to amend the agenda as requested. With a voice vote (7) ayes, the motion carried.

PUBLIC COMMENTS

Mr. Asselmeier stated a special use permit and variance for landscaping business at 1038 Harvey Road and Petition 21-49 would be on the agenda on January 31, 2022.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Vickery, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:55 p.m.

The next hearing/meeting will be on January 31, 2022.

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

Exhibits

1. December 7, 2021 Email from Dan Kramer RE: Quezada Zoning Petition
2. Certificate of Publication and Certified Mail Receipts for Petition 21-49 (Not Included with Report but on file in Planning, Building and Zoning Office)

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
January 31, 2022 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, Anne Vickery, and Dick Whitfield

Members Absent: Scott Cherry

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: None

MINUTES:

Member LeCuyer made a motion, seconded by Member Fox, to approve the minutes of the December 13, 2021, hearing/meeting.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

The Zoning Board of Appeals started their review of Petition 21-49, 22-01, 22-03, and 22-04 at 7:00 p.m.

Petition 21 – 49 – Irma Loya Quezada

Request: Map Amendment Rezoning the Subject Property from A-1 Agricultural District to R-1 One Family Residential District

PINs: 09-18-300-018 (Part) and 09-18-300-019 (Part)

Location: On the East Side of Brisbin Road Across from 14859 and 14975 Brisbin Road, Seward Township

Purpose: Petitioner Wants to Rezone the Property in Order to Divide the Property and Construct Two Homes

Petition 22 – 01 – Jose and Silvia Martinez

Request: Special Use Permit for a Landscaping Business, Variance to Section 7:01.D.30.b to Allow a Landscaping Business a Non-State, County, or Collector Highway as Defined by the Kendall County Land Resource Management Plan, and Variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance to Allow a Driveway Zero Feet from the Southern Property Line

PINs: 03-12-100-004 and 03-12-100-013

Location: 1038 Harvey Road, Oswego Township

Purpose: Petitioner Wants to Operate a Landscaping Business at the Subject Property; Property is Zoned A-1

Petition 22 – 03 – Executive Pastor Sean Mabee on Behalf of Grace Bible Church of Shorewood and Fire Chief Andrew Doyle on Behalf of the Troy Fire Protection District

Request: Special Use Permit for a Governmental Building or Facility (Fire Station) and the Revocation of a Special Use Permit for a Church Granted by Ordinance 2004-24

PIN: 09-12-300-017

Location: 748 Jones Road, Seward Township

Purpose: Petitioners Want to Operate a Fire Station and Remove the Special Use Permit for a Church at the Subject Property; Property is Zoned A-1

Petition 22 – 04 – John and Laura Gay

Request: Major Amendment to an Existing Special Use Permit for a Kennel Granted by Ordinance 2019-33 by Changing the Site Plan

PIN: 03-28-100-004

Location: 3601 Plainfield Road, Oswego Township

Purpose: Petitioner Wants to Change the Orientation of the Building, Change the Access Point on Plainfield Road, Move the Parking Area, and Change the Layout of the Turnaround Area; Property is Zoned A-1

Mr. Asselmeier stated a quorum was not present at the January 26, 2022, Kendall County Regional Planning Commission meeting. He requested the hearings for the Petitions be continued to February 28, 2022, at 7:00 p.m.

Member Vickery made a motion, seconded by Member LeCuyer, to continue the hearings for Petitions 21-49, 22-01, 22-03, and 22-04 to February 28, 2022, at 7:00 p.m.

The votes were as follows:

Ayes (6): Fox, LeCuyer, Mohr, Thompson, Vickery, and Whitfield

Nays (0): None

Abstain (0): None

Absent (1): Cherry

The motion passed.

The Zoning Board of Appeals completed their review of Petitions 21-49, 22-01, 22-03, and 22-04 at 7:01 p.m.

NEW BUSINESS/OLD BUSINESS

Kendall County Regional Planning Commission Annual Meeting-February 5, 2022 at 9:00 A.M.

Mr. Asselmeier reported the date and time of the Annual Meeting.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petitions 21-37, 21-38, 21-40, 21-41, and 21-46 were approved by the County Board.

PUBLIC COMMENTS

Mr. Asselmeier reported there were no additional Petitions for the February hearing.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Thompson, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:02 p.m.

The next hearing/meeting will be on February 28, 2022.

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

Exhibits

1. Memo on Petitions 21-49, 22-01, 22-03, and 22-04 Dated January 27, 2022
2. Certificate of Publication for Petition 21-49 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Certificate of Publication and Certified Mail Receipts for Petition 22-01 (Not Included with Report but on file in Planning, Building and Zoning Office)
4. Certificate of Publication and Certified Mail Receipts for Petition 22-03 (Not Included with Report but on file in Planning, Building and Zoning Office)
5. Certificate of Publication and Certified Mail Receipts for Petition 22-04 (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: January 27, 2022
Re: Petitions 21-49, 22-01, 22-03, and 22-04

The Kendall County Regional Planning Commission did not have a quorum for their January 26, 2022, meeting. As such, the Commission was unable to review at issue recommendations on the subject Petitions.

Accordingly, Staff requests that the Kendall County Zoning Board of Appeals meets as scheduled on January 31, 2022, and votes to continue the hearings on the subject Petitions to February 28, 2022, at 7:00 p.m.

As of the date of this memo, the subject Petitions would be the only Petitions on the February 28th agenda.

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

MHA

Matt Asselmeier

From: Daniel J Kramer <dkramer@dankramerlaw.com>
Sent: Monday, February 14, 2022 12:57 PM
To: Matt Asselmeier; Scott Gengler; Scott Koeppel
Cc: Scott R. Gryder
Subject: RE: [External]Loya Zoning

May 2, 2022.

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
Yorkville, IL. 60560
Phone-630.553.9500
Fax-630.553.5764

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From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Monday, February 14, 2022 11:55 AM
To: Daniel J Kramer <dkramer@dankramerlaw.com>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koeppel <skoeppe@co.kendall.il.us>
Cc: Scott R. Gryder <sgryder@co.kendall.il.us>
Subject: RE: [External]Loya Zoning

Dan:

Do you want the request continued to March 28th or May 2nd?

Thanks,

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

From: Daniel J Kramer [<mailto:dkramer@dankramerlaw.com>]
Sent: Monday, February 14, 2022 10:09 AM

To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koeppel <skoeppe@co.kendall.il.us>

Cc: Scott Gryder <sgryder@nntg.com>

Subject: [External]Loya Zoning

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gentlemen: We have this matter up for the Feb Regional Plan Commission. It was originally scheduled for Jan. First time I can recall in over four decades that there was not a Quorum of the Plan Commission available. It has gotten a bit controversial, which is surprising since it fully complies with the LRMP. That discussion is for another day. In any event we are good with the Regional Plan Commission Date; but hereby request that the Zoning Board of Appeals Hearing be continued to the April Agenda. I am going to be out-of-State on February 28, 2022 and not back until the first week of April, 2022. Normally Kelly could cover for me on Feb. 28 but she likewise is gone then. I wanted to get this request to you early.

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
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Attachment 13, Page 1
**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of February 23, 2022 - 7:00 p.m.

Vice Chairman Rodriguez called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson (Arrived at 7:03 p.m.), and Seth Wormley

Members Absent: Bill Ashton

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Miguel Angel Fernandez, Larson Family, Rusty Kamp, Robert Schwartz, Aaron Klima, Patti Bernhard, and Tom Green

PETITIONS

Petition 21 – 49 – Irma Loya Quezada

Mr. Asselmeier read a letter from Attorney Dan Kramer requesting the proposal be laid over to the April 27, 2022, meeting.

Member Stewart made a motion, seconded by Member Nelson, to lay over the request until the April 27, 2022, meeting.

The votes were as follows:

Ayes (8): Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, Wilson, and Wormley

Nays (0): None

Absent (1): Ashton

Abstain (0): None

The motion carried.

This proposal will be on the April 27, 2022, Commission's agenda.

CITIZENS TO BE HEARD/PUBLIC COMMENT

A representative of the Larson Family requested to know the time of the April 27, 2022, Commission meeting. The meeting will be at 7:00 p.m.

ADJOURNMENT

Member Nelson made a motion, seconded by Member Wormley, to adjourn. With a voice of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:45 p.m.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
FEBRUARY 23, 2022**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Tom Green		
Patti Bernhad		
Miguel Angel Fernandez		
Lamar Family		
Kathy Kemp		

LAW OFFICES
OF

Daniel J. Kramer

DANIEL J. KRAMER

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

KELLY A. HELLAND
D.J. KRAMER

February 22, 2022

Matt Asselmeier
Hand Delivered

RE: Loya Quezada Residential Zoning Request Petition #21-49
Regional Plan Commission Hearing February 23, 2022

Dear Matt:

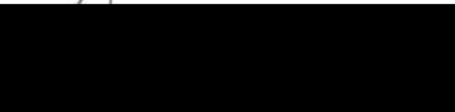
Per our discussion on Tuesday February 22, 2022 I have unfortunately undergone a heart procedure which worked temporarily but has run into problems. I am currently wearing a heart monitor for a few weeks and the Doctor is not quite sure what course of action he is going to take for corrective action.

He has strongly recommended that I refrain from any trial work and any type of contested hearings during the next month to 6 weeks in order to see what course of treatment he can render.

Wishing to continue in going in health I have over my many years, I am respectfully requesting we continue the Regional Plan commission Hearing on the above-referenced zoning matter to April 27, 2022. By that time it should shake out whether I have to undergo any additional procedures or if I am able to control the issue by medication.

I am religious about following my Cardiologist recommendations in the he had quadruple bypass about 12 years ago and I have been better ever since until suffering the current setback as a result of a COVID illness.

Very truly yours



Daniel J. Kramer
Attorney at Law

DJK:cth

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
February 28, 2022 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, and Anne Vickery

Members Absent: Dick Thompson and Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Andrew Doyle and Patti Bernhard

Chairman Mohr swore in Andrew Doyle and Patti Bernhard prior to the start of the public hearings.

PETITIONS

Without objections, Chairman Mohr continued Petition 21-49 until May 2, 2022, and Petition 22-01 until after the Petitioner resolved the access permit issues with the Village of Oswego.

PUBLIC COMMENTS

For the March hearing, there will be a request from Seward Township for a moratorium on certain applications and a request from the Kendall County Planning, Building and Zoning Committee adding definitions of landscaping businesses and excavating businesses to the Zoning Ordinance.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Vickery, to adjourn.

With a voice vote of five (5) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:19 p.m.

The next hearing/meeting will be on March 28, 2022.

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

Exhibits

1. Memo on Petition 21-49 Dated February 14, 2022
2. Certificate of Publication for Petition 21-49 (Not Included with Report but on file in Planning, Building and Zoning Office)

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

[illegible]



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: February 14, 2022
Re: Petition 21-49

As noted in the attached email, the Attorney for this Petition requested that the hearing be continued to May 2, 2022.

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

MHA

Enc. February 14, 2022 Email from Dan Kramer

Matt Asselmeier

From: Daniel J Kramer <dkramer@dankramerlaw.com>
Sent: Monday, February 14, 2022 12:57 PM
To: Matt Asselmeier; Scott Gengler; Scott Koeppel
Cc: Scott R. Gryder
Subject: RE: [External]Loya Zoning

May 2, 2022.

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
Yorkville, IL. 60560
Phone-630.553.9500
Fax-630.553.5764

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Cc: Scott R. Gryder <sgryder@co.kendall.il.us>
Subject: RE: [External]Loya Zoning

Dan:

Do you want the request continued to March 28th or May 2nd?

Thanks,

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

From: Daniel J Kramer [<mailto:dkramer@dankramerlaw.com>]
Sent: Monday, February 14, 2022 10:09 AM

To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koeppel <skoeppe@co.kendall.il.us>

Cc: Scott Gryder <sgryder@nntg.com>

Subject: [External]Loya Zoning

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Gentlemen: We have this matter up for the Feb Regional Plan Commission. It was originally scheduled for Jan. First time I can recall in over four decades that there was not a Quorum of the Plan Commission available. It has gotten a bit controversial, which is surprising since it fully complies with the LRMP. That discussion is for another day. In any event we are good with the Regional Plan Commission Date; but hereby request that the Zoning Board of Appeals Hearing be continued to the April Agenda. I am going to be out-of-State on February 28, 2022 and not back until the first week of April, 2022. Normally Kelly could cover for me on Feb. 28 but she likewise is gone then. I wanted to get this request to you early.

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
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Attachment 15, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of April 27, 2022 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Bill Ashton, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson (Arrived at 7:06 p.m.), and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Dan Kramer, Judd Lofchie, Jose Martinez, Tim O'Brien, Michael Eurkaitis, Irma Quezada, Donald Larkin, and Jo Beth Larkin

PETITIONS

Petition 21-49 Irma Loya Quezada

Mr. Asselmeier summarized the request.

The Petitioner is requesting a map amendment rezoning two (2) approximately three point two-four (3.24) acre parcels from A-1 Agricultural District to R-1 One Family Residential District in order to construct one (1) house on each parcel.

The Petitioner plans to use Plat Act exemptions to divide the subject areas proposed for rezoning from the larger parcels.

The agricultural building permits for the parcels were used in 2003 and 2004. The only way houses can be constructed on the subject parcels is by obtaining the requested map amendment.

The application materials, plat of survey and aerial of the property were provided.

On December 4, 2021, five (5) neighbors submitted a written objection to the map amendment. These objections were provided. On January 24, 2022, one (1) additional neighbor submitted an objection. This objection was provided.

On December 7, 2021, the Petitioner's Attorney submitted a request to continue the Petition from the December Kendall County Regional Planning Commission meeting and Kendall County Zoning Board of Appeals hearing. This email was provided.

The properties are on the east side of Brisbin Road across from 14859 and 14975 Brisbin Road.

The current land use is Agricultural.

The future land use is Rural Estate Residential (Max 0.45 Du/Acre).

Brisbin Road is a Township Maintained Major Collector. There are no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural, Farmstead, and Hogan's Market.

The adjacent properties and properties within one half (1/2) of a mile were zoned A-1 and A-1 SU.

The Kendall County Future Land Use Map called for the to be Rural Estate Residential. The Plattville Future Land Use Map called for the property to the north of the subject property to be Low Density Residential.

The A-1 special use to the west is for the sale of agricultural products, art, pottery, and home décor not produced on the premises (Hogan's Market).

EcoCat submitted on November 11, 2021, and consultation was terminated.

NRI application submitted on October 18, 2021. The draft LESA Score was 199 indicating a low level of protection.

Seward Township was emailed information on November 16, 2021. The Seward Township Planning Commission reviewed this proposal on December 7, 2021. Discussion occurred regarding the Land Resource Management Plan in relation to Seward Township and protecting farmland. Discussion also occurred regarding drainage and illegal dumping on the property. The Seward Township Planning Commission issued a negative recommendation by a vote of four (4) against the proposal and zero (0) in favor of the proposal with one (1) member absent. The minutes were provided. On December 27, 2021, the Petitioner's Attorney submitted a response to the actions of the Seward Township Planning Commission; this letter was provided. On January 11, 2022, the Seward Township Board voted to submit a formal objection to the map amendment. Per State law, the objection must be submitted within thirty (30) days after the zoning hearing; Staff anticipates the objection will be filed in May 2022. The objection will require a positive vote of at least eight (8) County Board members in order to approve the requested map amendment.

The Village of Plattville was emailed information on December 16, 2021.

The Lisbon-Seward Fire Protection District was emailed information on November 16, 2021.

ZPAC reviewed this proposal at their meeting on December 7, 2021. The Petitioner's Attorney indicated the Petitioner only wanted to build two (2) houses at this time. The Highway Department requested a voluntary right-of-way dedication; the Petitioner's Attorney was agreeable to the request. ZPAC recommended approval of the requested map amendment by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission did not have quorum for their meeting on January 26, 2022. Prior to the February 23, 2022, meeting, the Petitioner requested the proposal be laid over to April 27, 2022. The minutes of the February 23, 2022, meeting were provided.

The Kendall County Zoning Board of Appeals started a public hearing on this proposal on December 13, 2021. At the Petitioner's request the hearing was continued to January 31, 2022. The hearing was continued again to February 28, 2022. The minutes of the December 13, 2021, meeting were provided. The minutes of the January 31, 2022, meeting were provided. On February 14, 2022, the Petitioner's Attorney submitted a request

that the hearing be continued to May 2, 2022. This email was provided. The minutes of the February 28, 2022, hearing were provided.

The Petitioner desires to rezone the subject property in order to build one (1) house on each of the two (2) new parcels created for a total of two (2) new houses.

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

No public or private utilities are onsite.

The property fronts Brisbin Road. Staff has no concerns regarding the ability of Brisbin Road to support the proposed map amendment.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors were foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise was anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or A-1 SU for the sale of agricultural products, art, pottery, and home décor not produced on the premises.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. The agricultural housing allocations for the subject property have already been used and no new single-family homes can be constructed on the subject property without a map amendment.

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

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management

Plan classifies this property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

Staff recommended approval of the proposed map amendment because the proposal is consistent with the Land Resource Management Plan.

Member Wilson asked why the Petitioners were rezoning only the center portion of the lot and leaving a U-shaped area zoned A-1. The Petitioners, responded that the proposed rezoned portions of the property were the best locations for houses because of drainage, per the engineer, Phil Young, that examined the property. They said the second home would be for their son. They will lease the land to farm and they also plan to have horses on the property.

Dan Kramer, Attorney for the Petitioner, explained that the Petitioner still desired to farm a portion of the property. The farming operation would be a small operation. No other business would be run at the property; no landscaping business has been run at the property and no construction or landscaping debris has been placed on the property. The request is consistent with the County's Land Resource Management Plan; Mr. Kramer noted that Seward Township allowed similar rezoning requests recently. He felt that some of the objectors had an implicit bias against the Petitioner. He hoped Seward Township would follow the proper procedures regarding updating a comprehensive plan. Mr. Kramer discussed the LaSalle Factors. He also discussed the *Village of Richton Park v. Sinclair Pipeline* case. He felt the proposed use would be consistent with the neighboring uses because other single-family homes on similar sized lots are located in the area. He distributed an article regarding the Carvana case.

Member Nelson provided a history of why this area was planned to be residential. The proposal is consistent with the Future Land Use Map as the Map currently exists. He urged the Commission to follow the Land Resource Management Plan.

Member Rodriguez expressed his support for the proposal.

Member Casey felt that the Seward Township Planning Commission had a red flag raised and they reacted to it. The concerns have calmed down and he welcomed the Petitioners to the neighborhood. He also expressed concerns about code enforcement of existing regulations.

Member Casey made a motion, seconded by Member Wormley, to recommend approval of the map amendment.

Donald and Jo Beth Larkin own property to the west and south of the property. They have been in Seward Township for fifty-seven (57) years. They expressed concerns about drainage, potential damage to field tile, and the construction of more homes on smaller parcels in the area. Discussion occurred regarding the conditions in the special use permit for Hogan's market. A drain tile survey will be required in order to build a house; the owners have to repair damaged tile by law. Also, a homeowner would not want broken tile on their property because the water would damage their house. Drainage Law is enforced civilly in Illinois. The property is not in a federal designated floodplain. The Larkins were encouraged to work with the Petitioners to maintain the tile; this will be an opportunity to locate and examine the tile.

Tim O'Brien, Seward Township Supervisor, explained that the Seward Township Planning Commission was concerned about water issues.

The votes were as follows:

Ayes (8): Ashton, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None
Absent (1): Stewart
Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on May 2, 2022.

CITIZENS TO BE HEARD/PUBLIC COMMENT

Jo Beth Larkin asked if Seward Township was going to create their own Township Plan. Chairman Ashton responded that Seward Township already had a Plan and they were trying to update their Plan. She asked if she should attend Township meetings. She was advised to attend Township meetings. A public hearing will occur on the Land Resource Management Plan. Member Nelson invited Ms. Larkin to the February Annual Meeting.

ADJOURNMENT

Member Rodriguez made a motion, seconded by Member Wormley, to adjourn. With a voice of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 9:03 p.m.

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



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
APRIL 27, 2022**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Don Krimer		
Jim Bruen		
M. FURKANTS		
Judd Lofchie		
JO BETH LARKIN		

Anyone who is chopped for a car since COVID-19 broke out two years ago knows that conditions for this vital Midwest industry have been anything but normal. And nothing says "abnormal" quite like a giant automobile vending machine going up next to a forest preserve.

Skokie Village Board members could have taken the easy way out and voted "no" to a development plan that prompted heated protests from bird lovers and NIMBY neighbors. Instead, they took a hard look at village zoning rules and did the right thing for economic development in their community, which soon will be home to, ugh, a 14-story vending-machine-style tower for selling cars.

This new Carvana used-car dealership will sit uneasily along I-94, between the bird-friendly Harms Woods, the hallowed Illinois Holocaust Museum and Optima, a large residential complex whose inhabitants are bracing themselves for an eyesore.

At a recent Village Board meeting, observers entered the boardroom by stepping past a protester sprawled on the floor in a dead-end mark. Although Carvana promised mitigations to deter birds from flying into its glass tower, it never stood a chance of winning over the pro-bird crowd. Still, after hearing several hours of public objections, Skokie's trustees set aside good taste and proceeded by a 2-1 vote that Carvana had cleared all reasonable land-use and wildlife safety hurdles.

The plan to build a 14-story tower to house the Carvana dealership is a bold move, given the uncertain state of the auto business, requiring the bond was a prudent step.

In the pandemic's early days, as the nation bunkered down, auto sales plunged and millions of cars were parked for weeks at a time. Air pollution cleared, accident frequency declined, assembly plants went idle and dealerships were deserted. Sweat formed on the brow of anyone with a financial stake in America's love for the open road.

After the initial damage was done, the industry experienced an unusual turnaround. Americans flush with cash started chasing cars like naughty dogs. Demand soared at the same time automakers were unable to meet it, mostly because of supply-chain problems.

A new, modern car requires dozens of computer chips for everything from cruise control to infotainment systems, and the scarcity of semiconductors dominated news stories in a recent



Carvana's glass tower lights up the night sky near 22nd Street and Interstate 88 in Oak Brook. BRETT JOHNSON / PIONEER PRESS

Automakers responded by shifting production to their most expensive models and dealers by maximizing returns on scant inventory, doubling their average profit per vehicle sold over the past year. The average price of a new car shot to \$45,283 as of December, up more than \$5,000 from June, according to the J.D. Power data service. Ford and General Motors recently agreed their dealers to stop selling cars for more than the sticker price, a move consumers praise that says how costly new cars have been.

Carvana's used-car business, as well as the average vehicle selling for more than \$20,000 at the end of last year, up 40% from pre-pandemic levels, according to car bible Kelley Blue Book. Carvana, a fast-growing publicly held company based in Arizona that had been gaining momentum even before the pandemic, saw its stock take off as vehicle demand revived.

The Skokie project is among more than 30 Carvana vending-machine locations across the country, including in suburban Oak Brook and Schaumburg. Customers who buy cars online are given the "fun" option of picking them up at one of the towers by inserting a souvenir token and watching as the vehicle descends from its parking spot in the tall, narrow structure. A photo booth is available to capture the moment for sharing on social media.

Not our idea of a thrill but, hey, different strokes.

Launched in early 2013,

Carvana's vending-machine business

wide. E-commerce platforms for buying and selling cars have proliferated, and Carvana contends online with everything from Car.com (once partially owned by Tribune) to Vroom. Its pandemic success has caught the attention of even more formidable competitors, notably GM, which recently launched its Carfimo online used-car platform.

At some point, maybe later this year, supply-chain problems will ease. Demand will be met and dealers will need to stop thinking of the car as a commodity on price alone. Right now, consumers should be aware of deceptive advertising rules if such a promise is picking demand differs from the price you see online. Perhaps anticipating an end to the current flush times, Carvana's stock has lost about half its value since its peak last summer.

At the Skokie Village Board meeting, the company made a strong case for its new tower. Carvana brought in feather-friendly consultants, agreed to install anti-bird-strike markers on its windows and expanded a previous agreement to dim its lights at night. Most convincingly, it pointed out that, under current zoning, the site could be developed into a much larger office, hotel or apartment tower, birds be damned.

To all those carrying "CarVa-NO" signs, we sympathize, but in this case, Carvana at least listened to the concerns and tried to be a good neighbor—including to those who think